

Public Administration, Governance and Globalization

Jean-Claude Garcia-Zamor

Ethical Dilemmas of Migration

Moral Challenges for Policymakers

 Springer

Public Administration, Governance and Globalization

Volume 5

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Public Administration, Governance and Globalization
ISBN 978-3-319-75090-3 ISBN 978-3-319-75091-0 (eBook)
<https://doi.org/10.1007/978-3-319-75091-0>

Library of Congress Control Number: 2018932750

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Printed on acid-free paper

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The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

‘Do Not Extinguish the Hope in Their Hearts’

Pope Francis, calling on world leaders to do more to help refugees in his 2018 New Year’s address.

Acknowledgments

I have incurred a number of debts of gratitude in preparing the manuscript for this book. Florida International University (FIU) granted me a full pay sabbatical leave during the Fall Semester 2017 to allow me to complete the final draft. Kira Haensel, currently a Ph.D. student in the Department of Public Administration at FIU, was my research assistant and a dedicated participant in this book project even before she formally joined the department. Kira performed extensive research and spent countless hours working to bring clarity to the writing of this book. Without her resourcefulness and drive, the preparation of the manuscript would have been considerably delayed. She was a trusted and reliable collaborator. We attended two international conferences where numerous papers on immigration were debated. The first one, The Transatlantic Dialogue 13 (TAD 13), took place in Miami, Florida, in April 2017, and the second one, a World Congress of the International Institute of Administrative Sciences (IIAS), took place in Aix-en-Provence, France, in June 2017. We coauthored and presented a paper based on the manuscript we were working on for this book in each of these international meetings. But most importantly, our attendance at these meetings gave us the opportunity to discuss our work-in-progress with numerous international scholars who were doing research on different aspects of the immigration phenomenon. I am grateful to the FIU Department of Public Administration and its Chair Dr. Howard Frank and to the FIU Institute for Public Management and Community Service and its Director Dr. Allan Rosenbaum for facilitating our attendance at both conferences. While preparing the manuscript, Kira and I also coauthored two articles that were published in the following online refereed journals: “History and Challenges of U.S. Immigration Policymaking” in the *Journal of Public Administration and Governance*. 2016, Vol. 6, No. 4, pp. 139-149; and “The Globalization of the Migration Problem” in the *International Journal of Social Science and Economic Research*. 2016, Volume 1, No. 10, pp. 1566-1579.

Introduction

When I started writing this book some three years ago, the topic was (and still is) timely in Europe because of the massive wave of refugees and migrants that had been arriving there during the previous two years. The topic was also being debated publicly in the US because then-candidate Donald J. Trump had brought it in the forefront of his campaign and was promising to stop immigration by building a wall along the US-Mexico border. I realized that the problem both in Europe and in the US was not going to go away soon regardless of what happens in Europe and the result of the US presidential elections. I looked at the migration phenomenon as an interesting opportunity to compare the ways policymakers in Europe and in the US try to solve it. The policymaking apparatus is quite different in Europe and in the US. In Europe, any enforceable policy had to be made by the European Union (EU). This is a very complicated factor since any effective policy there would require a unanimous agreement between 28 autonomous governments, many of which have different views on the need or the way to act. President Trump's election in the US brought also some complications since he immediately started to issue several Executive Orders that did not need to be debated by the bureaucracy or Congress before being implemented. I realized that any research to attempt to differentiate the ecology of the EU and the US bureaucracies would require more research than the one involved in preparing an article. Since I have been teaching Administrative Ethics at Florida International University for over 15 years, I decided to analyze the refugees and migration problem in the context of ethics and morality. I prepared a book proposal and submitted it to Springer and a few months later I signed a Publishing Agreement with that publisher. A major challenge in writing the book was the constant changes in the political climate and the continuous emergence of new policies, primarily in the US where the Trump administration was treating migration as a major threat to the national security of the country. Therefore, it is quite probable that by the time this book is in print some new policies might have already altered the decision-making context in Europe and especially in the US.

Abbreviations

AFAD	Disaster and Emergency Management Presidency of Turkey
AMIF	Asylum, Migration and Integration Fund
ANT	Actor Network Theory
BIA	Bureau of Immigration Appeals
CANF	Cuban American National Foundation
CBP	Customs and Border Protection
CEAS	Common European Asylum System
CMS	Center for Migration Studies
DACA	Deferred Action for Childhood Arrivals
DAPA	Deferred Actions for Parents of Americans
DHS	Department of Homeland Security
DREAM	Development, Relief and Education for Alien Minors
EAD	Employment Authorization Document
EASO	European Asylum Support Office
EC	European Community
EOIR	Executive Office for Immigration Review
EU	European Union
EVIUS	Electronic Visa Information Update System
FTA	Free Trade Agreement
GAO	Government Accountability Office
GDP	Gross Domestic Product
HRW	Human Rights Watch
ICE	Immigration and Customs Enforcement
IDB	Inter-American Development Bank
IFAD	International Fund for Agricultural Development
IIE	Institute of International Education
ILO	International Labor Organization
IMF	International Monetary Fund
INS	Immigration and Naturalization Service
IOM	International Organization for Migration
IRC	International Rescue Committee

IRCA	Immigration Reform and Control Act
ISDS	Investor-State Dispute Settlement
IT	Information Technology
MENA	Middle East and North Africa
NGO	Non-Governmental Organization
NTA	Notice to Appear
OAS	Organization of American States
OAU	Organization of African Unity
PRRP	Populist Radical Right-Wing Parties
TPS	Temporary Protected Status
TTIP	Transatlantic Trade and Investment Partnership
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
US	United States of America
USCIS	United States Citizenship and Immigration Services
WFP	World Food Program
WRC	Women’s Refugee Commission
WTO	World Trade Organization
3 RP	Regional Refugee and Resilience Plan

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About the Author

Jean-Claude Garcia-Zamor has been a professor of public administration at Florida International University (FIU) since 1990. His Ph.D. is from New York University. Prior to joining FIU, he taught at Howard University in Washington, DC, the University of Texas at Austin, and the Brazilian School of Public Administration in Rio de Janeiro. He is also currently an Honorary Professor of Ethics and Management at Leipzig University in Germany where he taught and did research every summer from 1999 to 2014. He has held a variety of senior positions in both major international organizations and the private sector. He served as Controller of the Inter-American Development Bank, Senior Specialist in Public Administration at the Organization of American States, and President of the International Development Group, Inc., a 25-member Washington-based international consulting firm. He has also worked in Latin America and in Africa as a consultant for the World Bank, the United Nations, and the United States Agency for International Development.

Professor Garcia-Zamor is the author of six books, has edited or coedited six others, and contributed chapters to numerous other books. He has also published extensively on issues of development administration, organizational behavior, comparative public administration, and ethics and government in professional research journals in the United States, Puerto Rico, Brazil, Belgium, Great Britain, the Netherlands, India, South Korea, Poland, and China. His latest book, *Strategies for Urban Development in Leipzig, Germany. Harmonizing Planning and Equity* was published by Springer in 2014. He served 3 years as a member of the Editorial Board of *Public Administration Review* (PAR) and four years as the Book Review Editor of *Public Organization Review*. He is also a Life Member of the American Society for Public Administration (ASPA) and a member of several other professional and academic societies both in the United States and abroad.

Chapter 1

History and Development of Migration Challenges



The movement of people from one place to the other is a phenomenon that has existed for probably almost as long as humanity. Thus, migration marks one persistent dynamic in human history. The reasons for people to decide to migrate can originate from various sources and events. Some of them include war, persecution, and discrimination to name the forceful ones; but also family reunification, better job opportunities and improved lifestyle. The motive for migration also determines whether a person accounts for a “regular” migrant or a refugee. In 2017, more refugees and migrants were on the move. Around the world, over 65 million people (equivalent to the population of Britain) are forcibly displaced. “That includes 22.5m who qualify more narrowly as refugees compared with 16m in 2007. Turkey, Pakistan, Lebanon and Iran each host over 1m refugees. But international reaction depends mostly on events in richer countries, notably the numbers of people seeking asylum. In 2012 there were 943,000 registered asylum-seekers globally, the number rose to 3.2m in 2015, before dipping to 2.8m in 2016.” (Roberts, 2017, p. 81). The United Nations stated that 250 million people—roughly the population of Indonesia, the world’s fourth-most-populous country—are migrants and the think-tank OECD said that 5 million people migrated permanently to rich countries in 2016, with an average annual rise in recent years of 7% (Roberts, 2017, p. 81).

Voluntary and Forced Migration, Refugees and Migrants

Migration, defined as the movement of people, has led not only to demographic changes, but also to cultural, economic and social alterations all over the world. While migration is a phenomenon that has existed at all times in history, one has to differentiate between different types of migration. The term migration can be understood as a generic term. The push and pull factors for migration give insight into the motivation for migration. Reasons for migration include conflict, natural disasters,

and colonial settlements, shortage of resources, economic incentives, and social aspects. In some of these cases, reasons underlie force, meaning movement is involuntary; such as for example in the case of violence and discrimination.

Corresponding to the concepts of forced and voluntary migration, there is a distinction between migrants and refugees. Refugees do not account for regular migrants, since their decision to move is not primarily made voluntarily but as a necessary act. Refugees seek protection from circumstances in their home countries that endanger their lives. Such circumstances, among others, could be war, oppression, persecution or violence.

The number of refugees now stands at over 65 million, the largest number ever recorded. According to the High Commissioner of the United Nations for Refugees (UNHCR), one in every 122 people is either a refugee, internally displaced or seeking asylum. Never before have so many people been on the move for reasons beyond their control. The High Commissioner stated that more than half of the world's refugees come from three of the world's most war-torn countries; Syria, Afghanistan and Somalia—these figures do not include 5.2 million of Palestinians. For frontline countries facing a massive influx of people such as Turkey, Pakistan, Lebanon, Kenya and the Democratic Republic of Congo, the pressure can become overwhelming. The cost for future generations is even more worrying, as half of all refugees in 2015 were children (Chrysoulaki, 2017).

UNHCR also reported that the number of under 18-year-olds in the global refugee population accounted for more than half. In 2015, a third of the 1.26 million first-time asylum applications filed in the European Union (EU) were minors. Children are undoubtedly the most innocent victims of the refugee crisis. Their development and future are dim. Xiana Zhou of Yunnan Administration College, who studied refugee children's education from the perspective of the European refugee crisis, wrote that some historical and current experiences of refugee education show that the situation can be improved. This can be done by the efforts of the international community through carrying out the following practical and effective initiatives:

- Establish special education funds for refugee children;
- Give access to more public services;
- The provision of effective psychological assistance and volunteer services;
- Multi-lingual education and training in labor skills and effective monitoring of educational progress;
- Provide refugee children with access to sustainable educational planning;
- Invest in the construction of refugee schools and teacher training programs;
- Provide refugee children with access to sustainable educational planning and enable effective monitoring of educational provision.

These points appear to be an effective way to ensure that refugee children receive education in order to help change the current situation and bring hope for the future (Zhou, 2017).

A regular migrant on the other hand consciously takes the decision to move because of better job opportunities, higher quality of life or education. According to the United Nations Convention on Rights of Migrants, “The term ‘migrant’ in article 1.1 (a) should be understood as covering all cases where the decision to migrate is taken freely by the individual concerned, for reasons of ‘personal convenience’ and without intervention of an external compelling factor.” (UNESCO, 2015). Thus, a migrant is a person who moves, usually voluntarily, to live or work, either temporarily or permanently in a different location. That person may or may not have crossed a border.

How do refugees differ from migrants? Raymond Saner of the University of Basel clarified that refugees are not in the same situation as migrants, although the two groups are often confused. Migrants choose when to leave their country, where they go and when they return. Refugees flee their country for their own safety and cannot return, unless the situation that forced them to leave improves (Saner, 2017).

The Convention relating to the Status of Refugees, also known as the 1951 Refugee Convention, is a [United Nations \(UN\) multilateral treaty](#) that defines who is a [refugee](#). It sets out the rights of individuals who are granted [asylum](#) and the responsibilities of nations that grant asylum. The Convention also determines which people do *not* qualify as refugees, such as [war criminals](#). It provides for visa-free travel for holders of [travel documents](#) issued under the Convention. Although the Refugee Convention was agreed upon in [Geneva](#), it is considered incorrect to refer to it as “the Geneva Convention”, because there are four treaties regulating armed conflict better known as the [Geneva Conventions](#). The Refugee Convention builds on Article 14 of the 1948 [Universal Declaration of Human Rights](#), which recognizes the right of persons to seek asylum from persecution in other countries. A refugee may enjoy other rights and benefits not provided in the Convention.

According to the definition in the 1951 Convention, a refugee is a person “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 [...]” (Saner, 2017). The asylum seeker is a refugee who is seeking protection, but no country has determined whether or not the person meets the definition of a refugee. A person can’t be recognized as refugee if he/she committed crimes against peace; war crimes; crimes against humanity; nonpolitical crimes outside the country of refuge prior to admission to that country; and/or acts contrary to the purposes and principles of the UN (Saner, 2017).

Brief History of Global Migration

As mentioned beforehand, the movement of people from one place to another is a phenomenon that has existed at all times in history (International Organization for Migration, 2012). Even prehistoric populations are believed to have moved; in their case due to changes in climate such as glaciation. According to some migration

historians, a major turning point in migration history was experienced approximately 500 years ago. The beginnings of exploration of new land undertaken predominantly by Europeans has led to a motivational shift for migration; away from a push factor motivation and more towards a pull factor motivation such as merchandise and power. “All major European economic and political powers competed for access to supplies of much sought after commodities and control of strategic locations.” (International Organization for Migration, 2012, p. 10).

The American philosopher Rebecca Newberger Goldstein wrote that the ethics of migration were already being debated at the time of the Athenian triumph in the Greco-Persian Wars in 479 B.C. As Plato confessed in the famous *Seventh Letter*, he had planned to take an active role in the leadership of Athenian democracy. Eligibility for citizenship—already an exclusive privilege denied to women and slaves but also to most tax-paying alien residents—was tightened. In 451 B.C., the statesman Pericles proposed a law that only those with two Athenian-born parents, rather than just the father, qualified. Still, as Athens asserted dominance throughout the region, presiding as the standard for Hellenic greatness, the emerging imperial power drew in immigrants. The best and the brightest arrived, hoping to engage in the city-state’s achievements, its art and its learning, even if they were excluded from its vaunted participatory democracy (Goldstein, 2017).

The industrial revolution, which took place from the 18th to the nineteenth century led to mass migration from Europe to the “New World”. Between 1846 and 1890, approximately 17 million people left Europe. The majority came from Great Britain, mainly because this was where the impact of the industrial revolution was felt strongest. Another contributing factor was the potato famine 1845–1847, which caused large numbers of Irish to leave the island. Furthermore, rural poverty prompted approximately 3.5 million Germans to leave their country to seek a more prosperous life elsewhere (International Organization for Migration, 2012). But even when most migrants were leaving Europe, there was a considerable number of people migrating within Europe.

In the mid-1890s, the German sociologist Max Weber warned against ‘the continual swarm’ of cheap Polish laborers arriving in Germany. according to him, a ‘free market policy, including open borders in the east, is the worst possible policy at this point’. And not just for economic reasons. The likely immigration of these aliens threatens the ‘social unification of the nation, which has been split apart by modern economic development’. For Weber, a German nationalist, the ‘influx of Poles’ was ‘far more dangerous from a cultural viewpoint’ than even Chinese ‘coolies’.

(Mishra, 2017).

By the middle of the nineteenth century, to the beginning of the twentieth century, more precisely between 1846 and 1939, migration has reached a peak. Over that period, more than 50 million people had left Europe. Major destinations were United States (38 million); Canada (7 million); Argentina (7 million); Brazil (4.6 million); Australia, New Zealand and South Africa (2.5 million) (International Organization for Migration, 2012). It has to be noted that in contrast to today, migration in Europe from the late eighteenth to the mid-twentieth century was predominantly Europeans leaving the continent rather than non-Europeans immigrating (Lehmann, 2015).

In the late nineteenth century, first efforts to control migration were made by the United States (US) through the establishment of a formal legal framework including specific criteria that was used to identify whether a person should or should not be allowed to enter the country. “Convicts, insane persons, and persons likely to become public charges” were denied entry to the country (International Organization for Migration, 2012, p. 12).

The outbreak of World War I was the start of a hold in international migration, which lasted for the following four decades. The war was succeeded by a rise of nationalism in the 1920s in Europe as well as in the Americas. “Chauvinistic restrictions were successively placed on trade, investment, and immigration to curtail international movements of goods, capital, and labor.” (Massey, 2003, p. 3). With the beginning of the Great Depression and throughout the 1930s, international movement came to its low point. With the outbreak of World War II, an increase in international migration occurred since people were fleeing the European continent due to prosecution and oppression (Massey, 2003, p. 3).

It was the history of World War II that inspired the creation of the EU. Tens of millions of Europeans were forced to flee their homes as the war raged across the continent. The obstructions they faced in making their escape—the military checkpoints, the fences, the soldiers turning them away—are what led in 1951 to the signing of the Refugee Convention, one of the founding treaties of international law. Its core guarantee gives all human beings the right to cross any border in search of protection from war. When the EU drafted its own charter of fundamental rights, it made sure to strengthen this guarantee by prohibiting the mass expulsion of asylum seekers, especially to places where they would be subject to “inhuman or degrading treatment.” (Shuster, 2016a).

The German politician Joschka Fischer in an article on Europe’s migration paralysis notes that throughout the nineteenth century, most migration from Europe was voluntary; hence the motivation to leave Europe was predominantly of economic nature. In the twentieth century however, Europe was plagued by racial and religious prosecution, political oppression and two world wars, which caused people to flee and seek refuge outside Europe—mostly to the United States and countries of Latin America, South Africa and Australia (Fischer, 2015).

After World War II, Europe developed into a highly industrialized area, which resulted in great labor demand. Due to the rapid economic growth, it was not possible to cover the labor demand with domestic workers. Consequently, labor was recruited from outside Europe with the idea to send people back to their home countries once the domestic labor market would be capable to provide the necessary working power. This system is called “Zeitarbeit” or “time-labor” and only partly worked in Europe. Citing Miller and Martin (1980), Massey stated that “although the number of immigrant workers stopped growing, foreign populations continued to swell.” (Massey, 2003, p. 7). This on the one hand had to do with admissions policies that were not restrictive enough (at least until approximately the 1970s) and on the other hand with immigrant workers getting their families to join them (Massey, 2003, p. 7).

With the beginnings of globalization, the structure of major migration flows changed from people leaving Europe to migrants coming from less developed countries entering the continent. The trend now changed to “people from densely-settled countries in the earliest stages of industrialization [moving] to densely-settled post-industrial societies. Western European countries joined Oceania and the Americas as so called immigrant-receiving countries with immigrants coming mostly from the Middle East and Africa (Massey, 2003, p. 7, p. 3).

However, at the present time numerous African refugees fleeing war and poverty are settled in refugee camps in neighboring African countries. Kenya probably has the world’s largest refugee camp, the Dadaab camp—with an estimated 328,000 refugees—mostly from Somalia. The country also has another large camp, Kakuma, housing 190,000 people—mostly from South Sudan fleeing the civil war. The future of the camps is in limbo since the government disbanded the department of refugee affairs, which oversees the registration and welfare of refugees. Government officials think that the Dadaab camp compromises Kenya’s security because it harbors some of Somalia’s al-Shabab Islamic extremists and is a conduit for smuggling weapons. Officials feared that large-scale al-Shabab attacks were being planned from Dadaab (Odula, 2016).

Current Patterns of International Migration

Migration in the twenty-first century is mainly driven by disparities in economic as well as demographic senses. Richer countries are experiencing a decline in native workforce as a result of an aging population and a decline in working-age population. In contrast, working-age populations are growing in emerging and low-income countries. Thus, migration is a result and reaction to demographic as well as economic discrepancies of today’s world with a trend of people moving “from youthful to aging societies” in the search of better opportunities regarding education, work or personal security (Münz, 2013).

The numbers support this suggestion. In 2005, approximately 60 million people originally from countries of the developing world were living in developed countries. Over the last couple of years, many countries of the EU as well as the US received more than one million immigrants from developing countries each year. Despite an influx of 1.2 million refugees over a two-year period, Germany’s population faced near irreversible decline. According to predictions from the UN in 2015, two out of five Germans will be over 60 by 2050 and Europe’s richest country will have shrunk from 82 million to 75 million people. Since the 1970s, more Germans have been dying than are born. Fewer births and longer lives are a problem for most rich countries. But the consequences are more acute for Germany where birth rates are lower than in Britain and France. Germany has long relied on migrants to make up for low fertility rates. Unusually high migration in recent years has more than offset the shrinkage of the native-born population. But the EU countries that have traditionally provided the migrants, such as Poland, are also ageing. Olga Pötzsch, from the Federal Statistical Office, argues that Germany will need far more migrants to stop population decline, which is predicted to accelerate from 2020 (*The Economist*, 2017a).

In the US, one can observe this phenomenon with the Latin American and Caribbean countries. The statistics for foreign-born immigrants show that the numbers are constantly rising. While in 1980 the percentage of foreign-born immigrants in the US was 6.2%, it more than doubled by 2009 to 12.5% (Terrazas & Batalova, 2010). Between 2000 and 2010, the majority of immigrants—58%—came from the Latin American region. The biggest share of them came from Mexico accounting for 29%. Yet, “other countries have also seen significant growth in their populations. In 1990 there was only one sending-country with more than one million immigrants in the United States, by 2000 there were four such countries, and in 2010 there were eight.” (Camarote, 2011). The US Census Bureau prognosticated a significant decline in white, non-Hispanic population, leading to its “displacement as the majority” by 2043 (Coleman, 2009, p. 7).

In contrast to citizens of the EU, most US citizens do in fact interpret growing diversity as an asset for their country (Poushter, 2016). One possible explanation for that could be the different immigrant demographics. In the US, there is a long tradition of immigrants that date back to more than a century. Therefore, most of the present population somehow can trace their ancestry to some immigrant. In addition, many of the newly arriving immigrants have been highly educated and have been successful in different fields. The poor immigrants that are coming to the US for economic reasons tend to be viewed negatively and probably resemble more the kind of immigrants that the EU is now receiving.

As for Europe, David Coleman argues that “Europe’s welcoming human rights culture, the self-perpetuating chain migration from kin and family contacts with the traditional societies of non-European sending countries [...] all facilitate inflow and make it difficult for democracies to control entry.” (Coleman, 2009, p. 4). Another factor is Europe’s low fertility rate which results in the necessity to draw labor force from outside Europe which at the same time prevents population growth rates in the area from dropping. For example, in 2006, approximately 25% of newborns in Germany were children of women with immigration background. In Spain, this percentage rose to 44 in 2007 (see Table 1.1). European culture continues to diversify especially in terms of non-Western and non-European cultures. Foreign-origin populations in Europe are expected to rise to 20–30% by 2050 (Coleman, 2009). This of course involves logical difficulties regarding integration and assimilation.

With the European refugee crisis, “reconciling differences in expectations and values is complicated given that the often robust traditions of the newcomers have arrived at the same time as European values (for example with respect to sexual equality) have themselves developed rapidly, while traditional notions of national identity and religious faith have weakened and declined, for reasons unconnected with immigration.” (Coleman, 2009, p. 6). This has had significant impact on the political landscape in Europe over the last two years.

In 2015 alone, approximately one million refugees applied for asylum in Europe with most applications received by refugees from Syria and Afghanistan (Migration Policy Institute, 2016). This influx of people from non-Western cultures has led to a rise of far-right and populist groups in Europe. Anxieties regarding the provision of public services such as health care but also in terms of employment, housing and the

Table 1.1 Selected western countries

	Population 1st Jan 2008	Live births	Natural increase	Net immigration	Net migration as per cent of births
Spain	44,475	488	107	702	144
Switzerland	7509	74	13	69	93
Italy	59,131	563	-7	494	88
Norway	4681	58	17	40	68
Belgium	10,585	121	20	62	52
Austria	8299	76	2	31	41
Greece	11,172	110	2	41	37
Denmark	5447	64	8	20	32
United Kingdom	60,817	771	195	175	23
France	61,538	784	268	70	9
Germany	82,315	683	-141	48	7
11 country total	355,968	3792	483	1752	46
Australia	21,015	285	145	213	75
Canada	33,311	357	127	204	57
New Zealand	4263	64	35	4	11
United States	304,060	4329	1881	889	21

Comparisons of live births, net immigration and natural increase around 2008 (in thousands)

Sources: Websites of Eurostat, Australian Bureau of Statistics, Statistics Canada, Statistics New Zealand, US Census Bureau

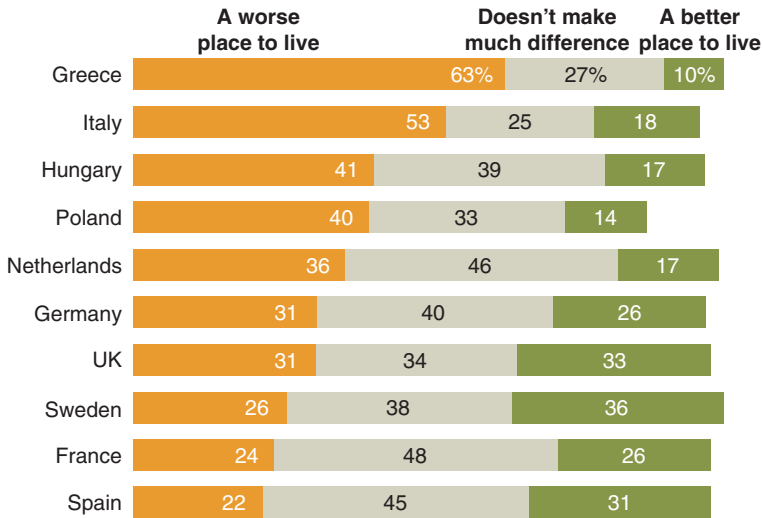
Note: US data refer to the period between July 1, 2007 and July 1, 2008; data for Australia, Canada and New Zealand refer to 2007

rise of terrorism exist among many Europeans which provided far-right and populist groups with a platform to recruit new followers. To many it is unclear whether the refugees “can be integrated”, or whether they are simply put “too different”, whether their country is going to change as a result of immigration, and if so in which way and who will benefit. Furthermore, the majority of Europeans does not interpret growing diversity as an improvement to their country (see Fig. 1.1). Yet others do understand it as primary duty to assist the refugees rather than questioning benefits and downsides. The lack of answers—due to the unpredictability of the situation—and alternatives caused by overextension and disagreement among the political European leaders have driven many to join the far-right of the political spectrum.

One of the latest developments regarding EU politics is a multi-million-dollar investment going to the Tschadsee-region in West Africa to combat the reasons people are fleeing the region. The money is supposed to be invested in development programs that tackle the acute famine in the countries of Nigeria, Niger, Cameroon and Chad but also in border security since the desert route bordering with Libya is one of the main entry points for refugees traveling to Europe. Critics suggest that the support, as so often, comes too late. According to Jens Borchers (2016), “it doesn’t help to only react. A famine is nothing that happens all of a sudden. When the aid payments arrive, it is often times already too late.”

Few Europeans say growing diversity makes their country a better place to live

Overall, do you think having an increasing number of people of many different races, ethnic groups and nationalities in our country makes this country a better place to live, a worse place to live or doesn't make much difference either way?



Source:Spring 2016 Global Attitudes Survey.

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Fig. 1.1 Few Europeans say growing diversity makes their country a better place to live

The decision to fight the causes of flight is a new approach towards the refugee crisis taken by the EU. When the first large wave of refugees arrived in the EU in 2015, some of the European member states argued the case for a welcoming attitude towards the refugees which however by 2016 died down due to disagreement among the European political leaders and a clear overextension with the vast amount of refugees entering countries of the Union. As a reaction, “certain countries along the migrant route began to close their borders. The situation further deteriorated when the EU’s decision to transfer 160,000 asylum seekers from Greece and Italy to other European member states was met with widespread resistance.” (Open Society Foundations, 2016).

Through so called hotspots, the European Union was then trying to adequately sort asylum claims. These hotspots located in Italy and Greece, two of the major entry countries, were established in order to cope with the registration of incoming refugees. Yet, oversight was limited due to “overcrowded and understaffed detention and expulsion centers” (Open Society Foundations, 2016). Another approach from March 2016 was to find an arrangement with Turkey, the country that many

refugees travel through before reaching Greece or Italy. The EU leaders tried to close a deal with the Turkish leadership stating that Turkey would close its borders to Europe in exchange for financial assistance and visa free travel for Turkish citizens in the EU countries. The highly controversial deal was occasionally criticized as a betrayal of European values. EU's basic assumption was that the numbers making the crossing could be reduced by improving the lives of refugees in Turkey (Open Society Foundations, 2016).

Although this book focuses on the migration problems faced by Europe and the US, the phenomenon is a global one and it affects the economies of both the developing countries and the developed ones. War and the economy are two important factors in the recent increase of global migration. Because the Syrian war has sent a wave of refugees to Europe, it has gained international attention. The raging war in Yemen receives less press coverage. But the war death toll can be misleading. Many more Yemenis have died from a lack food and medicine than from the fighting of which the shortages are a direct result. The Yemen case is also a good example of the role geographic location plays in fomenting conflicts that result in migration. The country is situated at the south-western tip of the Arabian Peninsula, on important trade routes. It has long been coveted by foreign powers. In the past century Yemen has seen about numerous conflicts involving a dozen countries. War and political in-fighting in other parts of Africa create a constant flow of migrants looking for safety. In the Democratic Republic of Congo, well over one million people fled their homes in 2016 and 2017—more than in Syria, Yemen or South Sudan.

Interestingly, the geographic space occupied by internal immigrants moving from rural areas to urban ones can create conflicts that affect adversely the new arrivals. In most countries, a big influx of migrants tends to provoke grumbles among the natives. But for example in China the migrants most frequently grumbled about, and treated with the greatest hostility, are not foreigners. They are Chinese rural people who move to the cities in search of a better life. China is presently booting out these rural immigrants living in the only substandard housing near their work they could afford. The location of such spaces near the urban center of Beijing is to be used by the government to create new “green spaces” that could improve the air quality in the polluted capital. Such government actions are not a new phenomenon. In the 1960s, the city of Rio de Janeiro in Brazil unsuccessfully tried to move the residents of the poor favelas surrounding the city to “more modern housing” but away from easy public transportation and the beaches.

The current pattern of international migration is also affected by ethnic considerations. Myanmar, which is heavily Buddhist, is now persecuting its Rohingya population who are Muslim, burning hundreds of Rohingya villages to the ground. The Rohingya are fleeing their homes going to neighboring Bangladesh seeking safety across the boundary river that widens into the Bay of Bengal. More than 600,000 Rohingya have fled Myanmar during the last five months of 2017. In November 2017, Human Rights Watch [published a report](#) confirming that Myanmar's army was engaged in the mass rape of Rohingya Muslim women and girls as a tool of ethnic cleansing. That report was followed, a month later, by an [article from The Associated Press](#) that established the same set of facts: the use of “sweeping and methodical” rape as a weapon of war. There is no doubt that these troubling events are a contributing factor in the increased number of refugees leaving Myanmar.

Development and Migration

Considering one of the latest approaches by the EU to deal with the refugee crisis, meaning to financially support development in the countries the refugees are fleeing, it is worthwhile to consider the relationship between development and migration. The question is: does development reduce migration?

Generally, it can be said that migration and development are two interactive processes. Yet, it is questionable whether development policies are an adequate tool to prevent migration. Steven Castles (2008) argues that the assumption that development worked as a tool against migration is an obsolete theory and even a fallacy even though it is as we can see in the case of the EU still in use. In contrast, Castles argues, development facilitates mobility and therewith migration. He also points out that without political and economic reform in the receiving countries, “remittances are more likely to lead to inflation and greater inequality than to positive change.” (Castles, 2008, p. 13). Castles goes even further and criticizes the decisions taken by some politicians regarding migration policies as ignorance of evidence (Castles, 2008, p. 13).

Another important aspect he points out is that the way development and migration is talked about implies that migration (especially from South to North) is necessarily a negative thing (Castles, 2008, p. 13). Economic development in the Global South has the potential to reduce migration to the North. This carries the clear implication that such migration is a bad thing, and poor people should stay put (Castles, 2009). Yet what gets easily and frequently overlooked are the positive impacts of migration, especially in terms of the receiving countries.

Migration and development, as Castles writes, should not be understood as two isolated factors but rather as part of the comprehensive system of world politics and world economics, including inequality and power distribution. Disconnecting migration and development can lead to ineffective and even harmful policy-making (Castles, 2009).

The current patterns of migration, especially in terms of the European refugee crisis are a cause for concern and show that migration is part of the comprehensive world system of politics, economics and power structures and that dealing with it in an isolated way can lead to inefficient or even harmful consequences of policymaking. Policies to address the problem are difficult ones to make because migration brings both challenges and opportunities into the countries of origin and destination.

Chapter 2

The Globalization of the Migration Problem



The globalizing world, like the one we are living in today, undeniably brings many advantages with it. Examples include faster flows of technology, information and services, and increased employment opportunities to name at least a few. On the downside, globalization has led the gap between the rich and the poor to increase, it compromises the environment and it has brought about unfair working conditions for many employees, especially in the developing world (Haensel & Garcia-Zamor, 2016a).

As a consequence, the international community finds itself challenged to deal with globalization in a way that reduces the negative effects. In other words, solutions for the issues of the globalizing world need to be found. In early 2017, the UN was told by its humanitarian chief that without collective and coordinated global efforts, people will simply starve to death and many more will suffer and die from disease. He estimated that they needed US\$ 4.4 billion by July. He cited Yemen, South Sudan, Somalia, and northeast Nigeria as the neediest cases. In Yemen, two-third of the population—18.8 million people—need aid and seven million are hungry with no access to food. The UN and food organizations define famine when 30% of children under the age of five suffer from acute malnutrition and mortality rates are two or more deaths per 10,000 people every day, among other criteria (Lederer, 2017).

Globalization does not only refer to free flow of goods and capital, but also to the flow of labor, and therewith to migration. The World Humanitarian Summits and the United Nations Summits on Refugees and Migrants account for an effort taken by the international community to deal with migration as one of the critical consequences of globalization. Migration can be understood as a critical consequence of globalization insofar as it concerns not only one nation but the entire international community and as it requires regulation in order to prevent negative economic as well as humanitarian consequences.

The quantitative growth in international migration has contributed to migration becoming an increasingly visible issue. Meanwhile, the qualitative change in the nature of migration, with increasing south-south movements and the internationalization of the labor markets, has led states to seek cooperative ways to maximize the

economic benefits of migration, while minimizing the costs associated with undesirable migration. As with other transboundary issue areas, states have increasingly recognized that they are unable to address their concerns with migration in isolation but that forms of collaboration and coordination are necessary (Betts, 2011).

Betts (2011) also wrote that it has become increasingly common to argue that there is no or limited global migration governance. But he also argues that there is no basis on which to make such a claim. It is simply of a different and more complex type than many issue areas in which more neatly compartmentalized regimes emerged in the post-World War II context. He also stated that the international politics of migration are built upon a fundamental inequality of power. In the absence of a strong binding supranational authority, migrant receiving states have the discretion to choose who they admit onto their territory, while migrant sending states can do little to influence the decision of receiving states to admit or refuse entry. Receiving states become the makers of governance in relation to labor migration, while sending states are by default takers of the policies made in the receiving states (Betts, 2011).

Globalization

The New Economics of Globalization

Globalization, as defined by Merriam-Webster refers to “the development of an increasingly integrated global economy marked especially by free trade, free flow of capital, and the tapping of cheaper foreign labor markets” (Merriam-Webster, n.d.). The term has made its way to a constant in political debates and agendas, media and academic journals for over three decades now (Bordo, Taylor, & Williamson, 2005). Thus, modern globalization is a relatively new phenomenon which could explain some of the difficulties managing it.

The process of globalization has led to the structural interdependence of economies around the world. Through the expansion and development of new technologies, international business operations have become more efficient as well as effective. It is safe to say that one of the major breakthroughs that facilitate international cooperation and trade was the invention of the internet. Modern technology, especially regarding communication has led to increasing consumer demands. People are informed about the products available around the world and thus demand the availability of a vast range of products of good quality for competitive prices. The results are increased global competition and therewith pressure for firms to operate internationally. In order to further nurture international cooperation, many countries decreased restrictions on cross-border trade and economic alliances that ease the movement of resources and labor beyond the nation state were formed (e.g. the EU). Free Trade Agreements (FTAs) between countries additionally diminish barriers to trade (Dunning, 1997).

But not all FTAs are seen in a positive light, as we can see by the example of the Transatlantic Trade and Investment Partnership (TTIP) among many others.

The negotiations on this planned partnership between the US and the EU have been a cause for concern and complaint for people on both sides. Criticisms include the fear of corporations dominating over governments with the help of the Investor-State Dispute Settlement (ISDS) mechanism, which would make it possible for corporations to take legal action against states. Furthermore, some fear the privatization of health services and an influx of genetically enhanced meat. Finally, the major point of criticism is that negotiations are held secretly between corporations and the EU commission. Thus, negotiations are un-transparent for the population and differences between interests of consumers and corporations are dealt with to the advantage of the corporations (Atlantische Initiative e.V. Berlin, 2014).

The Impacts of Globalization

What should be mentioned regarding the impacts of globalization is that countries are not benefiting from free trade to the same extent. Parts of society, predominantly located in the global South, are not involved in the globalization process the same way as others and thus do not profit from it to an equal extent. Enunciated in a more drastic way, Meshack Sagini writes that “globalization uses long, global and sleeky tentacles which suck the life, blood and sweat of the livelihood of peoples of the Third World.” (Sagini, 2014, p. 230). This would mean that globalization is connected to inequality and in terms of migration this means that it gives the ones who are left behind incentives and sometimes even forces them, to migrate to economically advanced countries who tend to be the major profiteer of the free flow of goods and capital (Steger, 2008). Some even speak of ‘capitalist globalization’, referring to globalization as a system “driven by or caused by capitalist production processes, practices and aspirations; public policies and collective identities and processes in the realm of industrial and information technology, international and internal migration, currency movements, ideas, communication and culture.” (Sagini, 2014, p. 229).

However, opinions differ on this matter. Thus, in contrary to the before mentioned, it has also been argued that the less developed world is profiting from globalization as well. Evidence exists that some of the developing economies do in fact enter the global market from the bottom. Accordingly, countries like for instance China or Mexico went through a process of ‘industrial upgrading’ as a result of globalization. Thus, they “moved from low-value to relatively high-value production” (Ritzer, 2010, p. 92).

To further investigate this argument, it is worthwhile mentioning Jeffrey Kentor’s research on “The Long Term Effects of Globalization on Income Inequality, Population Growth, and Economic Development”. Kentor included 88 less developed countries in his analyses on the effects of globalization. The results suggest that while foreign investment dependency has a significantly positive effect on income inequality, gross domestic investment has a negative effect on income inequality. This, as the author argues, could have to do with the expansion of employment opportunities as a result of gross domestic investment. The findings further show a

negative long-term effect of foreign capital penetration on the growth of the countries' gross national product per capita. A positive impact on that could be found for trade openness. The study shows that it is not possible to label globalization as 'bad' or 'good' but it suggests to focus on understanding "the (sometimes competing) effects of the various components of this global process" (Kentor, 2001, p. 451).

Another aspect of globalization that is directly related to migration is the recent coordination between European and American white nationalists for funding a European ship to catch Muslims in the Mediterranean and return them to the Middle East. A group called Generation Identity initiated in 2017 high sea activities to impede migrants from reaching European shores. It is funded with money from American white supremacists. The group which began in France and is now operating in Austria, Germany, Italy, and the Netherlands calls its efforts Defend Europe. It sought US\$ 80,000 lease its ship but raised twice as much with most of the funds raised in the US through social media. Using their own ship, Defend Europe intends to target Non-Governmental Organization (NGO) rescue operations in one of the most-trafficked migrant routes in the world. They plan to abide by international law that allows them to come to the aid of any ship in its vicinity that sends out a distress signal. But where the NGOs would rescue the migrants and transport them to Europe, Defend Europe plans to transfer them to the Libyan Coast Guard for return to that country. It plans to destroy the vessels so they cannot be used again. The group opposes non-white migration, particularly of Muslims (Welsh, 2017a).

Brain Drain and Its Consequences

Much has been written in the past over the idea of brain drain, which is the migration of highly-skilled scholars and workers to another country. The discussions usually center on how migration of this human capital creates social and economic disparities between the developing and developed worlds. In their book *Debating Brain Drain. May Governments Restrict Emigration?* (*Debating Ethics*), Gillian Brock and Michael Blake stated that brain drain is, or should be, troubling to those who care about global justice. They elaborated that the brain drain phenomenon seems poised to perpetuate the inequality in life-chances between developing and developed societies. They found the phenomenon almost ludicrously unfair with the wealthy citizens of the US, already well-equipped with medical services, increasing their stock of medical personnel by depriving the most-needy global citizens of medical practitioners (Brock & Blake, 2015).

The term brain drain was coined in the 1960s as British scientists left for the US, while the human capital theory in economics was beginning to take shape and thus became concerned with the potential issues skilled migration posed for the countries left behind (Cañibano & Woolley, 2015). The neoclassical economics framework for brain drain is based on the idea that the marginal productivity of a skilled worker is higher than other types of workers. The market is only able to address the inefficiency and the additional social benefit skilled workers provide through education.

The theory thus implies that the migration of skilled workers results in the home country's loss of educational investment and productivity that such an individual would supply (Cañibano & Woolley, 2015).

This is to assume that the opportunities for educational advancement are roughly the same between countries. However, in poorer economies where growth potential is low, there would be lower educational incentives as the skills would not be utilized or the populace's primary concern is subsistence over skill development. While that country may not be able to provide adequate educational incentives, overall education is valued. Therefore, if some emigration occurs as education is sought elsewhere, some educational migrants will return home, resulting in an increase of the average level of education within the country (Beine, Docquier, & Rapoport, 2001).

Depending on the model there are several economic outlooks, one optimistic, the other pessimistic. The optimistic view of brain drain is that it encourages people within the home economy to train to move into the spots left vacant, which ultimately benefits the national economy. Whereas the pessimistic view is that because the home country does not have many opportunities for employment, it results in emigration and the loss of human capital (Cañibano & Woolley, 2015). With these economic theories, both host countries and home countries can employ pull mechanisms to attract and retain skilled workers adding to its human capital. In an article on the influence of human capital on economic growth, the authors made a comparative analysis of education development in Kazakhstan, South Korea, Singapore and Malaysia, and concluded that it is crucial to develop human capital in order to turn a country into a diversified, highly productive economy (Shaimerdenova & Garcia-Zamor, 2017).

The economic concepts of brain drain discussed here, while important in terms of the influence of globalization on migration, primarily view brain drain through the impact on the sending country. Usually, the sending countries do not offer the right opportunities to the skilled personnel that emigrate. But in 2017, four industrialized countries started some initiatives to attract researchers from the US, Great Britain, Canada, France and Germany all launched funding programs to recruit foreign researchers. They were trying to capitalize on perceptions of the US as a less attractive place for research. Great Britain has allocated 100 million pounds (about US\$ 130 million) to a new fund, called the Rutherford Fund, to attract foreign researchers for stays ranging from a few months to ten years. In an initiative tied to the celebration of the country's sesquicentennial, Canada has budgeted 117.6 million Canadian dollars (about US\$ 94 million) in a one-time funding to attract 15–35 internationally-based researchers to take up 150 Research Chairs at the country's universities. Both the British and Canadian programs are open to researchers from a variety of fields, including the natural sciences and engineering, the health sciences, social sciences and the humanities. Meanwhile, France is providing €60 million in funding (about US\$ 48 million)—half from the government and half from matching funds provided by universities and scientific institutions—specifically to recruit international climate scientists. The initiative from French President Emmanuel Macron is cheekily called “Make Our Planet Great Again,” in a clear jab

at US President Donald J. Trump, who favored the campaign slogan “Make America Great Again” and withdrew the US from the Paris Climate Agreement. Soon afterward, Germany announced that it would join the French initiative (Redden, 2017).

These four countries are looking to take advantage of what is going on in the US. But it is difficult to predict how this brain drain within developed societies will work. There are a lot of things that go into a researcher’s decision to move to a different country besides these large grants: they have got to find their research partners, institutions that they are comfortable working in, places that their families might want to live. There are a lot of other things that go into making a decision to immigrate (Redden, 2017).

Globalization and Migration

Although globalization is usually associated with free trade and free capital, migration is also a key factor because the economic consequences of a free flow of goods and capital are equivalent to those of a flow of labor. This means that when a country opens its borders to the global market it at the same time opens its borders to migrant labor. Thus, one of the consequences of globalization and the opening of markets is the increasing demand for flexible, mobile workers. An example is the case of Asia looming labor shortage. China has long been able to satisfy its demand for labor by moving rural citizens to cities. Over the past 30 years around 150 million Chinese have left the countryside to staff factories, cook in restaurants and clean homes. But with China’s population ageing, thousands of foreign workers from the Philippines and Vietnam are now illegally crossing the border (*The Economist*, 2017b). *The Economist* offers a solution to these new demographic trends in Asia:

Poor, young South and South-East Asian countries suffer low wages and underemployment, while richer, ageing countries in the north need more people to bolster their workforces. Theoretically, this problem contains its own solution: millions of young workers should go north and east. Receiving countries would benefit from their labor, while their home countries would benefit from their remittances and eventually from the transfer of skills when the workers return, as many migrant laborers do. Practice, however, is less accommodating than theory. The Asian “model” of migration tends to be highly restrictive, dedicated to stemming immigration, rather than managing it. Entry is often severely curtailed, permanent settlement strongly discouraged and citizenship kept out of reach (*The Economist*, 2017b).

The demand for Information Technology (IT) specialists in the US and Germany is managed with an approach that benefit both the sending and the receiving countries. The European Blue Card Visa Program for instance is a program that provides skilled non-EU nationals with a work-and residence permit. Programs like this aim at closing the gap between supply and demand of qualified labor, which the EU estimated at 20 million over the next 20 years (Solimano, 2010).

An IT specialist migrating to the US or Germany would account for a regular migrant who responds to the global demand for flexible workers. And so do irregular migrants, yet oftentimes they are “subject to highly exploitive forms of labor”

with menial pay and no social protection (McNevin, 2011, p. 40). In contrast, immigration policy can also be understood as a protective mechanism to domestic markets. Through restrictive immigration policy, states can protect parts of their markets that they do not want to open to foreign labor.

Through the mobilization of labor, money flows back to the guest workers' countries of origin. In terms of the effects of globalization on developing countries mentioned earlier, one could argue that opening markets in developing countries allows them to import goods from developed nations and therewith contributes to their development. Two Brazilian scholars have written on Third Country effects on migration. Their paper proposes a new channel through which migrants can affect the import demand of the host country. By migrating from origin to destination country, migrants observe a change in the price of the bundle of consumer goods. In particular, the migration decision can imply a reduction in the price of imported goods for the consumption bundle of migrants: emigration towards less (tariff) protected countries allows the consumption of products that were prohibitively protected in the origin countries of migrants. To test this channel, they estimated the import demand effect of migrant groups coming from third high (tariff) protected countries. They used theory-grounded gravity estimations and fresh econometric techniques able to address the zero migration flows problem and the endogeneity of migrants. They also used the 2004 EU enlargement towards eastern European countries as a natural experiment to specifically test such channel. Their results suggested that such a third-country immigrant effect is significant and positive (Figueiredo & Lima, 2017).

The globalization of migration has had additional effects. Countries become more aware of migration policies that are being made abroad and their governments tend sometimes to mimic them, either for political reasons or because these foreign policies seem attractive to an important sector of their societies. A good illustration of that is the case of Argentina. In early 2017, President Mauricio Macri, the son of immigrants but an admirer of US President Trump, issued a decree curbing immigration in Argentina, with his government declaring that newcomers from poorer Latin American countries (referring particularly to Bolivia, Paraguay and Peru) bring crimes. The same justification used by Trump to bar Mexicans from crossing the border. Macri's measures made it easier to deport immigrants and restrict their entry. That policy was a calculated political move because opinion polls in Argentina showed widespread support for limiting immigration, with some saying that the new decree did not go far enough (Romero & Politi, 2017).

Australia is another country that has made some tough policy against refugees by banning any asylum seeker who attempts to reach its shores by boat from ever visiting the country. The government introduced a policy on July 19, 2013, banning refugees who arrive by boat from Indonesian ports after that date from ever being resettled in Australia. Under another legislation introduced to Parliament at the end of 2016, thousands of asylum seekers who have returned to their homelands in the Middle East, Africa and Asia were banned for life from ever traveling to Australia, either as tourists, to do business or as an Australian spouse. Australian Prime Minister Malcom Turnbull declared that you need the clearest of clear messages

“This is a battle of will between the Australian people, represented by their government, and these criminal gangs of people smugglers” (Associated Press, 2016). Australia has paid the poor nations of Nauru and Papua New Guinea to keep asylum seekers in camps since the 2013 policy came into force. Human rights groups have accused Australia of abrogating its responsibilities to refugees as a signatory of the UN Refugee Convention (Romero & Politi, 2017).

The Politicization of Migration

In a handbook on the politicization of migration, four scholars argued that both polarization and salience are essential for understanding processes of politicization. Opposing positions may exist, but when the issue is not on the political agenda, the conflict is latent. It only changes from a latent to a manifest conflict when the issue becomes more salient. This increase in salience might change the political landscape fundamentally when the actors are aligned differently on this new line of conflict than on pre-existing ones. Conflicts do not only divide those parties on the opposite sides of the conflict line, but they also unite actors who are on the same side. In order to understand processes by which issues become politicized or de-politicized, we need to combine these two aspects: salience of an issue and polarization (Van der Brug, D’Amato, Berkhout, & Ruedin 2015).

How and Why Countries Politicize Migration

A social topic becomes politicized when it is defined as a political issue that requires action from public officials and policies are formulated as a result. Attention drawn on the issue usually emerges through public opinion that the media catches and transfers via party politics to the government that finally deals with it through policies. Also, different positions between competing parties on a topic can lead to the politicization of it (polarization) (van der Burg et al., 2015).

In democratic theory, political parties play a central role as representatives of the popular voice and institutional mediators providing the channels connecting demands of the people with governmental decision-making. Therefore, it seems reasonable that political parties would be key actors in shaping most issue debates in democratic societies. Political parties have been key architects of the contemporary debate over immigration and this leading role can be either constructive or destructive depending on how it is handled (Williams, 2013).

As to why countries would have an interest in politicizing immigration, German political sociologist and Professor Christian Joppke refers to three aspects migration has an impact on. According to Joppke, a country could have an interest in politicizing immigration; because of the impact migration has on (a) a country’s sovereign

control over external borders, (b) the regulation of access to citizenship, and (c) a nation's cultural self-understanding.

The first aspect refers to the fact that the control over who is allowed to access a state remains one of the few "domains in which states can still be strong—'renationalizing' immigration policies as an antidote to the 'denationalizing' logic of globalization" (Joppke, 1998). Looking at the EU, this aspect becomes even more relevant, since countries could feel threatened not only by the 'denationalizing' logic of globalization, but also by the EU as a body of supranational institutions itself. Under the pretext of the EU, member states continue to transfer sovereignty to the supranational institutions like the EU council, parliament and commission. This transfer of sovereignty, despite of the advantages it has, can lead to states experiencing the feeling of loss of control over its territory and the disappearance of national identity. As the 'nation-state' vanishes, "many people experience a loss of identity and of control over their destinies. At the same time, there so far is nothing beyond the nation-state that can serve as a new anchor for collective identities and can renew the sense of control." (Koopmans, Statham, Giugni, & Passy 2005, p. 4).

The second aspect refers to a country's ability to regulate access to citizenship. Citizenship within this context can be defined as "the set of rights, duties, and identities linking citizens to the nation-state" (Koopmans, Statham, Giugni, & Passy 2005, p. 7). Through the politicization of immigration and with the help of policies, a nation defines under which circumstances an immigrant is granted the right to citizenship and therewith access to rights and the responsibilities or duties attached to it. Countries are dealing in different ways with this issue, meaning criteria for citizenship vary significantly.

The third aspect refers to a nation's cultural self-understanding and identity. Accordingly, as one of the consequences of immigration within the wider frame of globalization, national cultural self-understandings and identities are challenged. The influx of people of different cultures to a country requires a certain degree of flexibility regarding established cultural norms. Thus, receiving nation-states could feel the need to politicize immigration in order to somewhat control or manage either the conservation of the existing cultural norms or the integration of foreign cultural aspects into the established culture. This particular aspect of immigration could either be received as an opportunity to create a diverse cultural landscape or as a threat to a nation's cultural identity (Koopmans, Statham, Giugni, & Passy 2005).

Furthermore, countries could politicize the issue of immigration as a reaction to security concerns. Consequently, it can be argued that immigration controls serve the purpose of crime prevention and security. This particular argument is frequently used in the right-wing of the political spectrum as we can see by the example of the European refugee crisis and the reactions of right-wing parties of different European countries such as the *Alternative für Deutschland* in Germany, the *Freiheitliche Partei Österreichs* in Austria, or the *Nye Borgerlige* in Denmark (FPÖ Kärnten, 2016; Steuer, 2016; Sirleschtov, 2015). Frauke Petry, leader of the *Alternative für Deutschland* for instance called for "the protection of the national security" and "the restoration of public order" in response to the current German government allowing refugees to apply for asylum in Germany (Sirleschtov, 2015). Similar arguments

were brought forward by republican President Trump, who within the frame of his “10 Point Plan to Put America First” elaborates on the correlation between crime and vague immigration policies (The Trump Organization, 2016).

Min Kyung Kim of the University of Leuven investigated the determinants behind the differences among the EU states in their willingness or restrictiveness to accept refugees between 2008 and 2015. With the massive influx of people coming to seek asylum in Europe, states’ responses have significantly varied, even among the countries that are deemed generally similar. She took the refugee recognition rate of each state as a signal for the state’s attitude. Looking at three countries—Bulgaria, Hungary, and Poland—she hypothesized that states with stronger populist radical right-wing parties (PRRP), and with tradition of ethnic-based national identity formation, are more likely to be restrictive towards asylum-seekers. She found evidence that stronger presence of PRRPs has a relationship with state’s restrictive attitudes, with some differences among PRRPs. As for ethnic-based national identity tradition, its proxy, citizenship access, shows there is no connection to state’s restrictive attitudes, although further research reveals other elements may have an impact (Min Kyung, 2017).

Summarizing, as for why countries would politicize the issue of immigration, it becomes clear that the act of politicization in this case is connected to the exertion of power and control. However, it is important to mention that politicizing the issue of immigration does not automatically mean restricting or decreasing immigration. Politicizing the issue means that it becomes part of the political agenda and that it requires action from political officials, yet it does not provide insight on the outcome the process of politicizing the issue is supposed to have (stimulating versus restricting immigration) (Haensel and Garcia-Zamor, 2017a).

The Impact of Immigration on Politics in the EU

With the 1997 Treaty of Amsterdam, the member states of the EU decided on a common stance regarding free movement, immigration and asylum. In other words, “immigration and asylum policy became matters of common interest” (Geddes, 2005, p. 268). Yet, until today, there is no comprehensive EU policy that regulates immigration and asylum and as a result neither exist supranational institutions with the authority to enforce them. Furthermore, third country nationals, meaning people who are not a citizen of an EU member state, are excluded from the free movement scheme. In conclusion this means that every EU member state handles third country immigration on a national level (Geddes, 2005).

Most recently this has been visible in the way the refugee crisis is dealt with in Europe. The EU and its member states have been struggling to come to an agreement on how to handle the current refugee crisis. In 2015 alone, almost 1.5 million refugees claimed for asylum in the EU-countries, with more people arriving in 2016 (BBC News, 2016). While most refugees seek to claim asylum in the countries of western and northern Europe, such as the Scandinavian countries, Germany, or

Austria, Hungary was the country with the highest proportion of asylum claims as measured against the country's population (BBC News, 2016). This has to do on the one hand with the geographic location of the country and the refugee route, and on the other hand with the Dublin Regulations, which grant EU member states the right to require another EU country a refugee entered first to take on responsibility for an asylum claim. The results are the disproportionate allocation of refugees in the EU and tensions between the member states that are destabilizing the Union.

While the concept of the EU is based on shared values and to some extent on shared policies that apply to every member state, as for instance the Schengen agreement or policies related to the monetary union, general policies take away sovereignty from the individual administrations of the countries. This in turn can lead to the fear that the EU is taking on the form of a supranational government, strongly influenced by the more powerful European states like France or Germany. Although the British vote to exit the EU was a defining symbol of a newfound defiance against the country's elites, it was also caused by the migration problem in Europe. One of the consequences of the disagreement on how to react to the influx of refugees to Europe is the so called Brexit. Keeping open the Republic of Ireland's 310-mile frontier with the United Kingdom and the province of Northern Ireland is one of Brexit's crucial divorce terms. Great Britain's decision to exit the EU has led to the discussion if the refugee crisis is going to tear the EU apart. President of the European Commission Jean-Claude Juncker warned in early 2016 that "the central economic achievements of the common market and the euro are at risk from incoherent, nationalistic reactions to migration and other crises" (MacDonald & Barkin, 2016). As of today, the EU and its member states have not come to an agreement in terms of a common policy regulating the refugee crisis.

The Impact of Immigration on Politics in the US

Soon after assuming the presidency, Donald J. Trump signed several Executive Orders to limit the number of immigrants in the US. One of them was to halt the resettlement of refugees in the US and to ban travelers from seven Islamic countries. In a column entitled "Taking care of refugees is a moral duty", Mary Sanchez stated that this executive order has raised concern not only among liberals, civil libertarians and jurists. It has also led a group of prominent evangelical Christian leaders to demonstrate publicly against the President they had voted for in massive numbers. More than 500 of the nation's most prominent evangelical pastors and authors signed a letter asking him to reconsider the order. The letter, published in a full page ad in *The Washington Post*, reminded the president of the Bible's story of the Good Samaritan, in which "Jesus makes it clear that our 'neighbor' includes the stranger and anyone fleeing persecution and violence, regardless of their faith or country." (Sanchez, 2017a). The letter added that "compassion and security can co-exist," yet while Americans quarrel about policy, innocent people die (Sanchez, 2017a).

Trump also halved the number of refugees that the US will allow into the country in 2017, from 110,000 to 45,000. The new policy could force a reduction of the network of agencies that have been operating for generations. Resettlement work is labor and time intensive. It is social work, largely with case managers helping refugees move into apartments, get training and find jobs, enrolling children in school and helping people learn English. Refugees do not leave their countries for economic reasons. Under a 1980 US law, refugees must prove they have been persecuted or have reason to fear it due to their race, religion, nationality, political opinion or association with a particular social group. They must prove that they are fleeing for their lives (Sanchez, 2017a).

Global Governance

The Global Governance of Migration

One aspect of globalization as outlined above is the need to jointly address certain issues that arise as a consequence of increased interconnectedness. In the beginning, the economic aspect of global governance was addressed. However, the “growing volume of and variety of cross-border flows of finance, investment, goods and services as well as the rapid and widespread diffusion of technology” marks only one dimension of globalization (Weiss, 2013, p. 12). Other dimensions are the international movement of ideas, information and the movement of people.

Global governance combines two different concepts. One refers to space, concerning “everything happening worldwide” (Weiss, 2013, p. 28), and the other one to the business usually executed by governments, namely “the exercise of steering and control mechanisms for the purpose of maintaining the stability and order of the society in which it operates” (Whitman, 2005, p. 16). In other words, global governance refers to “cooperation between sovereign states on shared challenges” (EurActiv, 2013). To facilitate the global governance of migration the Common European Asylum System (CEAS) was established in 1999. It is a relatively young regional instrument. Africa and Latin America created their systems much earlier.

As mentioned before, one of the consequences of globalization is the movement of people from one country to another. Since the phenomenon of migration is way older than the concept of globalization, first reactions by states to the need to control the movement of people date back to the invention of the passport in the nineteenth century (Weiss, 2013). In order to understand why there is the need to globally govern migration today, the reasons for why people decide to migrate should be considered. As outlined before, we are living in a world of development gaps between industrialized and developing nations, differences in income and wage, differences in the availability and quality of health services, different crime rates and levels of democracy. All of these differences among others account for reasons why people

decide to migrate. It has to be noted that globalization is of course not to blame for all of these differences, but it certainly plays a role (Solimano, 2010).

Yet, one of the major if not the biggest challenge, the world is facing today in terms of migration is forced migration. A report released by the UN refugee agency UNHCR in 2015 addresses global forced displacement. The report shows record-high numbers for people forcefully displaced due to persecution, conflict and violence: “On average 24 people worldwide were displaced from their homes every minute of every day in 2015.” (UNHCR, 2016, p. 2). Whereas one might think that these people receive refuge in the richest countries of the world, the numbers show that 86% of the world’s refugees were hosted by developing countries, and 26% of these by least developed nations (UNHCR, 2016, p. 2). These numbers show how desperately needed the global governance of migration is.

Due to the conflict in Syria, Europe, which is home to some of the wealthiest nations in the world, is currently facing the worst refugee crisis since World War II. As mentioned before, the EU which accounts for an example for global governance in many aspects (e.g. in terms of trade, climate, human rights and financial management) is struggling with the governance of the refugee influx.

Yet, the EU is only one of the many players in the global spectrum and does only include 27 nations. Looking at the broader picture, issues that need to be addressed on a level that includes almost all nations of the world are dealt with through international organizations and institutions such as the UN or the World Trade Organization (WTO) and through “more informal summits” such as World Humanitarian Summit and the UN Summit on Refugees and Migrants. These two summits account for two approaches to cooperate on a global level tackling the question on how to globally govern the refugee crisis.

The World Humanitarian Summit 2016

In May 2016 UN Secretary-General Ban Ki-moon convened a World Humanitarian Summit in Istanbul, Turkey. This was the first time in 70 years that this type of summit was held. What brought it about are more than 130 million people worldwide needing humanitarian assistance to survive (WHS, 2016). The purpose of the summit was to collectively take action in order to reduce and prevent human suffering. World leaders, as well as representatives of the civil society and the private sector came together to collectively commit to an action plan, share good practices and create new partnerships (Secretary-General of the United Nations, 2016).

The Secretary General introduced the Agenda for Humanity consisting of five core responsibilities which the global leaders were asked to commit to. The five core responsibilities are (1) Global leadership to prevent and end conflict, (2) Uphold the norms that safeguard humanity, (3) Leave no one behind: A commitment to address forced displacement, (4) Change people’s lives: from delivering aid to ending need, and (5) Financing: Invest in humanity (United Nations, 2016).

The structure of the summit was that participants were attending seven thematic roundtables. The themes consisted of the five core responsibilities in addition to “Women and Girls: Catalyzing Action to Achieve Gender Equality” and “Natural Disasters and Climate Change: Managing Risks and Crisis differently” (United Nations, 2016). The participants were asked to align themselves with in total 32 core commitments and were invited to formulate additional commitments individually or in partnership with other stakeholders. These commitments are “intended as tangible actions that support the implementation of a core commitment, or more broadly to help achieve the Agenda for Humanity” (United Nations, 2016). The results show that on average stakeholders agreed with eleven core commitments.

The first of the five core responsibilities ‘Global leadership to prevent and end conflict’ could be understood as the one with the most time pressure. Maybe because of that and considering the reports on the Syrian conflict’s scope over the last year, it was very disappointing to ascertain that this was one of the points not much progress could be achieved on. The absence of for this theme especially important leaders “made the high-level roundtable on ‘political leadership to end and prevent conflict’ a bit hollow, despite some interesting pledges” (Aly, 2016). Furthermore, it was hoped for “a better deal for refugees, displaced people and their hosts” (United Nations, 2016). In other words, no concrete suggestions were made on how to better address the issue of forced displacement. Other aspects that were not addressed to the expected extend include a plan on how to better protect civilians in war, to put people at the center of the discussions of the summit, to reform the UN Security Council and UN agencies, and to road map what happens next.

Manuel Bessler, head of the Swiss government’s humanitarian aid unit stated in conclusion that “there were a lot of commitments, but commitments of those who are committed. We need commitments of those who are not, or not yet, or have to be convinced. On this front, we have to do more; do better.” (United Nations, 2016). Thus, it remains questionable how successful the summit was and what is going to improve. For now, the main question is what is going to happen with the commitments, meaning how they will be put forward, how they will be implemented and how accountability will be ensured. All of these questions, as for now, remain unanswered; however, the UN is currently reviewing the commitments and will put forward a plan which addresses these questions soon.

United Nations Summit on Refugees and Migrants 2016

Two months before the summit the US Department of Homeland Security announced that about 5000 Syrian refugees have been approved for resettlement in the US, with another 5000 to 6000 on the way if they pass security checks. That would meet former President Barack Obama’s pledge to resettle 10,000 Syrians who are refugees from the civil war in their country by the end of 2016, up from 2000 in 2015. At least 15 US companies pledged money to help the Obama’s administration resettle the refugees. The White House was leaning on companies to commit money and

other assistance to resettlement programs ahead of the summit that Obama would host in the UN.

The summit was structured similar to the World Humanitarian Summit. Accordingly, six round tables discussing different aspects of the issue that need to be addressed were formed. The themes were (1) The root causes of large movements of refugees, (2) Drivers of migration and the positive contributions of migrants, (3) International action and cooperation on issues related to displacement, (4) Global responsibility sharing for refugees and respect of international law, (5) Safe, regular, and orderly migration and the respect of Human Rights, and (6) Vulnerabilities of refugees and migrants on their journeys (United Nations, 2016).

In comparison to the themes of the round tables at the World Humanitarian Summit, the UN Summit on Refugees and Migrants focused more closely on particular issues related to large refugee movements. “States should vow to end immigration detention, particularly of children, by implementing alternatives to detention; counter intolerance and the social exclusion of migrants through sustained initiatives to build empathy and confront discrimination; and give specific protection to all migrants in a vulnerable situation.” (OHCHR, 2016).

Critical voices after the summit stated that the declaration does not contain binding obligations for states to implement and enforce the commitments that were made and that little progress was made regarding new innovative approaches and mechanisms to tackle the crisis. On the other hand, it was said that the summit was successful in the way that the scope of activities regarding the response to large refugee movements was widened and that the collective development of the declaration could lay the foundation for future legally binding commitments (Stevens, 2016).

The 193 countries that participated promised to produce plans to make global movements of people “safe, regular and orderly.” The 1951 convention was supposed to protect refugees who flee persecution but until now no global agreement exists for guiding much bigger flows of economic migrants. Although sceptics scoffed that the United Nations Summit on Refugees and Migrants amounted to empty words, world leaders gave a specific promise: at a follow-up summit, in September 2018, they would sign two global agreements, “compacts” in diplomatic jargon, defining how countries will manage flows of refugees and migrants, respectively (Roberts, 2017). Prospects for the second compact, on migration, are not very clear. A consultation process is led by Switzerland and Mexico, plus the International Organization for Migration (IOM), a UN agency. Experts’ meetings in 2017 addressed many aspects of migration, from people-smuggling to remittances. Formal talks began in Guadalajara, Mexico, in December 2017. A final text is to be signed at the UN in September 2018 (Roberts, 2017).

Chapter 3

The European Migrant and Refugee Crisis



Although the migration problem has long existed in the US near the border with Mexico and along the Florida coasts, the excessive number of refugees invading the European countries is a new phenomenon. The large influx of refugees currently poses huge challenges to Europe in general and to the EU in particular. It is very complicated for EU policy makers to address the issue of the refugees. Any effective policy there would require an agreement between 28 autonomous governments. Some policy initiatives could solve or at least control the present chaos, disorder, and uncertainty created by the arrival of this unprecedented number of refugees. Furthermore, they might diminish the uneven global development without creating an unsustainable economic and political challenge to the European countries (Garcia-Zamor, 2017).

This year alone, hundreds of thousands of people have crossed into Europe often by perilous means fleeing war and/or in search of a better life. There is an increasing influx of immigrants streaming into Europe from nations such as Eritrea, Libya, Iraq, Syria and on a broader spectrum, Africa, South Asia and the Middle East. Africa has people who want to work. In fact, according to the International Monetary Fund (IMF), by 2035 the number of people reaching working age in Africa will exceed the number in the rest of the world combined. But Africa is not where the jobs are. As a consequence, every year hundreds of thousands of migrants set off across the Sahara toward the promised land of Europe. The journey takes them to Libya where many end up toiling for years until they can finally arrange to travel to Europe. They usually travel on barely seaworthy vessels with just enough fuel to reach international water, where rescue boats from aid groups and Italy's navy scramble to save their lives (Vick, 2016). From 2014 to 2016, numerous young Egyptians have also been risking their lives to cross to Europe, according to the IOM. Among young people in Egypt, a third is unemployed and half live below the poverty line, according to official statistics. The country economy has suffered a series of disruptions since the uprising in 2011 that ended the presidency of Hosni Mubarak. Egypt's tourism industry has all but disappeared (Youssef, 2016).

Many of the migrants die or disappear at sea. The year 2016 has been the deadliest on record for Mediterranean migrant deaths who were crossing from North Africa and the Middle East to Europe according to IOM records (Armellini, 2016). In a speech at the Vatican, Pope Francis said he felt “shame” for this “disgraceful situation”. “What has the world come to, if when a bank goes bankrupt, scandalous sums of money immediately appear to save it, while when this human bankruptcy [the migration crisis] happens, not even a thousandth of those sums are ready to save our suffering brothers and sisters,” the pope said. “Thus the Mediterranean has become a cemetery, and not just the Mediterranean, ... There are many cemeteries near walls, walls stained with innocent blood.” (Armellini, 2016). This situation has left European countries in a situation where they are struggling to manage the growing humanitarian challenge that they face.

The effects of the phenomenon of globalization as an aspect of international integration that arises from processes of interchange of views, ideologies, goods, services, and products as well as aspects of culture, persists to be a subject matter that continues to evolve thereby demanding global attention. Globalization has been attributed to be a factor that has proliferated the growth of worldwide concerns such as trans-border organized crime and all manifestations of transnational crime. The media has reeled out graphic photos of thousands of migrants who are held in sport stadiums or makeshift camps and who sometimes lack food or water. This indicates the dire level of inadequacy and deficiency of the current conditions under which the people arriving Europe and who are on transit to Europe, have to live in.

Development in transportation, telecommunications particularly the rise in the internet and the use of mobile phones have been predominant factors that have aided globalization thereby creating an atmosphere that breeds interdependence between nation-states. In regards to the challenges that the global wave of refugees and migrants has posed and continues to pose in recent times, globalization can be attributed to be a factor that has proliferated the subject matter in issue.

Border control symbolizes a very crucial part of a nation’s national security. Globalization has been held to be a factor that leads to an increase in all manifestations of trans-border and cross-border movement and flows which embodies within it the movement of people. In all regions of the world, migration has grown and has become a very relevant factor in social transformations affecting all regions of the world. Nation-states have classified migrants into certain categories in the bid to encourage certain types of cross-border movement while restricting others.

Various policies have been adopted by countries and actions have been taken in order to understand the economic, social, ethical, moral and cultural dynamics of cross-border movement whether arising from migration strictly or allowing persons who have been termed refugees to stay within their borders. Many of the European countries seem to have embraced the approach of an African best-selling author on immigration, Chimamanda Ngozi Adichie. She wrote that “creating room for people is not only doable, it is a moral imperative. It is the moral imperative of our time.” (Adegoke, Y. 2016). The global wave of refugees and migrants poses a complex moral challenge. Innovative ideas and suggestions are needed by policy-makers in the bid to create new opportunities to effectively and efficiently manage the migration and refugee problem.

The individual who waits to be qualified according to one of the possible categories of protection (asylum seeker, refugee, subsidiary protection or temporary protection beneficiary etc.) calls into question both supranational law and domestic law. The former governing the harmonization of procedures concerning asylum requests and immigrants' essential safeguards; the latter providing the substantive frame for the final decision on immigrants' admission in the territory of the state (Romeo, 2017). In a paper presented in an international conference, Romeo asked the question: How to manage this phenomenon within a transnational polity where there is a divergence between the final decision on admission and the supranational responsibility to face the emergency? She answered that there are at least two solutions: (a) in the long run, reshaping the interplay between supranational and domestic law by transferring the final decision on admission at the supranational level; (b) in the short run introducing mechanisms of burden sharing among EU member states based on incentives and sanctions with a view to foster cooperation and to reduce solipsistic closures (Romeo, 2017).

Migrants or Refugees?

The concept of migration refers to crossing the boundary and borders of an administrative or political unit for a specific period of time. Broadly speaking, the subject matter encompasses the movement of displaced people, uprooted persons, refugees as well as economic migrants (Bates, 2002). In essence, the term migrant is subject to various interpretations.

According to Castles (2000), the predominant categories of migration can be successfully distinguished according to the motives which can be family reunion, economic reasons, refugee situations or by the legal status of those concerned which can be either irregular migration, free emigration/immigration or controlled emigration/immigration. Most nation-states in their policies as well as their statistics, distinguish between these various categories in reference to migration. The differences existing in this regard indicate that there are varying definitions on the subject matter of migration and its manifestations.

According to the United Nations Educational, Scientific and Cultural Organization (UNESCO) a migrant can be defined as any person who lives temporarily or permanently in a country where he or she was not born, and has acquired some significant social ties to this country. This definition was considered by the organization to be too narrow and this is because some states have policies that are capable of making and categorizing a person who was born in that country as a migrant. The UN Convention on the Rights of Migrants defines a migrant worker as a "person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national" (UNESCO, 2015).

A refugee on the other hand can be defined as a person who was forced to flee his/her home country due to war, oppression, persecution or violence. A fundamental criterion is that there must exist a genuine fear of persecution which can be based

on reasons ranging from race, nationality, religion, political opinion or membership of any particular social group as defined in the 1951 Geneva Convention. According to the Convention, such a person must be outside his/her country of nationality and is unable or unwilling to avail himself/herself of the protection of his/her home country (UNESCO, 2015). Signatories to the Geneva Convention agreed to protect refugees, allow such persons to enter their countries and to grant temporary or permanent resident status to them.

In 1967, the protocol relating to the status of refugees incorporated guidelines to explicitly include persons from outside Europe into the definition of refugees. In 1969, a convention by the Organization of African Unity (OAU), which applied to only countries that signed it, went on to extend the definition of refugees to include conditions that can warrant refugee status. This was added to be “external aggression, occupation, foreign domination or events seriously disturbing public order in either a part or the whole of a country” (UNESCO, 2015). In a similar manner, the Cartagena Declaration of 1984 effectively widened the scope of the refugee declaration to provide for countries in Latin America.

From the foregoing, it is unequivocally clear that by necessary implication, the term migrant for economic reasons does not refer to refugees and persons who have been displaced, forced or made to leave their homes. The foregoing also indicates that economic migrants as opposed to refugees are persons who willfully make choices pertaining to when to leave and the destination of interest. It is recognized that there can be instances where these choices are made due to extremely constrained situations. In this respect, some scholars have sought to make some distinction between voluntary and involuntary migration. While certain movements of refugees do not face any external hindrances to free and unrestrained mobility, nor are they constrained by pressing needs and the absence of means to meet such needs in the present country of residence, other forms may be a blend of the extreme need to relocate which is completely not controlled by the individuals in question (Richmond, 1993).

What becomes clear is that various kinds of push and pull factors contribute to migrants’ decision to leave their homelands behind. While there exists no single theory that fully explains the phenomenon of migration, scholars of diverse disciplines have tried to analyze the underlying forces meaning the push and pull factors of international migration. Models such as the *Neoclassical Economic theories* for example identified the aspiration for wealth maximization as the driving factor for international migration. Accordingly, the flow of migration would depend on supply and demand of labor and therewith be caused by differences in wage rates between countries (Massey, 2003). Other variations of Neoclassical Economic theories suggest that rational cost-benefit calculations are the factors that determine whether individuals decide to migrate and the alternative destinations they consider (Eurostat, 2000). Another theory named *The New Economics of Migration* pinpoints that families and households rather than individuals decide whether to migrate or not. This decision is based on risk minimization rather than on the intention to maximize wealth (Eurostat, 2000). Alternative models such as the *World Systems Theory* suggest that structural changes in the world markets, globalization and the resulting interdependence of economies are the driving forces behind migration (Massey, 2003).

The push and pull factors for migration and flight are as distinguishable as the definitions for the terms 'migrant' and 'refugee'. The *Richmond Framework* is one of the models attempting to explain the underlying factors of refugee movements. Richmond for that purpose differentiates between 'proactive' and 'reactive' migration. 'Proactive' migration accordingly involves the movement based on free decision-making and rational choice, while 'reactive' migration constitutes movement caused by threat or crisis. Richmond furthermore identified independent variables that impact 'reactive' migration. These are 'predisposing factors' such as "extreme inequalities between countries, and political instability", 'precipitating' events such as wars or ethnic conflicts, 'structural constraints' such as border controls, 'enabling circumstances' such as the availability of personal resources and 'feedback effects' such as the reaction of receiving countries which could either encourage or inhibit further migration (Eurostat, 2000; Vandererf & Heering, 1996).

With regard to the current refugee crisis in Europe, some of the identified push factors include the ongoing violence in countries of origin, and the worsening conditions for refugees in countries of first asylum (e.g. Jordan or Lebanon), which within Richmond's framework would account for 'precipitating' events that lead to 'reactive' migration (Banulescu-Bogdan & Fratzke, 2015). Also, 'feedback effects' such as the different reactions of receiving countries (e.g. Germany and Sweden being more welcoming to the refugees, while the Hungarian borders were closed in order to prevent the passing through of refugees) are identifiable with regard to the current refugee crisis in Europe.

Although Sweden has long been considered a humanitarian utopia, for twenty years Swedes have been arguing about the proper limits of their country's good will. In the past three years, as some 300,000 refugees, many from Syria and Afghanistan, have sought asylum, there has been a growing sense that the country can no longer afford to be beneficent. The Sweden Democrats, a party with roots in the neo-Nazi movement, has won the support of 18% of the population, by claiming that immigration is degrading the country. Within the past two years, Sweden has introduced border controls and new restrictions on asylum seekers (Aviv, 2017).

The Refugees' Invasion of Europe

Europe is presently encountering the most momentous incursion of migrants and refugees since World War II. From times past till date, people from the Middle East and Africa have been motivated by war, terror and the promise of a better life to flee their countries, thereby putting their lives at risk in the process of achieving their aim. The present crisis in Syria, Iraq and parts of Africa has put enormous pressures on certain European countries, specifically Greece, Austria and Hungary, that are viewed as accessible entry points to reach other countries like Germany and Sweden that have a more solid economy and are more welcoming to the refugees.

This is Europe's biggest crisis in a generation. If integration ounce seems inexorable, the pressing question now is how to stop the EU from fraying. During the crisis

the Chancellor of Germany, Angela Merkel, has found a forceful political and moral calling. Under Merkel, a four-part policy is taking shape: unapologetically absorb refugees at home; share the burden across Europe and beyond; strengthen controls and the processing of asylum-seekers at Europe's external borders; and negotiate with transit countries (*The Economist*, 2015a). But Merkel is facing opposition in and outside Germany. In the state of Saxony, home to the anti-Islam and anti-immigration group PEGIDA, there have been many incidents that included attacks to shelters for refugees and in some cases to the refugees themselves. And there is no denying that the mass influx of refugees is aggravating many of Europe's other looming problems: it is fraying relations between Germany and eastern European countries just when solidarity is vital to contain Russia's aggression; it is adding to the burdens of Greece, already crushed by years of austerity and never far from leaving the euro; and it has led the Britons to exit the EU (*The Economist*, 2015a).

The German chancellor's decision to welcome refugees should however be understood within the context of alternatives, which were forcing large numbers of asylum seekers to remain in Hungary where they had little chance of obtaining asylum or allowing Hungary to return them to Greece or Turkey (Jones, Teytelboym, & Rohac, 2017). Merkel's decision to temporarily overrule the Dublin Regulations intended to relieve countries such as Italy, Greece and Hungary that were overwhelmed with the influx of refugees.

According to the IOM, at least 350,000 migrants were estimated to have crossed the EU's borders between January and August 2015. This figure clearly is an estimate and does not include those persons who successfully crossed the borders without detection. As by October 2015, a total of 622,677 migrants were recorded to have arrived by sea and a total number of 3138 persons were pronounced dead or missing. There are several forces that drive the need to migrate into the borders of European countries. Of most note are the conflicts and civil upheavals raging in Syria and Afghanistan as well as the violations of human rights in Eritrea. It has been held that the majority of migrants who have reached Europe by boat in 2015 are from these three countries (IOM, 2015). The IOM estimates that almost 800,000 people have entered Europe in 2015 and the EU predicts that three million more could arrive by 2017 (Cook & Emeric, 2015). In the human tide washing up in Europe tens of thousands are children and teenagers who arrive on their own. In 2014, more than 23,000 unaccompanied minors applied for asylum in the 28 member countries of the EU according to the UN (Bennhold, 2015).

Furthermore, people are also driven to migrate into Europe with the hope of a new and better life in one of the three biggest EU countries: Germany, the United Kingdom or France. Falling under these categories are persons emanating from host countries like Libya, Kosovo, Iran, Darfur, Iraq, Somalia, Sudan and other countries. Most of the routes that are traveled by migrants are abounding with danger, desert lands and of course pirates. Migrants have drowned in the Mediterranean this year in their bid to migrate to Italy, Greece or other parts of Europe, often using unsafe fishing boats and feeble dinghies. A classic example is the case of the three-year-old Syrian boy whose lifeless photograph made headlines and prompted international response after he drowned in the Mediterranean as he and his family tried

to make their way out of the Syrian crisis. Another example; according to IOM (2015), most of the people heading to Greece take a voyage in feeble rubber dinghies or wooden boats from Turkey heading to the islands of Chios, Kos, Samos and Lesbos. These small Greek islands virtually lack the necessary infrastructure that is needed to cope with the large number of people arriving, which leads to a situation where local volunteers have to turn up to provide assistance.

More than a million migrants crossed the Mediterranean Sea to Europe in 2015, many fleeing the war in Syria. Most traveled the short sea route between Turkey and Greece, less than five miles long at its narrowest point. That route, however, was effectively closed when the EU signed a deal with Turkey in March 2016, slowing traffic along the eastern corridor to a trickle. The deal was struck precisely because the EU believed the numbers making the crossing could be reduced by improving the lives of refugees in Turkey.

However, the biggest problem refugees face in Turkey is not lack of benefits but the inability to integrate. Syrians enjoy “temporary protection” in Turkey, but not full refugee status, meaning they cannot get work permits. Lack of status is the main reason driving the migrants to leave according to the Research Centre on Asylum and Migration, a Turkish think-tank. Without proper work permits, refugees must find informal black-market jobs at wages far below those paid to Turks; many are exploited (*The Economist*, 2015b). Education is another key issue. According to the Disaster and Emergency Management Presidency of Turkey (AFAD), Turkey’s relief agency, 290,000 children are currently being taught in temporary education centers. But a report from Human Rights Watch (HRW), an NGO, estimated that 400,000 of the 700,000 school-age Syrian children in Turkey were not receiving formal schooling. Registering in Turkish schools is legally possible, but the bureaucracy is arduous. Most Syrians speak no Turkish, and parents have trouble communicating with schools and teachers (*The Economist*, 2015b).

These factors explain why the human flow did not stop. It just started to shift to the central route from Libya to Italy, one that is longer and more perilous. Unlike the eastern Mediterranean, it is all but impossible for an overloaded fishing boat to make it across the sea from Libya. The distance is vast, the currents are unpredictable, and when things go wrong, death is more certain. As a result, the number of successful crossings has dipped from the previous year (Baker, 2016).

The EU has established a Countries’ Safe Lists (see Fig. 3.1 above) to identify nations that are not considered dangerous to speed up asylum processing and dissuade purely economic migrants. Unfortunately, the EU’s safe lists are in need of harmonization. At the moment Kosovo, one of the biggest sources of asylum applications, is considered safe by Belgium but not by Bulgaria. Great Britain’s list contains war-ravaged Ukraine whereas most other member states’ lists do not, and it is almost alone in designating a handful of African countries as only safe for men because of concerns about female genital mutilation. Italy and Greece—two of the biggest points of entry for migrants into the EU—don’t keep safe lists at all according to the European Asylum Support Office (EASO). Besides, the composition of such lists is not to everyone’s tastes. NGOs complain that human rights in some western Balkan countries are far from perfect. And earlier this year Canada’s federal

Europe's safe lists

Countries considered safe for asylum seekers to return to
Selected countries, July 2015 or latest

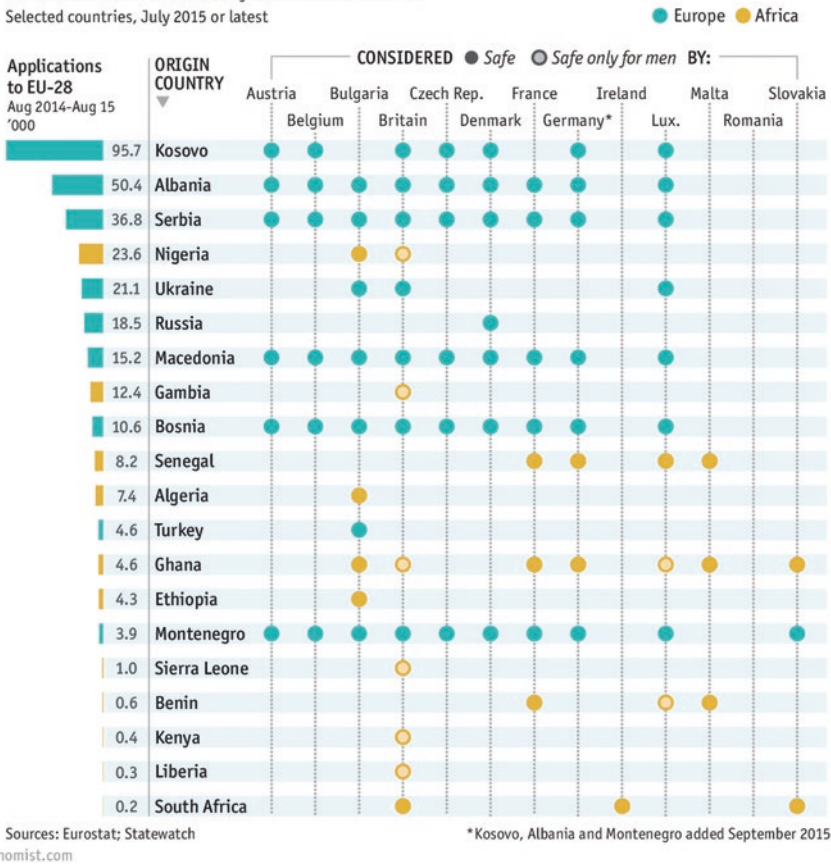


Fig. 3.1 Europe's safe list (Source: The Economist, 2015c)

court ruled against the denial of appeals for its safe list. Broad-brush policies that treat an entire country as one homogeneous mass are open to criticism, but the EU needed to do something to lighten the pressure on its asylum system (Baker, 2016).

The concept of “safe third country” is highly controversial because it is at the core of the relocation issue. Graziella Romeo, an Assistant Professor of Constitutional Law at Brocconi University wrote that:

A country can be designated as ‘safe third country’ if it fulfills four conditions relating to safety and asylum practices. More specifically: *a.* life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion; *b.* the principle of *non-refoulement* in accordance with the Convention relating to the status of refugees of 1951 is respected; *c.* the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; *d.* the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Refugee Convention (Romeo, 2017).

Additionally, many people travel from Libya to Italy by boat and have to endure longer and hazardedly dangerous journeys. Those that have survived such deplorable conditions have often reported violence and abuse by members of organized crime syndicates that specialize in trafficking (Cini and Borragan, 2013). Others travel by boat from Libya to Italy, which is a longer and more hazardous journey. Survivors also often report that they are charged by people traffickers for services and they end up paying thousands of dollars per person. This situation has created an atmosphere that is ripe for encouraging the proliferation of transnational human trafficking and smuggling as well as the growth of organized criminal groups. For instance, the chaos that is witnessed in Libya has provided opportunity for traffickers to have the freedom to take advantage and exploit migrants and refugees who are in desperate need to reach Europe.

According to Kelly and Regan (2000), cases of human smuggling can metamorphose into human trafficking. In the initial phase of the process of migration, there may be difficulty in determining what form of migration is taking place. This is because in some cases individuals may believe they are being smuggled into a place but in reality, they are being trafficked for criminal exploitation. For example, there have been women who have been trafficked for sexual exploitation who initially voluntarily agreed to migrate for the purpose of engaging in commercial sex for economic gains. However, upon their arrival in the destination country, their smugglers would take most or all of their income and they would be kept without their free-will, in bondage and subject to physical and/or sexual abuse (Kelly & Regan, 2000).

Unfortunately, the exploitation of would-be refugees is not the only unethical and corrupt practice related to the transfer and resettlement of refugees. The mafia has moved in on one of Italy's few growth industries: caring for migrants. Several people, including a priest and the head of a catholic volunteer group called Mercy, were arrested in May 2017 for collaborating with a major mafia clan to skim millions in public funds meant for asylum-seekers at a welcome center in southern Italy. Mercy is a major national organization that runs migrant centers and provides other volunteer services around the country. A number of politicians are linked to its director. Even Pope Francis has been photographed with him. Part of the scam involved putting in for more meals than were actually provided, and then pocketing the money to buy real estate, fancy cars, and luxury boats.

Where Should the Refugees Go?

Politics in many European countries are currently being reshaped by populism. The essence of populism is the belief that society can be divided into two antagonistic classes—the people and the powerful. People are presumed to have a single will. The powerful are presumed to be devious and corrupt: determined to feather their own nests and adept at using intermediary institutions (courts, media companies, political parties) to frustrate the people (Bagehot, 2017). This rise of populism has had a great impact on the rise of far-right and nationalist parties throughout Europe.

This has substantially slowed the EU's efforts to relocate the refugees on a quota basis. Some countries, such as Austria, Denmark and Poland refused to take in refugees altogether, while countries like Slovakia and the Czech Republic have accepted fewer than a dozen. In the ethical debate on immigration it is noteworthy to mention that a few countries, not among the most prosperous ones, have come forward to receive the migrants and refugees. In an unusual gesture that could partly reverse a more familiar northward odyssey toward Europe, in November 2017 Rwanda offered to house or help repatriate some of the thousands of African migrants being held in Libya and reportedly auctioned there as slaves. Ironically, Rwanda is a small, landlocked country of 12 million in east-central Africa that ranks as one of the continent's most densely populated. Many of the African migrants in Libya began their journeys in west Africa or the Horn of Africa to escape poverty and upheaval. According to the IOM, almost 9000 migrants have been helped to return to their home countries in 2017 (Cowell, 2017).

Officially, the EU member nations committed to the relocation scheme can deny applicants only for reasons of national security and public order. As of mid-2017, 858 applicants have been rejected, or 7% of the total. But Lithuania has rejected 18% of applicants because that country, like many others, only wanted refugees genuinely committed to staying, not the ones simply wanting to take advantage of liberal EU travel laws to search for work in wealthier nations like Germany (Baker, 2017a). US President Trump's refusal to accept Syrian refugees for resettlement in the US might have emboldened Europe's anti-immigrant sentiment.

In some cases where the country complied with the quota system, immigrants' dissatisfaction with their new location will make it difficult to implement. This is the situation in Estonia. The Syrian families assigned to that country had never heard of it and were hoping to go to Germany, Sweden or France, countries with flourishing immigrant populations, long histories of accepting refugees and large economies. Instead, they ended up in Estonia, a smaller, less wealthy and more homogenous country. Estonia, a nation of 1.3 million, did everything in its power to make the transition as seamless as possible for the refugees. It offered one of the most comprehensive refugee-integration packages in Europe, providing each family with a furnished apartment immediately upon arrival, language courses, schools, translation services and a dedicated support person who will help guide the newcomers through the settling-in process. This is in addition to the unemployment and welfare benefits available to all Estonians (Baker, 2017b).

Still, Estonia's generous, two-year package was not good enough. More than a quarter of the refugees taken in by Estonia left, taking advantage of Europe's open borders to rejoin family or seek better opportunities elsewhere, even though they risk losing their benefits and ability to apply for asylum. For a country staking its prestige on successful integration, the departures—called remigration—have prompted searching questions. Estonia is beginning to realize that for this arranged marriage to work, it must look beyond material needs and figure out the cultural intangibles that turn a temporary rest stop into a home (Baker, 2017b).

The Estonian case is also a perfect example of the challenge facing any government that try to make policies to assimilate migrant groups. Any public policy can

meaningfully address only the integration aspect. In his book entitled *Ethics of Citizenship*, William A. Barbieri Jr. makes a clear distinction between integration and assimilation. Barbieri wrote:

Although some have posited these two processes as identical and others as opposites, for the most part integration has been seen broadly as the *binding together* of discrete social groups in a manner aimed at removing conflicts and inequalities between them, while assimilation has been understood as the *removal of differences* acting as barriers to cultural homogeneity. A consequence of this usage is that integration falls more readily into the realm of government action, whereas assimilation emphasizes the adaptive act of the migrants in relinquishing an old identity for a new one (Barbieri, 1998, p. 48).

As discussed, several EU member states were unwilling to accept the refugees while others who wanted to do so were not able to offer them the conditions that would allow them to be integrated in their societies. A professor at Yale University Law School, Peter H. Schuck, suggested in 2015 when the quota idea was emerging, that a market for refugees in Europe should be created. He predicted that such a quota system would be difficult to implement and suggested the creation of a market in which states can buy and sell all or part of their protection quota obligations. Both the agency operating the market and the selling state would enforce international standards to ensure that the receiving state protects the human rights of those it agrees to accept. He elaborated that:

Just as cap-and-trade schemes enhance environmental protection, this market would maximize the number of refugees protected by exploiting differences in states' resources, politics, geography and attitudes toward newcomers. A more ethnically homogeneous or xenophobic state might eagerly pay a high price (in cash, credit, commodities, political support, development assistance or some other valuable) to more refugee-friendly states to assume its burden, rather than having to bring them in-country (Schuck, 2015).

Schuck pointed out that such payments were already taking place and cited the US and Australia as countries that were already paying other states to harbor immigrants. He admitted that some questions might need to be resolved before implementation and that potential critics might suggest that that the market element offends common morality by "commodifying" refugees. But he wrote that if trading protects more refugees under conditions favorable to their human rights, the newly-protected will surely welcome it—just as environmentalists now endorse the trading of pollution rights (Schuck, 2015).

Although the transfer of immigrant quotas is complicated, a version of it is already being implemented in Australia where asylum-seekers who come by sea are diverted to camps in poorer third countries. In effect, Australia pays Papua New Guinea and others to assume its refugee duties. This is a model that some European countries want to adopt. Despite much pious talk of respecting the refugee convention, they will pay Turkey, Libya or Sudan to divert the flow of displaced people who seek to cross the Mediterranean (Roberts, 2017). "In compensation, European politicians will talk more in the coming year of taking bigger quotas of refugees for organized resettlement, via the U.N. Those efforts are unlikely to go far. Many European Union member states, especially in Eastern Europe, object to taking in anymore." (Roberts, 2017, p. 82).

A deal between EU and Turkey was struck in March 2016 with the aim of limiting the numbers of asylum-seekers coming to Europe. It was supposed to be a sus-

tainable Pan-European solution. In exchange for visa-free travel for some of its citizens, €6 billion (about US\$ 7 billion) in refugee aid and revived talks on possible future accession to the EU, Turkey was to take back migrants who have made their way to Greece and try to secure its borders. The number of refugees coming to Europe dropped but the agreement started to look murky. It risked undermining the reputation of the EU. Since signing it, the President of Turkey, Recep Tayyip Erdogan, has become more openly autocratic, as if to show that he can flout European norms with impunity. He has also clamped down more forcefully on the press and potential dissidents. It soon became evident to both sides that the agreement will not really accelerate Turkey's entry to EU. The country still needs to meet the EU's final seven conditions (out of 72). These conditions include issuing biometric passports, cracking down on corruption, becoming more cooperative with extradition requests, and most controversially, narrowing the broad anti-terror laws it has used to harass journalists, academics and politicians. EU critics thought that it could have gotten a better deal because the agreement seemed to indicate that European leaders were lowering standards to make the agreement work. But support for the EU has increased in Turkey: according to a 2016 poll: 62% of Turks wanted to join the EU, up from 42% in 2015. But nearly seven out of ten believed Turkey will never be admitted (The Economist, 2016a).

But the EU was not successful in adapting this outsourcing pact to the African nations migrants are leaving or jumping off from to reach Europe, despite criticism that the agreement sends asylum seekers back to countries that could be unsafe for them. Niger, Nigeria, Ethiopia, Mauritania, Mali and Chad were all on the EU radar, and dealing with them was proving expensive. But the bloc's arrangement with Turkey has shown that the best way of stemming migrant flows was to stop people taking to the sea. Libya and Egypt had become the main migrant departure points, and pacts with them would probably have the biggest immediate impact (Associated Press, 2017).

Positive Impacts of the Refugees in Europe

Some observers think that the migrants could be the solution to the ageing population of many European countries and become a key factor to a stronger economy. Europe has some of the lowest birthrates in the world. In Germany, the economic engine of Europe, the population is predicted to shrink from 81.3 million today to 70.8 million in 2060. If unchecked, that trend would devastate the country's welfare state and future economic growth (Foroohar, 2015). Economic growth is essentially productivity combined with workers—when numbers for both are rising steadily, countries prosper.

An article in The Economist (2016b) states that in the early 1980s immigrants in Germany had a birth rate much higher than native Germans. Most of the foreigners were Turks who had brought their big-family culture with them. But then came an astonishing drop. Today, foreigners are actually less fertile than natives. This is a trend that can be observed all over the industrialized world. Between 2006 and 2013 the

fertility rate among Mexicans in America fell by 15%, compared with a drop of only 3% among non-Hispanic whites. In the Netherlands, the immigrant fertility rate is now almost exactly the same as the native one. Even in Great Britain, where a quarter of births are to immigrants, statisticians reckon that immigration has raised overall fertility by a mere 0.08 children per woman (Feroohar, 2015). Gunnar Anderson of Stockholm University argues in the same article that the fertile immigrant is partly an illusion and a demographer at Harvard University Law School, Michael Teitelbaum, pointed out that another reason to explain this reversal is simply that the countries that send immigrants to the rich world have changed. Fertility rates have plunged in both Mexico and Turkey, from more than six children per woman in 1960 to less than three today (Feroohar, 2015).

But the big reason immigrants' birth rates are falling is that they tend to adapt the ways of the host countries. Some studies suggest that a girl who migrates before her teens behaves much like a native. Acculturation is so powerful that it can boost birth rates as well as cut them. In England, migrants from high-fertility countries like Nigeria and Somalia have fewer babies than compatriots who stay put. Those from low-fertility countries such as Lithuania and Poland have more (Feroohar, 2015).

But it is undoubtedly true that the economic case for immigration is strong. In the United Kingdom, the period of high immigration that began in 1997 and intensified in 2004 with the extension of free movement rights to the new member states of Central and Eastern Europe, is generally recognized as having a positive economic impact. It has resulted in a substantial increase in overall employment and hence Gross Domestic Product (GDP) without any significant negative impacts on the employment prospects of the native-born. While the resulting growth in population has certainly increased pressure on public services, this is more than compensated by increased tax revenues. Nor has the changing population necessarily had a negative impact on social outcomes. For example, while there is much debate about the recent extraordinary improvement in the performance in London's schools—perhaps unparalleled in the developed world—it is generally accepted that the children of recent immigrants and refugees have at least something to do with it (Feroohar, 2015).

Negative Impacts of the Refugees in Europe

After German Chancellor Angela Merkel opened the so-called “Balkan route” in September 2015 there was a massive increase of refugees going to Germany. More than 10,000 per day crossed the border. Most of them were undocumented and had not been registered by the authorities. This chaotic situation prevailed until March 2016, when a newly agreed upon deal between the EU and Turkey prevented people from finding safe passages to European shores. The deal worsened the humanitarian suffering already evident, and represented a failure to uphold responsibilities nations have under International Humanitarian Law. It was obvious that this deal was designed with the single aim of stopping the arrival of people into the EU. The rights and well-being of people themselves were not a primary consideration. The

logic of stopping the boats, turning people back, and outsourcing “management” to Turkey was its main aim. In an interview with *TIME*, the Turkish Nobel Laureate, Orhan Pamuk, recounted that he lives close to Taksim Square, and every day he sees Syrian refugees begging. He stated that Turkey in 2015 had already taken two million refugees while Germany would accept 800,000 but will lend them papers, security and a future they don’t think they will get in Turkey (Walsh, 2015).

Although Germany was able to solve the most urgent problems of the new arrivals (e.g. medical treatments, temporary housing, child care, clothing, food), their integration into a new society was more difficult than giving them short-term humanitarian aid. Four major problems surfaced. (1) Security challenges. The large number of sexual offenses by new immigrants in Cologne on New Year’s Eve 2015–2016 lead to a discussion about security in public places. Women were the primary targets of groping and other sexual assaults, including at least 22 alleged rapes. Later, the attack on a Berlin Christmas market on December 19, 2016, similar to the Nice attack of July 14, 2016, showed that the uncontrolled borders increased the risk of terrorist attacks; (2) Labor market. One of the foremost problems of the German labor market is a shortage of specialists (skilled engineers and craftsmen). Migration seems to be one of the options to solve this problem. But the low educational level of most of the immigrants and their difficulty in learning German prevented them from being properly trained to fill these vacancies. Theoretically, migration can help solve the problems caused by the demographic change and the demands of the labor market triggered by globalization. But there is empirical evidence that migration somehow aggravates problems rather than solves them; (3) Urbanization. It became more difficult for the deprived parts of the German society to find affordable housing since they were competing with immigrants who also wanted to live in cities, not in rural areas; and (4) Political division and destabilization. Stakeholder analyses have shown that the integration of refugees or migrants might increase political and social tensions (Masser & Knorr, 2017).

Although individual countries might be negatively impacted, the potential big loser might end up being the EU. The principle of free movement of persons was one of the cornerstones of the European integration process launched in the 1950s. For decades, until the 1985 Schengen Agreement was concluded, it had been taken as an element of economic integration, one of the areas of building a common market. Migration, despite its varied intensity over the decades of economic development of Western Europe, constituted an important factor stimulating or regulating the labor markets in the European Community (EC) member states (Bachmann & Stadtmuller, 2012). The Schengen Agreement could be the first casualty with some countries erecting barriers in their borders to prevent the movement of the refugees after they have reached Europe.

Since fall 2015 the countries of France, Germany, Austria, Denmark, Sweden and Norway have temporarily suspended the Schengen Agreement and established border controls. The Schengen Agreement allows for temporary suspensions under special circumstances such as the present ones. It became clear that the agreement, which is considered to be a symbol of freedom, exacerbates the handling of an event such as the influx of refugees to Europe over the last two years. The uncontrollable passing

of borders by refugees has led some of the Schengen countries to reconstitute border controls. The European Commission announced that the lacking of border controls at the external borders of the EU poses a threat to public politics and inner security of some of the states of the EU and therefore recommended the resumption of border controls within the Schengen area. The ultimate goal of the European Commission however remains to reinforce the Schengen Agreement and thus to reopen the borders within the area. In order for that to happen, the external borders of the Union would have to be controlled more accurately which would mean that border countries such as Italy and Greece would have to accept support by European border controls which in turn would have to be strengthened (Meister and Wisdorff, 2017).

While the abolition of the Schengen Agreement remains in question, the exit of Great Britain from the Union has progressed. Great Britain is a net contributor to the EU's budget, and the bloc's failure to control the migration crisis has made membership look less attractive to many Britons. Despite the warnings that a vote to leave will have negative effects for both Great Britain and EU, the Britons voted their country out of the EU on June 23rd 2016. The way the EU is dealing with the immigration influx has many times been pointed out as one of the main reasons for Brexit. A quantitative research study examining the role immigration played in the vote for Brexit confirms this assumption. The findings suggest that "specifically, increases in the rate of immigration at the local level and sentiments regarding control over immigration were key predictors of the vote for Brexit" (Goodwin and Milazzo, 2017). Identity-related issues have once more proven to be one of the main factors in terms of opposition towards the EU (Goodwin and Milazzo, 2017).

Pro-EU forces have been trying unsuccessfully to convince Britons to join the "stay" campaign, citing emerging challenges from Russia and the rise of Middle-East extremist groups as threats that can be better dealt with as part of an alliance. Newly appointed Prime Minister Theresa May confirmed that Great Britain is determined to regain control of migration from the EU and rejected the supremacy of the European Court of Justice. That stance is anathema to the EU, which has made the free movement of people—as well as goods, capital, and services—one of its bedrock principles and which relies on the court to abdicate (Castle & Erlanger, 2017). But May's immigration stand was not surprising. While she was previously serving as Home Secretary she was heavily criticized for her immigration policies—including so-called Go Home vans, which toured the country offering to help illegal immigrants self-deport—and minimum salary requirements for Britons wishing to bring foreign families to the United Kingdom (Stewart, 2016).

Possible consequences of the Brexit include that Britain will find itself more isolated on the world stage and the EU will have more problems to survive as a viable Union in the face of the surge in migration and the increase of anti-European populism across the continent. Furthermore, Prime Minister Theresa May tried to first stabilize her own position within the negotiations with the EU before generating the legal route to Brexit. Her gamble to do so by calling new elections in May 2017 failed when her party lost a majority in Parliament. Yet, she clearly stated that no attempts to stay within the EU will be made, which consequently also means that no second referendum will be held (The Economist, 2016c). The Briton's decision

is a premiere in the history of the EU; so far, no country has ever left the EU, and several European countries outside the bloc are still working to reform their economies and governance systems so they can join. The rhetoric of the Prime Minister suggested that the government will try to restrict the flow of EU immigrants, although it might mean losing tariff-free access to the single market—a big blow to many British companies.

Chapter 4

Policy Initiatives in Europe to Address the Problem of Refugees and Migrants



The migration and refugee crisis has left states divided regarding how to respond both nationally and internationally. Among EU nations, asylum applications have been seen to be unevenly distributed with some politicians labelling migrants as security concern and an economic issue. This singular fact has created renewed nationalist tensions. With the increase in the number of migrants entering EU countries, EU leaders and aid agencies have persistently called for a unified policy in order to address the migration problem. However, such attempts have ended in dead ends. Some critics blame EU's failure to strengthen its external borders to the lack of a closer union with more powers shifted to the center. Yet, the evidence is that neither European voters nor their elected governments want this. If anything, public opinion favors the reverse.

Is there a better alternative? A special report (The Economist, 2017c) argues that the answer is to pursue, more formally than now, an EU that is far more flexible. "In Euro-speak, this means embracing a "multi-tier" system, with the countries of a much wider Europe taking part to different degrees in its policies—and being able to move from one tier to another with relative ease."

There has recently been a flurry of interest in the notion of a "multi-speed" Europe. But what most EU leaders mean by the term is that core members should be able to pursue common policies in areas like defense, fiscal or welfare policy; it implies that all countries are moving towards the same destination. The core of Europe will be those countries that share the single currency. To share the euro's ills, they need more integration and shared institutions—from a proper banking union to a common debt instrument. The next tier would comprise a looser group than now of EU members that are not ready to accept the sacrifice of sovereignty needed to join the euro, which some will not do for many years, and may never (The Economist, 2017c).

To work, a multi-tier Europe should be pragmatic about the rules that each tier entails. Those in the outer group might not fully accept free movement of people, for instance, but that is no reason to wall off their access to the EU's single market.

With the influx in the number of migrants and refugees arriving in the shores of the EU, most governments have taken reactive and short-term approaches to migration.

There have not been successful efforts at the international level to produce international regulation capable of tackling the migration problem. There exists a need to develop long-term cooperative strategies in order to achieve the goals geared towards solving that problem. Such goals should include: taking necessary steps to ensure orderly migration and effectively prevent the exploitation of people by agents, traffickers and recruiters; the safeguard of the fundamental human rights of migrants; migration should be made an instrument of sustainable global development; the positive aspects of social and cultural change need to be maximized as well as taking positive actions in order to avoid conflicts with populations of migrant-receiving areas.

Addressing the problem of the influx of refugees and migrants into European countries poses to be a very difficult thing. This is because it appears to be a complicated task for policymakers to address the issue. In addition, for any policy that will be adopted to be effective would require an agreement between 28 autonomous governments. This poses to be an extremely difficult goal to reach due to the concept of the autonomy of states. Characteristics of being a nation-state is that such an administrative unit must be autonomous, have a territory and its own power to be exercised in compliance to the dictates of its laws and not subject to any other nation. With this in mind, addressing collectively the issue of the refugee problem facing EU countries is very difficult. Every jurisdiction has its own definition of the subject matter and has different policies that may make common policy implementation difficult. The definitions of the concepts of migration and refugees in themselves are not universally acceptable.

Providing Funds to Be Used for Refugees' Control

According to Cini and Borrigan (2013), from 2007 to 2011, the EU provided its member nations with €2.2 billion to be used for refugees. However, only a fraction of the money provided was used towards the accommodation and proper integration of refugees in EU member states. It was stated that half of the funds provided was rather appropriated towards border protection evident in the construction of fences, provision of better surveillance equipment and general border controls.

Another strategy being used by European leaders to control the flow of migrants and refugees is to give aid to the countries they first reach on their way to Europe. A package of US\$ 3.2 billion was given to Turkey in 2015 to help it deal with the estimated 2.2 million Syrian refugees on its territory as well as to lifting visa requirements for Turkish visitors to the EU's borderless Schengen zone. In addition, the long stagnated negotiation for Turkey's EU membership bid is being revived (Wishart, Donahue, & Navarra, 2015). With no end to the problem in sight despite this accord, a new one was made in March 2016 with Europe agreeing this time to pay Turkey up to US\$ 6.8 billion through 2018 to keep at least 2.7 million Syrian refugees in decent conditions. This would also prevent their passage to a continent where several EU leaders are under populist pressure to keep out more foreigners. This new accord will also give Greece some money and up to 4000 European officials, judges and interpreters to help process any migrants who do still reach its shores and the approximately 40,000 already trapped there (Smale, 2016).

Despite the US\$ 6.8 billion given to Turkey and the promise of a fast-track process of its application to join EU, the accord may not be successful. The idea that Turkey might one-day gain membership to the EU does not fit actual reality. To join, a would-be member must meet requirements in 35 areas, known as chapters. A unanimous vote of every EU leader is needed to open a chapter, and another to close it. In almost 18 years of formal candidacy, Turkey and the EU have opened 14 chapters. Just one has been closed (Bremmer, 2017a).

If Turkey became a member, the EU's borders would extend to Syria, Iraq and Iran. It's not hard to see why European voters wouldn't want that. Turkish membership would allow 80 million Muslims to move freely across EU borders. That's hardly the direction European politics is headed (Bremmer, 2017a).

Simon Shuster of *TIME* wrote in 2016 that the influx of refugees slowed considerably after Europeans closed their borders to transiting migrants and reached a deal with Turkey to keep refugees' boats off European shores. He added:

But that has done little to calm public fears of being overrun. In a 2015 survey titled "Perils of Perception", the British research group Ipsos MORI found that Europeans tend to grossly overestimate the number of foreigners who are actually in their countries. In Germany, respondents said, on average, that 26% of the population was born abroad; the actual number is 12%. The discrepancy was about the same in France, Belgium, the UK and the Netherlands (Shuster, 2016).

Although most of the funds are provided by EU, Germany being the most successful economy of Europe and the number one destination of the migrants, is an exception. According to a paper on "Intergovernmental aspects of public sector costs and benefits of the integration of refugees in Germany", German public institutions had to cover the costs for accommodation, food and other daily needs, for language courses, for measures of labor market integration, for kindergarten, schools, vocational and university education. The expectation was that in case the refugees become successfully integrated into the labor market, they would contribute to a higher level of GDP, they will pay taxes and stabilize social security systems (particularly health and pensions) against their burdens resulting from an actually shrinking and aging population. During this long integration process different levels of government (central/federal, state, local) provide public services and pay transfers to the refugees and asylum seekers. The paper also analyzes the most important types and rules of refunding from superior levels of government (Farber & Koeppen, 2017). Within the framework of the German federal political-administrative system, the federal government and the federal states are required to adjust the legal framework and the financial basis of the integration of the migrants in Germany. Jochen Franzke of the University of Potsdam authored a paper analyzing the related challenges for public administration at the local level in integrating migrants in the local society. Franzke started a research project in 2016 that is scheduled to go on until 2019. The project is about the development, content and implementation of integration policy for immigrants at the local level in Germany (municipalities and counties) (Franzke, 2017).

Another aspect regarding international funds is the allocation of financial resources to front-line states such as Lebanon and Jordan. Lebanon, a country with only 4.5 million inhabitants hosts more refugees than all countries of the EU combined. Yet, coun-

tries like Lebanon are in a fragile situation themselves even without the refugees, which makes it necessary to allocate more financial resources to front-line states (McKenzie and Brandt, 2016). The data however shows that the opposite is taking place. The Regional Refugee and Resilience Plan (3RP) for 2017 “calls for \$4.63bn to continue delivering vital protection and assistance for refugees and host communities” (UNHCR/UNDP, 2017). Yet, by April 2017 only 9% of the requested money has been received. The allocation of sufficient financial resources to front-line states is a “humanitarian imperative” considering that 70% of Syrians located in Lebanon live off less than US\$ 3.84 a day, meaning they live below the extreme poverty line (UNHCR/UNDP, 2017).

Further reason for concern gives the most vulnerable group of refugees, such as unaccompanied minors, single-parents, female-led families, etc. who only make up for a small percentage of people resettling from front-line states to more secure locations (Brandt, 2016). The recorded numbers for 2016 suggest that 83% of asylum seekers were less than 35 years old. The greatest degree of gender inequality was found in the age groups of 14–17 and 18–34 year olds, where approximately three quarters of applicants were male (Eurostat, 2017). The countries of the EU and others that are able to offer secure refuge should therefore consider giving priority to the most vulnerable population groups.

One of the key players in the crisis are European cities. They take an important role especially when it comes to the integration of refugees. Local governments accommodate people, and provide them with education and jobs. In order to do so, many local governments cooperate with non-profit community organizations to get to work with people who live in the community and thus know its structure best, as well as with the private sector which takes an important financial role. A best practice example is Sweden, “where the government offers a stipend to employers who hire refugees, LinkedIn has been using its platform to help new arrivals connect with jobs and internships” (McKenzie & Brandt, 2016). It thus is important to ensure that local governments are provided with sufficient resources of any kind, including financial resources, in order to carry out adequate integration work.

The Swedish approach to facilitate refugees’ access to the local job market is an example for working collaboration between the local government and the private sector. Similar strategies are still needed in other European cities in order to enhance the integration process (Brandt, 2016). A suggestion by Brookings’s Centennial Scholar Bruce Katz could facilitate the replication of best practice approaches. Katz proposed the establishment of a “‘practitioner in residence’ program, whereby experienced practitioners could advise individual cities or groups of cities around proven innovations.” (Katz, Noring, & Garrelts, 2016). This way, metropolitan leaders could exchange experiences and solutions regarding similar problems.

Building Fences

Nationalism and modernity both indulge in practices of classification, definition and delimitation, leading to the simultaneous destruction of old boundaries and the rise of new ones. Focusing on nationalism as a boundary-building practice, Daniele

Conversi argued that it belongs to a broader ideological discourse that began to prevail with the onset and expansion of modernity that pushed towards the disruption of traditional boundaries and the rising of new ones. He also argues that over the last decades these trends have interacted with neoliberal globalization, processes which also corrode as well as reinforce existing boundaries (Conversi, 2015).

A clear instance of this can be seen in Bulgaria and Greece, where with the support of the EU, these two nations erected very high-tech fences, that were guarded by an army of armed police officers, which was done in order to seal the borders that they shared with Turkey. The erection of this fence has led to a situation where hundreds of thousands of refugees have been forced to seek alternative routes often times undertaking the perilous and hazardous route through the Mediterranean which has subsequently led to thousands of migrants dying at sea. Hundreds of thousands migrants fleeing war and poverty in the Middle East, Africa, and Asia have entered Hungary in 2015, nearly all passing through on their way to Germany and other destinations further west in the EU. The Hungarian border closure is a clear demonstration of EU's uncoordinated response to the surge of people reaching its borders.

Hungary soon clamped down on his border with Serbia with a similar fence and since then, migrants have been taking a detour through Croatia to reach Hungary. Hungary's fellow members of the so-called Visegrad Group—Poland, the Czech Republic, and Slovakia—sent dozens of soldiers, police, and equipment to support Hungarian forces guarding the border with Croatia. Governments in these countries have publicly pledged to ignore the EU quota system on acceptance of refugees. Slovakia was the first to close the door, and Hungary followed suit. Under the EU quotas, the Visegrad group was expected to accept 11,069 refugees. As of mid-2017, Slovakia had admitted 16, the Czech Republic had taken in 12, and Poland and Hungary had accepted zero. The European Commission has threatened penalties, including a reduced share of the EU budget, but the approach of these countries has proved popular domestically (Bremmer, 2017b).

Austria, a strong critic of fences built to cope with Europe's migrant influx decided to join other nations that have either already erected border barriers or were planning to do so. The government insisted that the move was aimed at bringing order to the unrelenting influx of people entering the country and that there were no plans to build a fence around Austria. By the end of 2015, Slovenia, the main entry point into Austria, was ready to also build a fence on at least part of its frontier with Croatia. Such a move by Slovenia, a crucial country along the so-called Western Balkans trail, could put migrants in peril, backing them up at borders along the route. In the meantime, Hungary has been championing the success of its razor-wire border fences with Serbia and Croatia while making plan for building another one with Romania. Greece already erected a barbed wire fence in 2012 on a section of its border with Turkey, while some Baltic states plan to erect fences on border segments with Russia. But all of these existing or planned fences are either on outer EU borders or between two EU countries where one is not yet part of the Schengen Agreement meant to ensure the free movement of persons. However, the Austria-Slovenia border is part of the agreement and any barriers erected on it would be closely watched for possible violations (Jahn, 2015).

In 2017, as the dream of a united Europe turns 60, Charlotte McDonald-Gibson explored what was the European dream of the past that today's voters seem to have lost sight of. In Rome on March 25, 1957, the leaders of Belgium, the Netherlands, France, West Germany, Italy and Luxembourg created the European Economic Community, a trading zone that would foster economic interdependence to prevent a return to the militaristic nationalism that had led to two world wars (McDonald-Gibson, 2017).

The treaty of Rome promised to "lay the foundations of an even closer union," and the Maastricht Treaty, signed on Feb. 7, 1992, built upon them, setting out an almost utopian vision of a diverse geographical area united by a single currency, a common foreign policy and one citizenry, with people able to work freely across the bloc (McDonald-Gibson, 2017).

Improving the Conditions Existing in the Migrants and Refugees Camps

While Refugee Camps are only temporary solutions for long-term problems, they should be a first safe location refugees reach after long and dangerous journeys. Unfortunately, the capacities of many of these camps are overwrought and what were supposed to be a safe shelters turned into environments that cannot provide safety and basic necessities such as food and medication to a sufficient extend.

The evident fact that refugees are being confined under inhumane conditions is also not new knowledge. For example, in Greece, there are disastrous conditions which prevail and refugees have to cope with. Such instances are largely unreported by the media, however, but it does not change the fact that these are the realities of refugees in EU countries.

Presently, the registration centers, which are concentration camps that are located close to the border, also called hot spots, are locations where refugees are detained until they can be deported. It is unequivocally clear that the responsibility of the member states of the EU and the US towards solving the refugee problem cannot be limited to the present policies that these states have. They should also be held accountable for the devastations that have aided the proliferation of conditions that has forced millions of people to flee their native lands.

The EU has allocated significant amounts of money to West African countries in order to support efforts to create incentives for people to stay and to fight famine, but also to fund better border protection specifically in countries bordering with Libya such as Chad and Niger to prevent people from traveling towards Europe (Borchers, 2016; Tagesschau, 2017). From an ethical perspective, this measure is disputable. Considering Kant's logic of duty ethics as road sign, it is questionable whether the end for this measure in this case is to keep the refugees out of the EU and to prevent more from coming or if the end is to improve the lives of those in need simply because it is the right thing to do.

A questionable point regarding refugee camps outside of Europe such as in Libya or Tunisia is whether it is even possible to create framework conditions that would satisfy humanitarian standards due to the initial situation in these countries. Libya

has been controlled by different armed groups for the last six years ever since power holder Muammar al-Gaddafi has been brought down. The relief organization Oxfam reports about the conditions refugees experienced in Libyan camps. Accordingly, 31 out of 32 women questioned stated to have experienced sexual assault in Libya. 74% of the 158 refugees who were interviewed declared to have observed torture or murder of other refugees, while 84% have become victims of physical violence themselves. Furthermore, 80% report to regularly have been denied nourishment and water. Oxfam subsequently requested the EU member states to take action in order to facilitate the continuing journey of refugees in a safe manner. One suggestion was the establishment of "safe corridors" meaning legal routes for refugees to get to Europe as an alternative to utilize dangerous services of smugglers. One measure undertaken by the EU is the restriction of export of inflatable dinghies from the EU to Libya in order to prevent refugees from taking on the dangerous journey through the Mediterranean Sea on boats that are not made for this kind of crossing.

French President Macron announced that he is willing to establish hotspots in Libya in order to improve the conditions of refugees in the area to register them already while they are in Libya, waiting to travel to Europe. Yet, the safety situation is not sufficient in order for Macron to be able to send French officials to the country.

Another concern is the long-term settlement of refugees in European cities. Cities need to cope with the task to have to accommodate and successfully integrate the new arrivals. This responsibility lies on cities and communities rather than on the national governments. The responsibilities facing these cities and municipalities are enormous: how to house, educate, train, and integrate individuals from different cultures, with different education levels, who are often in need of emergency health care and special services. One concern is that refugees tend to settle in cities rather than in rural areas which leads to the disproportionate allocation of refugees within countries of destination. Cities generally offer better job opportunities and social connections with people of similar heritage which makes them a more attractive place for refugees to settle. It is thus necessary for national governments to allocate funding towards cities where affordable housing is short and the population density high. Cases such as the cities of Hamburg and Berlin show that "the use of technology to engage community participation, and the rapid building of non-traditional housing" (Katz et al., 2016, p. 3) activates the civil society and prevents social exclusion. Thus, cities need to work against the development of separate societies that are cut off from the social infrastructure and the rest of society (Katz et al., 2016).

Looking at the MENA Area's Role as Hosts and Transit Countries

Even though the spotlight has mostly been put on the countries of the EU when it comes to the refugee crisis, there are other regions that need to be considered. These are on the one hand countries of the Middle East and North Africa (MENA) and on the other hand the Persian Gulf countries. While the EU is handling roughly 1

million asylum applications, this is the number of refugees Lebanon, a country of 4.5 million, is handling alone (UNHCR, 2017). To put this in perspective, the number of people living in the EU equals 500 million. In total, the MENA region is dealing with 4.8 million Syrian refugees (excluding Iraqi, Palestinian and refugees from other countries), yet “they are treated more as passive refugee-hosting vessels than as actors with their own interests.” (Arar et al., 2016). Countries of the MENA region have not been included to equal or sufficient extend into the conversation on the refugee question. The topic is widely seen as a European challenge and countries such as Turkey, Jordan and Egypt have not been taken seriously enough or received enough attention within the resolution process. The approach undertaken so far suggests that EU countries have been “pledging money and making impracticable promises in the hope the problem will disappear without adequately considering the challenges the states and the refugees they host will face” (Arar et al., 2016).

Turkey alone has taken in about three million refugees which makes it the country that is hosting the most refugees. The country has been struggling with political unrest over the past years and was already suffering from “cleavages along ethnic, sectarian and other identity lines” even before the influx of refugees (Arar et al., 2016). Turkey at first and for quite some time received refugees independently from other countries meaning that Turkey did not accept any foreign assistance. That behavior was partly based on the intention to prove that the country was able to deal with the crisis without help from the West. Yet, once it became clear that the situation was more permanent than expected, Turkey’s governing Justice and Development Party (AKP) started cooperating with the international community (Arar et al., 2016).

One of the outcomes of this cooperation is a deal between Turkey and the EU which includes the exchange of refugees entering EU territory without proper documentation for an equal number of documented refugees located in Turkey (Tamkin, 2017). The deal is highly controversial, legally dubious and widely understood as “opportunistic transactionalism” (Tamkin, 2017). One of the consequences Turkey is dealing with is a great deal of refugees seeking employment in the informal and formal sectors of cities such as Istanbul and Ankara. Only around 10% of the refugees are living in tent cities provided by the Turkish government, resulting in frustration on the side of parts of the Turkish population arguing that rents are rising and wages declining. It is obvious that Turkey is in need of support regarding the implementation of “well-supervised programs providing education, job training, and clean and safe housing” (Arar et al., 2016). Yet, judging by the way the Turkish case has been dealt with so far, it seems that the country has been used as a storage siding rather than an equal to the EU countries.

Jordan is one of the most important transit countries for asylum seekers predominantly from Syria. While the country is also a host country to 1.3 million Syrians, approximately another 1.2 million have traveled through Jordan on their way to countries of Northern Africa in order to then head towards Europe. These numbers were reported by the Jordanian government, while others such as the UNHCR reported significantly lower numbers of 638,000 refugees residing in Jordan. The difference in numbers matters since the amount of international aid depends on it.

Reports show similar reactions to the Turkish populations by Jordanians regarding impacts on their daily lives. Accordingly, criticism includes the decline in standard of living, rising costs, as well as overburdened schools and hospitals (Arar et al., 2016). King Abdullah II of Jordan called for international investments in Jordan's infrastructure pointing out that that would lead to a win-win situation where the life of Jordanians and refugees living in Jordan gets improved and at the same time the flow of refugees heading towards Europe would be diminished, which, as he writes, seems to be one of Europe's incentives (King Abdullah, 2016).

Probably one of the most overlooked of all the countries hosting Syrian refugees is Egypt. Yet, the country hosts approximately 140,000 Syrian refugees alone, while, as Egyptian officials claim, there are another 100,000 unregistered Syrian refugees living in the country. The Egyptian government is surely not famous for funding welfare programs, however, the fact that Egypt is hosting refugees lead organizations such as UNHCR to support their hosting efforts financially and through the delivery of services (Arar et al., 2016).

This "shift of responsibility" is observable in many countries of the Middle East, Africa and Asia, where UN agencies and others have taken on tasks such as the registration of refugees and the management of refugee camps and welfare programs. The agencies thus function as some form of second government that takes over responsibilities that fall within the range of duties of the actual "primary" government. Yet, in many cases, UN agencies are more likely to deliver faster service of higher quality to refugees than state-based governments. Cooperation on the issue and the division of responsibilities is thus not a problem in itself, but "responsibility shift, when used, must be limited and defined in scope so that the lines of accountability are clear, and the expectations realistic." (Kagan, 2012, p. 310).

Pressuring the Persian Gulf Countries to Play a Larger Role in Solving the Issue

Unfortunately, among the most conspicuous negligent are the Persian Gulf countries, such as Saudi Arabia, Kuwait and the United Arab Emirates. They all have failed to accept Syrian refugees, even though they are immediate neighbors and ethnic kin. Especially the six wealthiest countries of the region, Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates, were criticized heavily. One way for them to play a useful role, if they cannot take refugees themselves, is to contribute more—which they can easily afford—to various UN programs to aid the victims. Chief among these is the World Food Program (WFP), which helps feed refugees in camps in Lebanon and elsewhere in the region. Ensuring that children can go to school while they are stranded in the camps is another urgent need these countries can fulfill—and they should (The Miami Herald, 2015).

One of the major issues regarding the registration and therewith counting of refugees in the Persian Gulf area is that none of these countries is signatory to the UN Refugee Convention (UNHCR, 2011). This on the other hand means that the reloca-

tion of refugees in these countries is not handled by the UNHCR and statistical oversight and control is thus limited. This condition leads to confusion and uncertainty how many refugees are indeed hosted by the Persian Gulf Countries. The Western media has critically appraised statistical specifications by the Persian Gulf countries regarding refugee numbers.

At the UN Summit on Refugees in 2016, Ahmed Al Attar, assistant director of defense and security at Abu Dhabi-based think tank the Delma Institute, stated that even though the United Arab Emirates are legally not obliged to take refugees in, “the UAE has allowed 123,000 Syrians to relocate to the UAE since 2011. Contrasted with the fact that there are only circa one million Emiratis in the UAE, this number is one of the highest in the world” (Malek, 2016). Al Attar further said that the United Arab Emirates was already dealing with demographic concerns before the beginnings of the Syrian refugee crisis. The Emirati diaspora is vast; the ratio is eight expatriates to one. As a consequence, the United Arab Emirates declared to accept only eight to ten refugees per day, selecting by level of education (Malek, 2016). The approach is ethically controversial considering that humans don’t suffer from war to different extents based on their level of education. Selection based on level of professionalism is a discriminatory act against the less fortunate. On the other hand, however, receiving countries need to ensure that their policies in terms of the refugee crisis respect domestic circumstances and in one way or the other benefit the receiving country. One of the great advantages the Persian Gulf Countries have over others such as the countries of the EU in terms of integration is that they do not only have ethnic kin, but also speak the same language. The language barrier is one of the most hindering aspects when it comes to integration. Moreover, the demographic location of the Persian Gulf Countries is of advantage, since many Syrian refugees plan to return to their home country given that the security situation is stable. The issue presents an ethical dilemma in decision-making, considering that “ethical issues are ever present in uncertain conditions where multiple stakeholders, interests, and values are in conflict and laws are unclear” (Trevino, 1986, p. 601).

While the following is an argument that does not only apply to countries of the Persian Gulf region, but also to the West, it is arguable if or to what extent the involvement in the war in Syria obliges a country to accept refugees. Examples such as Saudi Arabia, Qatar, the United Arab Emirates and Kuwait have invested heavily in the conflict through the provision of funds and arms to rebel groups and Islamist factions who are fighting against the Assad regime (Tharoor, 2015).

Another argument for why some of the Persian Gulf Countries are hesitant to take in more refugees is the kind of light it could shed on them and what that could mean in terms of the countries own security. Accordingly, the Persian Gulf Countries are the most stable countries within the wider area and taking in refugees fleeing ISIS could potentially threaten that stability (Fantz, et al., 2015). Generally, the public discourse to pressure the Persian Gulf Countries to take in more refugees is comparatively small (Stephens, 2015). While they might not be doing as much as they could, it can’t be ignored that the Gulf Countries have significantly contributed to humanitarian aid in financial terms. Kuwait contributed more than US\$ 304 million to the UN Syria response; only two other countries have donated more than that (Hubbard, 2015).

Promoting Economic and Political Stability in Migrants' Countries

Action needs to be taken to promote stability in countries from where people migrate. Some people have asserted that one of the major root causes of the migrant crisis exists as a result of the overbearing interference of the US and indeed some other nations of Europe in the internal affairs of some of these troubled, crisis ridden countries. In as much as these claims cannot be empirically substantiated when placed alongside the need for major players in the UN to help maintain world peace, such brazen allegation should however not be taken casually. There is the need for major players in international crisis management to draw the line between internal disputes in these troubled countries and disputes that require the attention of the international community according to the UN's laid down standards and guidelines.

According to Cini and Borragan (2013) millions of people in such countries are also facing food insecurity. The combination of war and famine has been responsible for creating larger migration than each could produce alone. An example of that is Somalia where the combination of war and famine created an environment that was conducive to conflicts over the best farm land.

Developmental plans that emphasize the building of strong rural economies to prevent migration to developed cities, should also be encouraged. An attempt was made by the 1994 International Conference on Population and Development in Cairo where steps were taken to address issues of poverty, literacy, health care, and family planning as well as issues of individual security.

Additionally, it is also important that the security of individuals in such countries be also addressed alongside international regulations of non-interference in internal disputes. Without so doing, population movements across borders into European countries and the US will continue to increase. To effectively do so, it is of utmost importance that governments understand the forces that drive migration. The understanding of these forces is necessary for the problem to be solved.

Even though the EU has stopped to bilaterally cooperate with the Syrian government, it has still been committed to the support of the Syrian people through the provision of humanitarian assistance. The European Commission states on their website that through funds provided by the EU “medical emergency relief, [protection, food and nutritional assistance, water, sanitation and hygiene, shelter, health](#), and logistics services” can be provided to the people in Syria (European Commission, 2017).

In the beginning of 2017, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy introduced a new strategy for Syria. The document titled *Joint Communication to the European Parliament and the Council* entails “help build resilience and stability in the country, and support post-agreement reconstruction and the voluntary, dignified and safe return of refugees and internally displaced persons once a credible political transition is underway” (European Commission, 2017). A number of different projects such as *The European Neighborhood Instrument* are intended to alleviate the suffering of the Syrian people through the maintenance of Syrian human capital, the facilitation of people's access to basic services, and the support of local civilian institutions.

The establishment of an instrument contributing to the stability and peace in the region aims at helping the Syrian civil society and human rights defenders. More precisely the EU is aiming at ending the war in Syria through a political transition process achieved through negotiations, at supporting the political opposition, at promoting democracy and the respect of human rights, at promoting a national reconciliation, at addressing humanitarian needs especially of the most vulnerable, and at supporting the Syrian population, and its institutions in terms of their resilience (European Commission, 2017).

While these instruments are aiming at valuable goals, there are reasons for concern in terms of their implementation. Accordingly, the continuing war in Syria could either lead to the separation of the country or to the seizure of power over the entire country by the military of the regime. Both scenarios entail instability in the region and thus impair the named efforts to alleviate the suffering of the Syrian people. While curbing the push-factors is one of the most important steps regarding the management of large refugee flows, ending Syria's civil war is obviously not an easy task. Peace talks did not result in major breakthroughs so far.

Facilitating the Return of Migrants

Depending on the type of push-factor that prompted people to leave their home country is the likelihood of an immigrant to return to their country of origin. Voluntary immigration is generally more likely to result in permanent residence than involuntary immigration. People fleeing a war do not generally leave their home voluntarily and thus intend to return as soon as the circumstances allow doing so. In the Syrian case, people did not choose to leave but were forced to. Even though this could mean that as soon as the conflict in Syria will be resolved and it is safe for people to return, a significant amount of people will leave their host countries, the longer it takes for the conflict to be resolved, the more integrated people will be in their host countries.

If that was the case, Syria would most likely face a similar situation as other countries suffering from brain-drain; a situation where people seek economic opportunities outside of their home countries. People, who as a consequence of the war had to start a new life somewhere else, are less likely to return home after they have spent a large amount of time in the host country and became well integrated. Furthermore, after the conflict resolution, it will take years until Syria will be able to fully function as a state, which means that economic opportunities will be rare and people will prefer to stay in their host countries.

Another scenario under which migrants would return home is the rejection of asylum applications. Germany as an example has rejected approximately 40% of asylum applications in 2016 and over 50% of applications in the first five months of 2017. The rejection of an asylum application implicates the request to depart the country. The numbers show however that only an estimate of 15% of the rejected asylum seekers did depart Germany in 2016. The reasons for that are manifold. In some cases, requirements from the side of the home countries are complicating the return transport; in other cases, necessary documents are missing (Arnsperger, 2017).

Most asylum seekers who are leaving Germany however are doing so voluntarily. Accordingly, 72% of asylum seekers who returned to their home countries chose to do so and were not forced to leave (Arnsperger, 2017). The German government as well as other European governments support asylum seekers with and without granted asylum who wish to return to their home countries. Programs such as the Reintegration and Emigration for Asylum Seekers in Germany or the Government Assisted Repatriation Program financially support asylum seekers who intend to permanently return to their home countries. The amount of money granted depends on the country of origin as well as how plausible the applicant can outline his or her financial need and intention to permanently return. The programs support migrants through travel grants and cash disbursements to facilitate the start in the migrants' home countries. It has to be noted that asylum seekers are not legally entitled to this kind of support. In 2016, Germany allocated €10.1 million to the facilitation of the returns of migrants. The Asylum, Migration and Integration Fund (AMIF) established by the EU further supports these and similar programs with €3.1 billion (Arnsperger, 2017).

Other European countries such as Finland disburse this kind of support according to the same system as Germany. Norway for example distributes higher amounts of support money the earlier people decide to return. Accordingly, a person who decides to return to his or her home country before the asylum application was decided upon, receives significantly more support than a person who got rejected (Trimborn and Reimann, 2016).

Most of the Syrian refugees who have returned home departed from Turkey. Since 2015, approximately 260,000 Syrian refugees have returned, primarily to Aleppo, Hama, Homs and Damascus with the perspective to check on family members and properties they left behind. Yet, the area is not declared a safe zone and "the conditions for a safe return "are not yet in place" (BBC, 2017). According to numbers published by the United Nations News Centre, approximately 27% of Syrians who returned to their home country "did so to protect their assets or properties and 25% referred to the improved economic situation in their area of origin" (UN News Centre, 2017).

An additional factor that can lead to the return of migrants to their home countries is the picture portrayed of the EU and the lifestyle in its countries and the reality, since the reality of life in Europe oftentimes does not match people's expectations. Cases such as Iraq confirm these tendencies. In 2015, thousands of Iraqis are estimated to have returned from Europe, citing lack of economic opportunity due to language barriers, cold weather, and cultural differences as the reasons for going back after often harrowing journeys by sea and land that can take weeks. The IOM helped nearly 3500 Iraqis return from Europe in 2015. But it says that could be just a fraction of the total estimated number as many individuals and families return by their own means (Salahhedin, 2015).

Some of the flights were organized by the Helsinki Police Department, which has organized flights for returning migrants for more than a decade. In 2015, nearly 32,500 asylum-seekers arrived in Finland, a near tenfold increase over 2014. Some 20,500 were from Iraq. But more than 3100 Iraqis have withdrawn their asylum applications in 2015. Most paid their own way back or caught flights organized by the EU from other countries (Salahhedin, 2015).

Numerous Iraqi migrants left Europe with their dream unmet. Many of these Iraqis had left Bagdad for economic reasons, or merely out of curiosity after seeing so many reports of migrants arriving joyously on the shores of Europe. With time many realized that it was extremely difficult to get a good job. Some used the social media to warn their countrymen not to come. The IOM said it helped almost 3500 Iraqis return home in 2015—just a portion of the overall number going back, as many do so with the assistance of local governments or Iraqi embassies in European countries. Many of them, too, did not count on the difficulty of landing in a liberal European society arriving from a conservative Arab culture (Arango, 2016).

Chapter 5

How the United States Cope with the Challenge of Immigration



The US, often described as a nation of immigrants, has a history of immigration policy that reaches back several centuries. The country went through different phases of welcoming and even being in need of immigrants and their labor, to drastically restricting immigration. Currently, immigration is one of the most discussed subjects in the US, not only by policy makers, but by the media, and the population. One salient question is how to secure the borders. By borders it is usually referred to the Southern border with Mexico, the border many politicians and a large proportion of the US population is most eager to completely control. This task however has proven to be a difficult one. Another question is if borders can be controlled. Previously implemented strategies and their outcomes as well as their sometimes unforeseen consequences dominate the debate. Questionable is what effects immigration has on the US and who profits from it. Contrary to the widely spread assumption that immigration mainly entails negative consequences for the recipient county, this research finds that the US as a recipient country benefits vastly from immigration and even relies on it to some extent (Haensel and Garcia-Zamor, 2016b).

In 2016, 84,995 refugees were admitted into the US with the maximum number set at 85000—the highest since 1999. About 25% of these refugees were resettled in California, Texas and New York. Numerous polling conducted in 2016 showed just how unpopular Trump's view on mass deportation was. As of October 26, 2016, data from the Pew Research Center indicated that 54% of Americans did not believe to have a responsibility to accept refugees, compared to 41% who believed the US did have this responsibility. Those who were younger and had higher levels of education were also more likely to support refugee resettlement. Also in 2016, a study conducted by the Brookings Institution showed that a majority of Americans (56% compared to 43%) felt comfortable accepting Syrian refugees or refugees from other Middle Eastern countries if they had undergone a rigorous screening process which included security checks, interviews, biometric checks and medical checks, a process that typically takes 18–24 months (Keegan, 2017). Another 2016 survey conducted for the Chicago Council on Global Affairs found that an overall majority

of Americans (58%) said that illegal immigrants currently working in the US should be allowed to stay and pursue a path to citizenship. A fourth 2016 polling by Fox News found that 74% of all respondents said that illegal immigrants should be given a pathway to legal status. Only 18% wanted to deport as many as possible. The negative votes were from conservatives and supporters of anti-immigrant outfits such as the Federation for American Immigration Reform (Rubin, 2016).

Despite these polling results showing that the Republican Party was hugely out of step with voters, Donald Trump was elected president in November 2016, a clear indication that not all Americans favored resettlement. It could also be that Trump's anti-immigration rhetoric was not an important factor for people to vote for him. A McClatchy-Marist Poll taken soon after the elections found that even 72% of his own supporters wanted a path to citizenship for immigrants who are in the US illegally. While Trump was targeting millions of people for possible deportation, Americans were warm to the notion that immigrants should be welcome. Eighty percent of all Americans wanted Congress to give immigrants who are in the US illegally a chance at citizenship if they learn English, pay fines, and have jobs that pay taxes, according to that nationwide survey. The gap between what Republicans and Trump supporters thought on this question and the position and direction the White House was taking was startling.

However, according to other 2017 statistics, US citizens' position vis-à-vis refugees has not been more positive. Americans are divided on accepting moral responsibility to help Middle Eastern war refugees. They are split along party lines, and millennials are more willing to claim moral responsibility than the rest. But only 49% of Americans feel they have a moral responsibility to help Libyan refugees, 51% for Syrian refugees, and 54% for Iraqi refugees. According to these same statistics, the public agrees in "helping" refugees, but not about accepting them into the US. At the present time the US is hosting the least number of refugees. There are about 9.7 million refugees around the world. Asia hosts more than one third of them (3.1 million), followed by Africa (3.1 million), Europe (2.2 million) and North America (0.58 million) (Saner, 2017).

Regarding the refugees, there are two different legal issues at play. The number of refugees to be admitted each year (which starts on Oct 1st for these purposes) is set annually by the President. In approximately May of 2016, President Obama set the number at 110,000 for the fiscal year starting on Oct 1, 2016. President Trump lowered this number to 50,000 for that same year. Since the US has a population of around 324 million people, 50,000 (or even 110,000) is a relatively small number—around .00015 % of the total U.S. population. In addition to lowering the number of refugees to be admitted in the 2017 fiscal year, President Donald J. Trump issued two refugee bans via Executive Orders. When ban # 1 was issued, it met stiff rebuke in the courts, was withdrawn and reissued in a slightly revised form. Ban # 2 was halted by the lower courts but in June 2017 the U.S. Supreme Court agreed to review this. The Supreme Court has not issued an opinion on the ban but did allow parts of the ban to be implemented (pending final decision) for refugees who could not demonstrate a close family relationship, education or business ties to a person or an organization in the U.S. Refugees are the most carefully vetted of all people entering the U.S. Given that most refugees are in camps for years before entering the U.S. vetting process which then takes 2 more years, it is almost laughable to think that a terrorist would plan to stay in a refugee camp for years before entering the U.S. to do us harm. Clearly, terrorists have found faster ways to wreak havoc and the people entering as refugees are those seeking a safe, free place

to raise their families. Apart from the humanitarian aspect of immigration, there are others who focus on the financial benefits of refugee resettlement. Utica, New York has the reputation of being “the town that loves refugees.” After decades of decline, the city is rebuilding by using refugee resettlement for economic revitalization. One fourth of the residents in Utica are refugees. The refugees include Bosnian war refugees as well as ethnic Karens, a persecuted minority in Burma (now Myanmar), many of whom spent years in refugee camps in Thailand before coming to Utica (Kaplan, 2017).

According to the International Labor Organization (ILO), there are 232 million migrants around the world, representing 3.1% of the global population. ILO ratified two standards on migration: (1) Migration for Employment Convention (revised), 149 (No. 97); and (2) Migrant Workers (Supplementary Provisions) Convention (No. 143). These ILO standards on migration provide tools for both countries of origin and destination to manage migration flows and to ensure adequate protection for this vulnerable category of workers (Kaplan, 2017).

History of Immigration Policy in the US

Restrictions on immigration in the US reach back to the late nineteenth century when the congress voted on immigration laws such as the literacy requirement for immigrants and the exclusion of convicts and prostitutes with 85% in favor. Before that, due to political and economic circumstances as for instance the discovery of gold and the industrialization process, the US were eager to attract migrants to work in farms and factories. Between 1820 and 1840 approximately 2.8 million Irish people immigrated to the US (Solimano, 2010). The Irish potato famine of the 1840s and 1850s brought a new wave of European migrants. Due to poor agricultural practices compounded by cruel and inept British land management, a disease affecting a single crop caused the deaths of more than 1 million Irish and the emigration of another 1.1 million people (*The Atlantic*, 2017). In the twentieth century, the main heritage countries of migrants shifted from European countries to Latin American countries and to a lesser extend to Asian countries (White, 2015, p. 94).

World War I eventually changed international travel and migration substantially, also affecting immigration policies in the US. “[...] military and security restrictions on travel and migration during World War I ushered in a world of passports, visas and work permits governing international migration.” (Solimano, 2010, p. 6).

Throughout the twentieth century numerous national immigration restrictions were added, marking the evolution of a quite strict immigration policy (Aghion & Williamson, 1998). The terror attacks in September 2001 then changed the debate on border protection significantly. Borders should now not only be protected against illegal immigration that impacts US economy and culture, but against persons who come with the intention to do harm (Brown & Rodriguez, 2014). “Whereas previously, the purpose of a secure border was to control and limit the entry of undocumented immigrants, now it was meant to stop terrorists; the urgency to secure the border and to do so comprehensively was heightened proportionately.” (Brown & Rodriguez, 2014, p. 108).

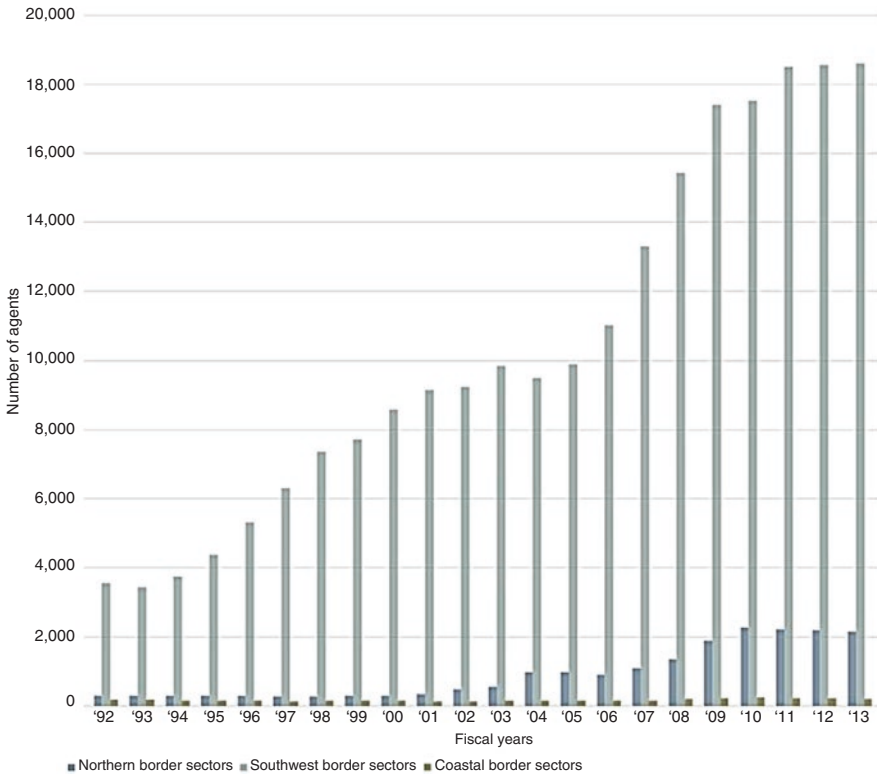
As a result, the rhetoric of immigration policy changed, connecting immigration to terrorism and border security. One example for this is the affiliation of the Immigration and Naturalization Services into the Department of Homeland Security (DHS) created in 2002, combining 22 agencies, including Customs and Border Protection, Citizenship and Immigration Services, and Immigration and Customs Enforcement (Brown & Rodriguez, 2014). The DHS as of today deploys 240,000 people, constituting the third largest US Department (Department of Homeland Security, 2016). In 2016, the Department deployed another 2000 US Customs and Border Protection (CPB) Officers which sum up to a total of 21,370 border patrol agents and 23,871 CBP officers (DHS, 2016). The provision of more staff was made possible by a budget increase of over US\$ 4.5 million over the last two years (Fig. 5.1).

Another consequence of 9/11 in terms of immigration policy was the USA Patriot Act, which “broadens the terrorism grounds for excluding aliens from entering the United States and increases monitoring for foreign students.” (Migration Policy Institute, 2013). Such increased monitoring is still going on and as recently as in July 2017 some officials at the DHS were floating a proposal that would require foreign students to re-apply for permission to stay in the US every year, a move that would create new costs and paperwork for visa holders. This issue is revived at a time when foreign student enrollment has reached a historic high in the US and is injecting billions of dollars into the economy, according to the Institute of International Education (IIE), a New York nonprofit group (Sacchetti & Barrett, 2017). According to a Pew Research Center analysis of government data, nearly 364,000 foreign students on F-1 visas were newly enrolled at an American college or university in 2016. Here, a sample of the top countries of citizenship of foreign students in the US: 108,000 from China, 66,000 from India, 21,000 from South Korea, 18,000 from Saudi Arabia and 6000 from Nigeria (Pew Research Center, 2017).

Foreign students make up 5% of the 20 million students attending colleges and universities across the US. Universities are increasingly courting such students because they add diversity and boost school coffers by paying full tuition. Foreign students added more than US\$ 35 billion to the US economy in 2015, according to IIE. But some DHS officials have raised concerns that student visas are too open-ended. An estimated 2.8% of the more than 1.4 million students and exchange visa holders overstayed their visas in 2016, more than double the national average for visitors (Pew Research Center, 2017). The terrorist attacks from 2001 showed that the way the terrorists had entered the country was not through immigration, but through tourist, business and student visas. Thus, “from a border security standpoint, it is the increasing numbers of international travelers that present a challenge to border-control officials attempting to identify dangerous or unauthorized individuals within such growing travel flows” (Koslowski, 2011, p. 5). As a consequence, in addition to the staff increase, significant parts of the budget increase were dedicated to control supporting technologies such as the US-VISIT’s Biometric Identification and Analysis Services, which collect biometric information from every traveler to the US (DHS, 2018).

Also in 2016, large parts of the DHS budget were spent on technological advancements such as the Electronic Visa Information Update System (EVIUS) and the

Number of Border Patrol Agents Rose Dramatically Most work along the southwestern border



Source: U.S. Customs and Border Protection, "Nationwide Staffing 1992-2013" (Sept. 30, 2013)
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Fig. 5.1 Number of border patrol agents rose dramatically

National Protection and Programs Directorate Replacement Biometric System. The latter reduces operating costs, improves detection capabilities and the process efficiency of Biometric Services, while EVIUS facilitates pre-travel risk determinations (DHS, 2016). However, critics argue that these technologies lack reliable functionality and that the immense costs are thus disproportionate to the benefit. This will be further discussed under the next section "Can the US border be controlled?".

A legislative document worthwhile mentioning also in conjunction with the 2016 Presidential election is the Secure Fence Act of 2006. The bill signed by former US President George W. Bush had the goal to construct a 700-mile fence along the southern US border with Mexico. Until today, the construction of the fence has not been finished. The objective of the fence is to decrease illegal entry, security threats and drug trafficking. Yet, opinions differ on whether the fence has fulfilled its purpose. Even though numbers of detected illegal border crossing decreased after parts

of the fence were constructed, the Congressional Research Service found strong indication that people who illegally crossed the border simply found other routes. Furthermore, the construction of the fence was criticized for environmental reasons and the protection of wildlife (Simon, 2009).

Today, US immigration policy is built on four core principles, which are (1) family reunification, (2) the admission of immigrants with occupational skills in demand, (3) the protection of refugees, and (4) the diversity of immigrants by country of origin (Wasem, 2004). In total, 675,000 Green Cards, which grant lawful permanent residence status to the applicant, are issued in the US. The majority of these cards go to applicants who are family sponsored, meaning that a family member is already legally living in the US; “Family reunification is the primary consideration for legal migration” (White, 2015, p. 94). The second largest group of Green Card recipients is immigrants with occupational skills in demand, followed by diversity immigrants who are coming from countries that have low immigration rates in the US (White, 2015). According to a 2014 Pew analysis of government data published in Desilver, D. (2017), immigrants made up 17% of the US’s 161-million-member workforce. It listed the top workplaces where US immigrants work as followed: Private households (45%); Textile, apparel, leather manufacturing (35%); Agriculture (33%); Accommodation (32%); and Food manufacturing (29%).

South Florida is home to nearly half a million immigrants (450,000) who are in the country illegally, making it the metropolitan area with the fifth-largest undocumented population in US according to the analysis by the Pew Research Center. About 55,000 live in the City of Miami alone. But South Florida trails other major urban centers that attract scores more of undocumented immigrants. Leading the list are New York and Los Angeles, with 1.2 million and 1 million, respectively. In third and fourth place are Houston (575,000) and Dallas (475,000). Analyzing data from the Census Bureau’s American Community Survey, Pew found that most of the country’s 11.1 million undocumented immigrants live clustered in 20 cities that, unsurprisingly, also attract large numbers of lawful immigrants. In 2014, those 20 cities were home to about 6.8 million of the undocumented—a concentration of about 61%, compared to 36% of the total US population living there (Mazzei, 2017).

The Cuban Migrants

Many of South Florida’s foreign-born residents are Cubans who until late 2016 were afforded a special immigration status that allowed them to remain legally in the country upon arrival—a privilege offered to no other foreign nationals who in the same situation would have likely had no legal status. Congress in 1966 said it simply would not send Cubans back to communism. Under the Cuban Adjustment Act, Cubans can automatically—if they are not criminals or communists—receive asylum upon reaching land in the US. The first wave of Cubans that arrived soon after Fidel Castro took over in 1959 were for the most part quite different from the previous European immigrants who had sought refuge in the US. The traditional

immigrants who arrived from Sweden, Ireland, Italy and other countries in Europe in the nineteenth century had moved primarily for economic reasons. They were poor and mostly uneducated. The first Cubans who arrived in the early 1960s were the opposite. They were mostly rich and well educated. They were forced to leave Cuba to save their lives. The majority of them landed in Miami which at the time was a sleepy southern town attracting only US retirees who had gone there primarily because of its warm climate. Thus, Miami soon became a fertile ground for the educated and wealthy Cubans who applied their entrepreneurial skills to change the city. When comparing the Miami of the 1960's with the actual vibrant cosmopolitan urban center of today many people neglect to acknowledge that the Cuban immigrants are responsible for that dramatic change.

But in April 1980, after approximately 10,000 Cubans tried to gain [asylum](#) by taking refuge on the grounds of the [Peruvian](#) embassy, the Cuban government announced that anyone who wanted to leave could do so. The ensuing mass migration was organized by [Cuban-Americans](#) with the agreement of Cuban president [Fidel Castro](#). The event became known as the Mariel boatlift. A mass emigration of [Cubans](#) traveled from [Cuba](#)'s [Mariel](#) Harbor to the US between April 15th and October 31st 1980. The term "[Marielito](#)" is still used to refer to these refugees in both Spanish and English. The boatlift was precipitated by a sharp downturn in the [Cuban economy](#). The arrival of the refugees in the US created political problems for President [Jimmy Carter](#), first when his administration struggled to develop a consistent response to the immigrants and then when it was discovered that a number of the [refugees](#) had been released from Cuban [jails](#) and [mental health facilities](#). The Mariel boatlift was ended by mutual agreement between the two governments in late October 1980, after as many as 125,000 [Cubans](#) had reached [Florida](#).

Many of the 1980's Marielitos fit the stereotype of the poor and uneducated immigrants. But over the years some of their descendants became highly successful citizens. Cuban exiles also rose to political power in the 1980's, after Miami builder Jorge Mas Canosa and a handful of allies launched the Cuban American National Foundation (CANF) to influence Washington. Modeled after the pro-Israel American-Israel Political Action Committee, CANF leaders successfully lobbied both Republicans and Democrats. CANF's influence on congressional policy makers was also based on the US electoral system that elects as President the candidate who obtains a majority of the electoral college votes, not a majority of votes by the citizens.

An understanding of the way the electoral college works is essential in order to comprehend the influence of Cubans in American politics. The US founding fathers established the Electoral College in the [Constitution](#) as a compromise between election of the President by a vote in Congress and election of the President by a popular vote of qualified citizens. The Electoral College process consists of the selection of the electors, the meeting of the electors where they vote for President and Vice President, and the counting of the electoral votes by Congress. The Electoral College consists of 538 electors. A majority of 270 electoral votes is required to elect the President. Each state's entitled allotment of electors equals the number of members in its Congressional delegation: one for each member in the House of Representatives plus two for Senators. Currently, there is a total of 538 electors, there being 435

representatives and 100 senators, plus the three electors allocated to Washington, D.C. The six states with the most electors are California (55), Texas (38), New York (29), Florida (29), Illinois (20) and Pennsylvania (20). Winning the 28 Florida electoral votes is essential for a final victory. This fact automatically gives to the Cubans in Florida an advantage that would not exist otherwise. Many communities throughout the US have significant Cuban American populations. But **Florida** has the highest concentration of Cuban Americans in the US (1.4 million in 2015), standing out in part because of its proximity to Cuba, followed by **California** (92,022), **New Jersey** (89,997), **New York** (73,439) and **Texas** (59,115).

Still, many critics were asking whether Cubans should continue to receive special treatment under America's immigration laws. They felt that the basic principle that people should not be treated differently based on national origin was being violated. But some people thought that repealing the Cuban Adjustment Act would not end the flow. It would just redirect it back over the dangerous seas or drive it underground—away from security checks and into the black market smuggling networks in Mexico.

The Cuban Adjustment Act policy was changed in 1995. The modified version stipulated that Cubans caught migrating to the US at sea will be sent back. Only those who touched down on dry land could stay and apply for permanent residency after a year. The new law became known as the wet-foot/dry-foot policy. That controversial policy ended on January 12, 2017 when President Obama, a week before the end of his presidency, abruptly pulled the plug on it. The official reasoning behind the move was to stem the flow of an increasing exodus and prompt democratic changes on the island. Although the policy reduced irregular immigration to the US, it did not totally prevent it. But it was supported by the Cuban government and even by the hardliners Cuban exiles. In Miami, the CANF declared in a statement that the solution to the Cuban problem cannot be found anywhere else but within Cuba. Fleeing is not the solution. While the Obama administration revoked the policy that allowed Cubans to be automatically paroled into the US, a Cuban national at a US port of entry can still seek US asylum through the processes generally applicable to any foreign asylum seeker. Certain aspects of a preferential policy for Cubans will remain: An annual visa lottery that hands out a minimum of 20,000 visas to come to the US remains in effect as does a family reunification program that allows residents of the US to sponsor their family members.

Can the US Borders Be Controlled?

The control of US borders has become one of the major challenges for the US government over the past decades. "Faced with enormous political pressure to stop illegal immigration and to prevent the entry of potential terrorists, the US government has devoted ever more resources to enforcing border policies." (Koslowski, 2011). However, it remains unclear how efficient these policies are, especially considering their immense costs (Koslowski, 2011). In 2017, the number of

apprehensions of migrants with criminal records trying to illegally re-enter the US after being deported has increased, according to the US Coast Guard. Many of them were trying to sneak in from the Bahamas via boat, or were attempting to enter the US territory of Puerto Rico from nearby islands.

The main entry point and thus the border that the US is most eager to control, is the US-Mexico border. Besides from Mexicans entering through the southern border, “there is also significant migration of Central Americans through Mexico en route to the United States, which has resulted in US pressure on Mexico to strengthen its southern border, and multilateral efforts among several countries in the region.” (White, 2015, p. 97). Efforts to protect the US border with Mexico include the construction of a fence, the installation of radars and ground sensors and the increased deployment of border patrol agents. As mentioned before, the effectiveness of a fence as a means to prevent illegal migrants from entering the country is highly controversial and strong indication exists that people simply find different ways to enter.

In 2012, the DHS introduced a risk-based strategic plan, the 2012–2016 Border Patrol Strategic Plan, in order to manage border protection. The plan introduces strategic border protection goals and corresponding measures to be undertaken by the department and its personnel. The two goals are (1) to secure America’s borders, and (2) to strengthen the border patrol. Measures to achieve these goals include “methods of detecting illegal entries such as using “change detection” techniques [periodic UAS overflights, sign-cutting, used to gather information and intelligence in low-threat areas], increased mobile-response capabilities, and expanded use of specially trained personnel with “force multiplying” skills and abilities” (U.S. Customs and Border Protection, 2012, p. 8).

The 2012–2016 is the third plan of this type introduced by the agency. The 2004 plan’s goal was “operational control”. Critics stated that the 2004 plan did not achieve its goal, which is why the 2012–2016 plan consists of new goals and measures. Data ascertained by the Government Accountability Office (GAO) in 2012 show that only 61% of people crossing the border illegally are noticed, and that only 44% of the border was under “operational control”, which constituted the goal of the 2004 plan. House Homeland Security Committee Chairman Michael McCaul commented on the issue that “the bottom line is that we are far from having operational control of our borders” (The Week, 2013).

All of the new technologies mentioned under “The History of US Immigration Policy” face complications in terms of implementation. The US-VISIT’s system is a system that is particularly difficult to properly implement, since it requires comprehensive data collection of entry as well as exit data. In order to collect exit data corresponding to every entry, large investments in border infrastructure that exceed the extensive budgets dedicated to security technology throughout the last years would have to be made. While one of the main criticisms of the system is the still missing collection of exit data, which would for example enable the detection of visa overstays, “technology implementation difficulties have raised questions whether there might be better ways to spend resources in the efforts to reduce illegal immigration” (Koslowski, 2011, p. 20).

In 2016, maybe more than ever, the question of immigration is one of the most controversial topics in the US, with many people being unsatisfied with the situa-

tion. The last two presidents, George W. Bush and Barack Obama, were unable to “forge an effective immigration policy with bipartisan congressional support” (White, 2015, p. 93). This has to do on the one hand with the immense influx of migrants; aside from the European refugee crisis that occurred in the context of the ongoing war in Syria, the US is the country that is challenged most by immigration, according to its leading position in immigration numbers. More than one out of five migrants in the world resides in the US (White, 2015).

On the other hand, difficulties arise with the various players involved. Solimano lists the following as involved players and their interests: “companies that need migrant labor to moderate wages and enhance profit margins; labor unions that see immigrants as competing for jobs and potentially displacing local workers (although other unions can be pro-immigration, perceiving that immigrants will take jobs that Americans do not want anymore, and that they are a new group of labor that can be organized and mobilized); conservative groups that are afraid of the cultural consequences of massive immigration for national identity and sovereignty; public opinion that tilts between pro and con; and policymakers and politicians who are concerned about the pressures of immigration on the costs of housing and public finances and its impact on voters. Still another important actor is, of course, the immigrant community itself—its economic interests, legal status, and social demands.” (Solimano, 2010, p. 8, 9).

As the Presidential election 2016 has shown, border management remains one of the topics that receives the most political attention. Yet, the varying success of the measures taken makes it questionable whether support for these programs should be continued or if a change in strategy would lead to greater success. The issue of ineffective immigration policy and the connection to discrepancies in congress is further addressed in the section “The Battle in Congress and in the Courts Over Immigration Policies” in Chap. 6.

In terms of change in strategy, the possibly negative consequences of increased border security should be considered as well. One of these is connected to seasonal work. Many illegal immigrants with Mexican heritage are not permanently residing in the US. These people usually have families in Mexico and travel to the US to work in a seasonal job such as for instance harvesting and then return home to Mexico. Increased border security could prevent illegal seasonal workers from returning to Mexico and make them decide to stay permanently, possibly with their families, in order to avoid getting caught while crossing the border. Hollifield et al. explain that “the efforts to reduce the influx of unauthorized migrants entering via Mexico have not reduced the stock of such immigrants; instead, they have produced a more stable, settled population.” (Hollifield, Martin, & Orrenius 2014, p. 10).

On the other hand, it could prevent people from returning to the US for seasonal work, which could affect the US economy, since there is a high demand for seasonal workers in agriculture, and service; usually low-wage labor. One possible solution to handle this issue would be to provide temporary work visas which would allow people to be deployed for seasonal jobs (The Week, 2013; Hollifield et al., 2014).

Furthermore, additional border security could spur the smuggling industry led by Mexican gangs and cartels. In order to get transported across the border, people

have to pay up to US\$ 30,000. Attempts to illegally cross the border solo are risky, due to the control of the cartels. According to the US Immigration and Naturalization Service, approximately 90% of illegal immigrants pay smugglers in order to cross the border (The Week, 2013).

Another consequence that is usually left out of policy discussions are the many lives the border claims. Due to increased border security, illegal immigrants find themselves in extremely hazardous situations trying to cross the border in dangerous and isolated places.

What we've seen is that the death rate has gone up even though the number of people crossing has gone down, the direct result of more agents, more fencing, and more equipment. The migrants are walking in more treacherous terrain for longer periods of time, and you should expect more deaths. [...] So they're going around the fences, the technology and where the agents are. And the farther you walk from a safe place, the more likely a broken ankle becomes a death sentence. [...] In 2009, an analysis of bodies recovered in the deadliest section of the border found that the risk of dying was 1.5 times higher in 2009 than in 2004 and 17 times greater than in 1998 (Jimenez, 2009, p. 8, 10; Brown & Rodriguez, 2014, p. 109).

Who Profit from Immigration?

Daniel E. Martínez, an Assistant Professor of sociology at George Washington University who released a report on the numeric and demographic nature of the deaths of illegal immigrants at the US/Mexico border in 2009, commented that “we’re missing the point. The answers don’t lie in border security. The answers lie in understanding the economics [that drive migration],” (Mello, 2013). One of these economics is the demand for low-wage labor in the US.

While the public predominantly reflects a negative perception of immigrants and their impact on the economy, the job market, wages, and culture, empirical evidence that this is not the case gets widely ignored (Hollifield et al., 2014). Economic impacts of refugees are a great concern to many Americans, as many worry the costs of supporting them will lead to a strain on host country resources. In a study from the Tent Foundation, 53% of respondents believed refugees would cause an economic burden. Other published studies stated that lower-skilled refugees may lead to a decrease in wages may for lower-skilled American workers, as business owners may see refugees as a source of cheaper labor; lower-skilled refugees may also be more dependent on social services. However, many refugees entering the US are rather highly skilled and are relatively young, both of which will help refugees begin working and contributing to the economy (Keegan, 2017).

Quite the contrary, capitalism calls for open borders and diminishing fences in order to facilitate the flow of services, labor and resources and thus the creation of new markets. Furthermore, the Wall Street Journal and the US Chamber of Commerce call on the federal government to realize that increasing border security will affect the economy negatively for one thing that undocumented seasonal workers will be discouraged to return home, and for another thing that they cover the labor demand predominantly in low-skilled jobs (Brown & Rodriguez, 2014). Moreover, the US

Chamber of Commerce assessed plans to remove “the 10 to 12 million undocumented individuals in the United States as impractical.” (Brown & Rodriguez, 2014, p. 110). The US Chamber of Commerce as well as the Wall Street Journal recommend either regularizing or naturalizing undocumented populations (Brown & Rodriguez, 2014). This could also be a measure to hold back the downward pressure on wages, since immigrants who fall under this division could work in regular jobs and claim their right to fair pay.

Others, like Riley, call for letting the “law of supply and demand work [...]” (Riley, 2008). According to Riley, the vast majority of immigrants coming from Mexico are people who want to work. Creating legal ways for them to be able to work will obviously reduce illegal immigration and, as Riley explains, will give the homeland security the chance to concentrate on real threats. This directly leads to another point, namely the misperception that undocumented immigrants engage more in criminal behavior than the rest of the population (Riley, 2008).

Another argument that comes up quite frequently when talking about consequences of undocumented immigration is taxes. According to that, some argue that illegal immigrants bypass the tax system and therewith hurt welfare. Yet, in fact 75% of undocumented working immigrants are deployed in the formal sector using false documents, such as fake Social Security Numbers in order to get hired. This means they actually do get a tax deduction on their paycheck plus they usually would not claim for tax returns by the end of the fiscal year due to their false documents, which in turn means that they could end up paying even more taxes than a regular employee. Moreover, irregular immigrants would usually not make use of any kind of social security, since according to the Social Security Protection Act of 2004 only regular employees are authorized to receive benefits. Summarizing, only 25% of undocumented workers (app. 1.8 million) do not pay taxes, which adds up to a loss of approximately US\$ 2.7 billion a year. This number might at first sound high; however, compared to US\$ 195 billion in taxes, which are evaded by 25 million US citizens annually due to unreported ancillary revenue, US\$ 2.7 billion is a small percentage of it. Furthermore, undocumented immigrants like anybody else, pay sales tax on property, groceries and so forth (Guskin & Wilson, 2007).

Furthermore, we should not forget that a great percentage of (illegal) immigrants work in low-wage jobs mostly in the agricultural and service sector, since these jobs usually require minimum language skills and only basic education. These immigrants live in a legal twilight zone that takes a staggering toll on them. They are victimized by everyone from exploitative landlords to families who hire them as domestic help but cheat them on wages and working conditions under threat of reporting them to authorities. Generally speaking, these are not jobs that are highly coveted among the population. However, there is great demand and someone has to work in these jobs if we want to continue to shop groceries at a competitive price, go out to dine in restaurants, bring our children to daycare, and so forth.

Another point to discuss is remittances. Accordingly, many immigrants send money home to their families. This means that they do not spend a proportion of their money within the US economy. In relation to the size of the US economy, the amounts of money we are talking about here are fairly small. Also, immigrants pay

fees to US companies like Western Union in order to send money home. Furthermore, remittances can be considered a form of foreign aid and some portions of it, especially in countries closely tied to the US, are spent on goods distributed by the US which means that the money finds its way back either way (Guskin & Wilson, 2007).

What becomes clear is that there is a discrepancy between the predominant public perception of immigrants and their impacts on different aspects, such as for instance the economy, the recommendations by the Chamber of Commerce and others from a capitalist viewpoint, and numbers recorded (e.g. fatalities, violence, etc.). This should give rise to reconsider the dialogue concerning immigration policy making, since not all aspects seem to be covered, such as the negative consequences of increased border security and false assumption that immigration, even if it is irregular, impacts the country negatively in economic terms.

Six out of ten Americans said immigration helps more than it hurts the country, according to a Wall Street Journal/NBC News survey taken in April 2017. That was up six points since the previous survey taken in September 2016 and the highest level of support for immigration measured since 2005 (Santiago, 2017).

Nearly 1500 economists representing a broad swath of political and economic views sent a letter to Congress and the White House in April 2017 expressing their agreement on the issue of immigration and highlighting the broad economic benefit that immigrants to the US bring. Signatories included six Nobel Laureates, Republicans and Democrats alike, some had favored free markets while others had championed for a larger role for the government in the economy. On the issue of immigration, they expressed their broad consensus that immigration is one of America's significant competitive advantages in the global economy. They stated that with the proper and necessary safeguards in place, immigration represents an opportunity rather than a threat to our economy and to American workers. They viewed the benefits of immigration as myriad:

- Immigration brings entrepreneurs who start new businesses that hire American workers;
- Immigration brings young workers who help offset the large-scale retirement of baby boomers;
- Immigration brings diverse skill sets that keep our workforce flexible, help companies grow, and increase the productivity of American workers;
- Immigrants are far more likely to work in innovative, job-creating fields such as science, technology, engineering, and math that create life-improving products and drive economic growth.

They admitted that immigration undoubtedly has economic costs as well, particularly for Americans in certain industries and Americans with lower levels of educational attainment. But they stated that the benefits that immigration brings to society far outweigh their costs, and smart immigration policy could better maximize the benefits of immigration while reducing the costs. They indicated that statistics to back up these opinions are provided on newamericaneconomy.org where the economic data by state, by metropolitan area, and by Congressional District can be found.

Chapter 6

Policy Initiatives in the US to Address the Problem of Refugees and Migrants



Tanya Maria Golash-Boza wrote that a confluence of powerful interests prevents the passage of laws that would ameliorate the situation of undocumented migrants and their families. The majority of immigration policies implemented in the late twentieth century and debated in Congress in the early twenty-first century have been more effective at making life difficult for immigrants than at achieving any long-term solutions that could benefit both citizens and noncitizens. None of these measures provide a real solution to the crisis of deaths at the border or to the crisis of a large marginalized population in the US (Golash-Boza, 2012). She wrote her book to change the discourse on undocumented migration—to compel people to see that immigrants are not commodities or potential terrorists, but human beings with fundamental rights. The evidence she discussed shows that it will be difficult to change this discourse, partly because of the powerful interests behind the dehumanization of migrants. She demonstrated how immigration policies violate principles enshrined in human rights doctrine and set out a vision of how immigration policy looks in a world where human rights were valued and respected (Golash-Boza, 2012).

The Great Recession of late 2007 through 2009 had profound negative impacts on the US states and 49 of them experienced revenue decreases in their 2009 budgets representing more than \$67.2 billion USD. Also during this period, many states enacted a record number of laws related to immigrants residing in their states. Three co-authors made use of data from the National Conference of State Legislatures (NCSL) to examine punitive immigration policy enactment from 2005 to 2012 and conduct a state comparative study using cross-sectional time-series analysis to examine the potential ways in which the economic recession and changing demographics in the states have impacted punitive state immigration policy making. They hypothesized that although anti-immigrant anxieties were driven in part by economic insecurity, they were also impacted by the presence of a large or growing proportion of racialized immigrants. They found that increases in state Hispanic populations and state economic stressors associated with the recession have both led to a greater number of enacted punitive state immigration policies. In addition, they found that changes in the non-Hispanic

white populations in the states were also impacting the expression of anti-immigrant attitudes in state policy during that period (Ybarra, Sanchez, & Sanchez, 2016).

Improving the Economic Conditions of Countries of Origin

Foreign aid could be an important tool to control the flow of migrants coming to the US. Although it has been used in the past, its effectiveness has always been underestimated by critics who view it as a waste of US taxpayers' money. When President Trump announced that he was planning to reduce the State Department budget for foreign aid abroad in order to increase the Defense Department budget, a chorus of critics that included more than 120 retired generals and admirals wrote a letter to Congress in February 2017 arguing that US programs are critical to preventing conflict and reducing the need to put our men and women in uniform in harm's way. Aid delivers phenomenal benefits, and for a bargain. It represents less than 1% of the federal budget, not even a penny out of every dollar. It is some of the best return on investment anywhere in government (Gates, 2017). When Trump proposed to reduce the State Department's budget by 30%, a probable target would be foreign aid programs meant to give would-be immigrants incentives to stay home. Because largely of the State Department's promotion of policing in Honduras for example, that country's horrific murder rate has dropped by a third since 2011. It's no coincidence that there also has been a drop in Hondurans entering the US to escape that violence. Disengaging from Honduras and countries like it may well mean renewed surges of illegal immigration (Padgett, 2017).

Many migrants from Central America cite violence in their homelands as the reason for seeking refuge in the US. The Obama administration had created a variety of programs, including aid to Central American governments, to try to tamp down that violence. But it acknowledged over the 2016 summer that efforts have been insufficient to address the number of people who may have legitimate refugee claims. The White House reached an agreement with Costa Rica in July 2016 to host up to 200 Central American refugee applicants while the US assessed their asylum claims. The administration also worked with Congress to secure US\$ 750 million to help El Salvador, Guatemala and Honduras fight poverty and violence as well as to reform their governments. President Obama authorized spending up to US\$ 70 million to meet the "unexpected urgent refugee needs related to the U.S. Refugee Administration Program." (Ordoñez, 2016, p. 2B).

Although many migrants arriving from Central America mention violence and security as the primary reason for leaving their countries, a 2017 report from a coalition of international aid agencies found that more people are fleeing El Salvador, Honduras, and Guatemala for the US because of hunger and a lack of food than over fears of crime and gang violence. The report was a joint effort by the WFP, the Inter-American Development Bank (IDB), the International Fund for Agricultural Development (IFAD), the Organization of American States (OAS), and the IOM. It examined "food insecurity" in the three Central American countries where frequent droughts make agriculture a challenge. The report argues that if the US wants to

stop illegal immigration across its border with Mexico, it should help Latin America grapple with its food crisis (Welsh, 2017b).

Almost half of the families interviewed in the study were food insecure, meaning they did not regularly have enough to eat. Thus, according to the report, the food-security problem needs to be solved in order to control the migration problem. If people can't get food, they will move.

Of households interviewed, 72 percent were taking emergency steps to feed their families, including selling land, livestock, or other possessions, such as tools, to buy food. While this helps people meet their immediate need, it imperils their future economic opportunities because it eliminates assets that could have been used to sustain a family economically (Welsh, 2017b).

The US realized that changing the socio-economic situation in Central America was also vital for decreasing the flow of refugees trying to reach the US from there. The drug traffic was one of three reasons for the immigrants to leave their country. The three others were poverty, violence and war. Most of these migrants and refugees were in such a deplorable situation, facing kidnapping, extortion, sexual exploitation, and other violent crimes, that they were risking their lives in journeys to reach the US border. It became clear to the US that it had to make policies not only to guarantee those fleeing the violence that they would be fairly and ethically treated when applying for asylum but to have in place policies that the root causes of their predicament would change. In July 2016, the International Crisis Group, a non-governmental organization that works to prevent deadly conflict, issued a report urging the US and Mexico "to stop treating what is now in large part a violence-driven refugee crisis as if it were still solely an economic migration problem (Schneider 2017).

One way the U.S. could help Mexico shoulder the migration burden would be to offer direct financial aid to Mexico's Commission for Refugee Assistance to evaluate asylum petitions and to provide alternatives to detention for families seeking refuge to remain together while their cases are heard. Another would be work with humanitarian agencies and community organizations to protect migrants who have been victims or witnessed violent crime, abuse or corruption so they can testify against their abusers (Schneider 2017).

The report suggested the adaptation of a series of policies such as: (a) not to deport minors until safe return can be guaranteed; (b) require Mexico to offer more humanitarian visas for more Central Americans who reach that country; and (c) require the US to extend Temporary Protected Status (TPS) to those in the US. It also stated that more needs to be done to change the conditions that affect citizens from the Northern Triangle countries of Guatemala, Honduras and El Salvador to address gang violence, corruption and pervasive inequality. According to the UNHCR the number of Central Americans seeking asylum in the US has grown nearly eightfold from 1010 to 2016. Mexico, Canada, Nicaragua, and Costa Rica also have seen an increase in Guatemalans, Hondurans, and Salvadorans seeking refugee status.

In 2016, the Obama administration worked with Congress to secure US\$ 750 million to help Honduras, El Salvador, and Guatemala fight poverty and violence (Zengerle, 2016). But it also continued to deport undocumented immigrants from these countries. A large number of Honduran nationals were sent back home. While some nations refused to accept deported individuals, Honduras accepted thousands each month. It

was one way that the government was trying to show the US that it was dedicated to working on improving local conditions. Unfortunately, the government was not able to guarantee that those deported would not face life-threatening dangers upon their return.

Temporary Protected Status (TPS)

Temporary protected status (also called “TPS”) is a form of humanitarian relief, a temporary immigration status to the US, granted to eligible nationals of designated countries. It is a temporary benefit that allows citizens from certain countries to apply to remain in the US because some exceptionally bad political or economic situation might endanger their lives if they return home. It does not provide a way to obtain legal permanent status or any other immigration status, according to the United States Citizenship and Immigration Services (USCIS), a component of the DHS. Among other requirements, the applicant must be continually present in the US from the date of the TPS designation and cannot have been convicted of a criminal offense. The Immigration and Nationality Act of 1965 had allowed more people from Asia, Africa, and South America to come to the US. Then the Immigration Act of 1990 increased the overall number of visas and Congress established a procedure by which the [Attorney General](#) may provide TPS to immigrants in the US who are temporarily unable to safely return to their home country because of ongoing [armed conflict](#), an [environmental disaster](#), or other extraordinary and temporary conditions. On March 1st, 2003, pursuant to the [Homeland Security Act of 2002](#), Public Law 107-296, authority to designate a country (or part thereof) for TPS, and to extend and terminate TPS designations, was transferred from the Attorney General to the [Secretary of Homeland Security](#). At the same time, responsibility for administering the TPS program was transferred from the former [Immigration and Naturalization Service](#) (INS) to USCIS.

During the period for which a country has been designated for TPS, TPS beneficiaries may remain in the US and may obtain [work authorization](#). However, TPS does not lead to [permanent resident status](#) (Green Card). When the Secretary terminates a TPS designation, beneficiaries revert to the same immigration status they maintained before TPS (unless that status had since expired or been terminated) or to any other status they may have acquired while registered for TPS. Accordingly, if an immigrant did not have lawful status prior to receiving TPS and did not obtain any other lawful status during the TPS designation, the immigrant reverts to unlawful status upon the termination of that TPS designation. TPS is not granted to persons that try to register after the first registration period ends. So if a person of a country that is currently under TPS did not register the first time TPS was assigned, then that person does not qualify for TPS. Deferred Enforced Departure is an immigration status similar to TPS, and is currently active for [Liberia](#). Liberians previously were able to hold TPS status (Zengerle, 2016).

An immigrant who is a national of a country (or immigrant having no nationality who last habitually resided in that country) designated for TPS is eligible to apply for TPS benefits if he or she:

- Establishes the necessary continuous physical presence and continuous residence in the US as specified by each designation;
- Is not subject to one of the criminal, security-related, or other bars to TPS; and
- Applies for TPS within the specified time period. If the Secretary of Homeland Security extends a TPS designation beyond the initial designation period, the beneficiary must timely re-register to maintain his or her TPS benefits under the TPS program.

An immigrant is not eligible for TPS if he or she:

- Has been convicted of any felony or two or more misdemeanors committed in the US;
- Is a persecutor, or otherwise subject to one of the bars to asylum; or
- Is subject to one of several criminal-related or terrorism-related grounds of inadmissibility for which a waiver is not available (Zengerle, 2016).

Late initial registration is available for those who did not apply during the initial registration period of a country's TPS designation. In addition to meeting all of the other requirements for TPS in his or her own right (residence, physical presence, etc.), a late initial registrant must establish eligibility to file late by showing that one or more of the late initial filing conditions existed during the initial registration period and also within 60 days of filing the late initial TPS application. Children and spouses of TPS-eligible individuals cannot derive continuous residence or continuous physical presence from their parents or spouses for late initial filings. TPS applicants are eligible to receive an Employment Authorization Document (EAD) card based on TPS only if they have a pending or approved the initial Form I-821 (Application for Temporary Protected Status). Category C19 appears on EADs issued while the initial Form I-821 is pending approval or denial; therefore, receiving a C19 EAD does not mean that an applicant has been granted TPS. Category A12 appears on EADs issued after the initial Form I-821 has been approved. Applicants are not eligible to file a re-registration TPS application if their initial Form I-821 has been denied or if USCIS has withdrawn its approval of TPS status. However, if TPS has been denied or withdrawn, it is possible to file another initial Form I-821. USCIS will treat the new initial Form I-821 as a late initial registration application. The full initial application fees must be paid for all multiple initial Form I-821s, and in Part one of the new initial Form I-821, Box A must be selected. If USCIS approves a subsequent initial Form I-821, the applicant's TPS status will be established or restored and she or he may thereafter file re-registration applications. Alternatively, an applicant whose TPS has been denied or withdrawn may follow the instructions provided in the Notice of Denial or

Withdrawal for appealing or filing a Form I-290B (Notice of Appeal or Motion) (Zengerle, 2016).

The following countries are presently under TPS.

- [El Salvador](#)—initiated in response to the [2001 El Salvador earthquakes](#);
- [Haiti](#)—initiated in response to the [2010 Haiti earthquake](#);
- [Honduras](#)—initiated in response to [Hurricane Mitch](#) in 1998;
- [Nicaragua](#);
- [Somalia](#);
- [South Sudan](#);
- [Sudan](#);
- [Syria](#)—as of March 29th, 2012, in response to the ongoing [Syrian Civil War](#);
- [Nepal](#)—as of June 25th, 2015, in response to the conditions resulting from the devastating magnitude 7.8 earthquake that struck Nepal on April 25th, 2015, and the subsequent aftershocks; and
- [Yemen](#)—as of September 3rd, 2015, in response to ongoing conflict in the area as a result of the Yemeni Civil War.

The following three countries are presently requesting TPS.

- [Guatemala](#)—as of early June 2010;
- [Pakistan](#)—as of early January 2011; and
- [Philippines](#)—as of early December 2013.

The following countries were previously under TPS:

- [Kuwait](#): March 1991—March 1992;
- [Rwanda](#): June 1995—December 1997;
- [Lebanon](#): March 1991—March 1993;
- [Kosovo](#) Province of Serbia: June 1998—December 2000;
- [Bosnia-Herzegovina](#): August 1992—February 2001;
- [Angola](#): March 29, 2000—March 29, 2003;
- [Guinea, Liberia, Sierra Leone](#): November 21, 2014—April 25, 2017;
- [Sierra Leone](#): November 4, 1997—May 3, 2004; and
- [Burundi](#): November 4, 1997—May 2, 2009 (Zengerle, 2016).

In July 2017 DHS secretary John Kelly told members of the Congressional Hispanic Caucus would not commit to extend TPS for nationals from Honduras, Nicaragua and four other countries, and indicated that TPS for Haitians will likely end. The US granted TPS to Haitian nationals living in the US following the cataclysmic earthquake in 2010 that left more than 300,000 dead, 1.5 million homeless and an equal number of injured. But while the country continues to suffer from extreme poverty, Kelly said that conditions for which TPS was granted have largely been resolved. DHS initially grants TPS for between 6 and 18 months and can renew the status indefinitely if conditions remain unsafe or the country is unable to handle the return of its nationals. The renewals are a source of some controversy in the US as some critics believe the benefits have basically become permanent since some nationals from Honduras and Nicaragua

have held the status for roughly 20 years (Ordoñez 2016). From a humanitarian point of view, the longer the status lasts the more difficult it becomes to deport nationals who have children born and raised in the US and are American citizens. How ethical is it to separate parents from children who may choose to remain in the US?

The threat of having their TPS status terminated has created an exodus of migrants and asylum-seekers crossing the US-Canadian border. But under a 2002 agreement between Canada and the US, migrants might apply for refugee status in the first country they arrive in. A migrant crossing into Canada at a regular US border point will be told to turn around and claim refugee status in the US. But the treaty known as the Safe Third Country Agreement, only applies at land ports-of-entry where border guards can visually confirm that a migrant is entering one country directly from the other. Over the years, the migrants have found out that if they can enter Canada at an illegal entry point where there are no border guards, they can request asylum from within Canada (Charles, 2017). Although they still had to go through a rigorous application process, they thought that the government of Prime Minister Justin Trudeau would be more welcoming than the Trump government. Still, the number of US undocumented migrants illegally crossing into French-speaking Quebec more than tripled in July 2017. Most of them were misguided by Facebook posts and WhatsApp messages promising safe haven in Canada. Fearful of the Trump administration's crackdown on immigrants but unwilling to return to the grinding poverty of their homeland, thousands of Haitians promptly responded. They quit their jobs, sold their possessions and left for Canada.

Deportation

Figures contained in the 2015 *Yearbook of Immigration Statistics* issued in December 2016, showed that during the first seven years of President Obama's presidency, more than 2.7 million foreign nationals were deported—the largest number in more than a century. The runner-up behind Obama was President George W. Bush, under whose watch 2,012,539 were removed. During Bill Clinton's presidency, 869,646 immigrants were kicked out, Yearbook figures show. The Yearbook is a publication of the Office of Immigration Statistics, one of the many agencies under the DHS. According to a footnote in the list labeled "removals" stretching from 1892 to 2015, Yearbook stated that "removals are the compulsory and confirmed movement of an inadmissible or deportable alien out of the United States based on an order of removal." (Chardy, 2017). The dramatic rise in deportations noted in the Yearbook from the 141,336 removals under President George H.W. Bush to the 869,647 under Clinton can perhaps be attributed to a change in immigration law in 1996 that made it easier for immigration courts to deport immigrants, especially those with criminal convictions. During his campaign, Trump threatened repeatedly to deport all 11.1 million undocumented immigrants in the country. But after his victory he tempered that threat, saying he might focus on deporting only two or three million foreign nationals with criminal records (Chardy, 2017).

By the end of 2017, statistics published by the DHS showed that there was a decrease in total deportations. It was largely because of a 17% drop in the number of immigrants arrested and removed at the border over the previous fiscal year.

Recent border crossers are the easiest to deport; those found within 100 miles of the frontier who have been in the US 14 days or fewer are not entitled to make their case before an immigration judge, a process that can take months, if not years, in the backlogged courts. DHS officials credit tighter border security and more stringent interior enforcement with dissuading migrants from making the risky trek across America's southern frontier. While border removals have dipped, deportations of immigrants arrested in the interior of the country have increased by a quarter over the past fiscal year due to Mr. Trump's expansion of who he considered eligible for removal (*The Economist*, 2017d, p. 24).

During the first 100 days of the Trump presidency, federal immigration officers had arrested 41,318 immigrants, over 75% of whom had criminal records. Another 10,845 immigrants with no criminal convictions were also arrested during that time period, compared with 4242 during the same period of the previous year. President Obama also deported high numbers of criminals and non-criminals, but unlike Trump, Obama actively lobbied since the start of his administration to pass an immigration bill that would create a path to legal residency for the 11 million illegal immigrants in the US. In contrast, Trump issued an Executive Order days after he took office allowing immigration agents to arrest anyone in the US illegally, including the parents of US citizens (Sacchetti, 2017). Under order from the Attorney General, federal prosecutors started asking district judges to issue "judicial orders of removal," which ensured that a convicted foreign national will be deported on completion of the sentence instead of being sent to an immigrant detention center to await proceedings in immigration court and then a deportation order from an immigration judge. The new legal tactic shortened the wait time for deportation, bypassed backlogs in immigration court, saved money in housing and food in immigrant detention centers, freed up space in those centers for other detained foreign nationals and sent a message to immigrant communities that immigration enforcement was real. The hope was that the new initiative would lead to an assembly line of deportations straight from the penitentiary to the countries from where the foreigners came—a sort of "express deportation" system (Chardy, 2017). Since the immigration courts are dysfunctional because of terrible backloads, the Attorney General's order was viewed as an effective one, although not very ethical.

In July 2017, the average time for a case to wend its way to the South Florida's hopelessly backlogged federal immigration courts was almost 2 years. Even if those courts stopped taking new cases, it would take about four years to work the backlog down to zero. A recent report of the federal GAO revealed that a chronic shortage of immigration judges doubled the backlog of cases across the country between 2009 and 2015. In 2017, nearly 600,000 immigration cases were awaiting decisions, the report said, and some overwhelmed courts were so far behind that they were already scheduling cases for the year 2020. In some of them, the average time for a single case was nearly three years. Immigration judges and lawyers, as well as the GAO, said many different problems have contributed to the glut of cases. But the main one, they agreed, was a lack of judges (Garvin, 2017).

The massive backlog of immigration cases has doubled in 2017 bogging down lawyers who typically ask the judges for a continuance, a routine delay in court

proceedings, when they need more time to prepare their cases. It slows the justice system down even more, but it also helps ensure that both sides can make their best cases in court. The lawyers often rely heavily on continuances because immigration law grants limited formal discovery rights. In criminal cases the prosecution is generally required to turn over evidence to the defense, but in immigration cases lawyers often have to file a Freedom of Information Act request to find out what the government has on their client. This can take several months.

The pressure to enforce immigration policies were exacerbated by the fact that an internal government watchdog had concluded that deportation officers were failing to do a good job of keeping track of immigrants facing deportation but released from jail. The Department of Homeland Security's Inspector General found that the deportation officers were routinely assigned to manage thousands of cases at a time and were so overburdened that the agency likely was not deporting all the immigrants it could. Part of the problem, it said in the report, was that deportation officers were routinely assigned duties beyond overseeing their caseloads, including checking in immigrants for routine interviews or driving immigrants from detention centers to court. The result was that these officers did not have enough time to make sure that travel and identity documents were gathered for people ordered back to their home countries. To solve such a problem, the government pledged to hire 10,000 new immigration officers. But the cost to do so would be astronomical—US\$ 4 billion a year and the money was not available in the budget. In addition, trying to ramp this up quickly was simply begging for corruption and excessive use of force if such mass hiring was initiated without officers being thoroughly vetted before they were hired.

The Trump administration also stated that undocumented immigrants who were victims of a crime or had witnessed a crime could still be deported if they reported it to the authorities. This would of course deter most victims from reporting crimes or witnesses from cooperating in investigations. In the past, such illegal aliens were given special visas, known as U-visas, if they were victims of certain crimes, including sexual assault and domestic violence. The immediate result was a drastic drop in reported crimes. Another controversial policy was the one affecting minors. Under the Obama administration, for example, Central American children who crossed the Mexican border without their parents were deemed unaccompanied minors even after they were reunited with family members in South Florida and elsewhere in the US. Since March 2017, immigration officials were instructed to verify whether such designation should continue since there had been some evidence that relatives in the US would pay smugglers to delivered these minors to the border. The new policy instructed immigration officials to prosecute the parents and other relatives if they paid migrant smugglers to bring minors across the border. Although these policies were very effective from an administrative and economic point of view, they were not morally defensible ones. In addition, massive deportations may not be a good substitute for comprehensive immigration reform. Instead of spending millions to deport undocumented immigrants, the money could be better used to help them find paths to live in the US legally.

Several scholars have written on the morality of deportation. A well-known scholar on the ethics of migration stated that “there are legal rights that people possess simply in virtue of the fact that they are within the territory of a given state.

With regard to these sorts of rights, we normally do not distinguish between citizens and noncitizens or even between resident noncitizens and nonresidents. All that matters is physical presence. Let's call the rights that everyone possesses general human rights." (Carens, 2013, pp. 92–93). However, another scholar, Christopher Heat Wellman, debating the ethics of immigration, disagrees firmly. He wrote that:

In my view, legitimate political states are morally entitled to unilaterally design and enforce their own immigration policies, even if these policies exclude potential immigrants who desperately want to enter. My argument for this conclusion is straightforward and requires only three core premises: (1) legitimate states are entitled to political self-determination, (2) freedom of association is an integral component of self-determination, and (3) freedom of association entitles one to *not* associate with others. I conclude that legitimate states may choose not to associate with foreigners, including potential immigrants, as they see fit (Wellman, 2011, p. 13).

Wellman's opponent in the debate, Phillip Cole, argued the case against the right to exclude. He wrote that ethical universalism is a principle of the moral equality of persons, a principle that all persons have equal moral value, so that moral principles apply to all equally in the absence of any morally relevant differences (Cole, 2011).

Deferred Action for Childhood Arrivals (DACA)

DACA stands for Deferred Action for Childhood Arrivals, an Executive Order that was initiated by President Barack Obama's administration. This act focuses on those children who were minors when they arrived in the US but have not received legal citizenship status for many reasons. This Executive Order was in response to the DREAM act not passing in both houses of Congress. The previous policy, the DREAM Act (Development, Relief and Education for Alien Minors), provided a pathway to a legal status for higher education students. The Dream Act allowed current, former, and future undocumented high-school graduates and GED recipients a pathway to US citizenship through college or the armed services. However, this bill was not passed by Congress.

The children applying for DACA are raised in the US from a young age, as well as received or are receiving primary education in the US. DACA students enroll in the program in order to defer removal from the country. Those who are benefiting from DACA are called dreamers because the program mimics versions of the so-called DREAM Act, which would have provided legal status for young immigrants but was never passed by Congress. The new initiative is implemented by the Secretary of Homeland Security and offers relief from removal in two-year increments. At the end of the two years, a new application must be submitted for renewal.

It is important to note that the DACA process does not grant legal status but rather delays deportation. It grants legal presence, not legal status. Once the two-year initial process is over, within a timely period, the DACA recipient must apply for renewal. Undocumented children in schools first made national news during the trial of *Plyler v. Doe* (1982). This is a Supreme Court case that denied states the right to charge undocumented students' tuition in the public school system. Texas

law restricted free elementary, junior high and high school education to US citizens thus not allowing education for undocumented students. A note made in the case is extremely relevant. Children often do not have a say as to whether they come to the US or not as they follow their parents or guardians. It was said, “the wrongs of the parents on their innocent children should not be visited in such a drastic manner.” (The Telegraph, 1981). The court reasoned that while that population was not citizens of Texas or the US, they were still “people” within the border of the US. Thus, the Fourteenth Amendment’s equal protection rights could apply to them as well and they could not charge undocumented students a tuition rate. However, the jurisdiction of this case has been limited to K-12 grades only. They also determined that a “public education has a pivotal role in maintaining the fabric of our society and in sustaining our political and cultural heritage; the deprivation of education takes an inestimable toll on the social, economic, intellectual, and psychological well-being of the individual, and poses an obstacle to individual achievement.” (NCSL, 2015).

In conjunction with the DACA application, a form is also submitted in order to receive employment authorization. When the DACA paperwork is submitted, the Employment Authorization forms are also filed, which would allow them to find work under legal parameters. DACA also allows for the recipient to receive a driver’s license as well as a social security number. One thing DACA does not allow for is leisure travel. It only allows travel for educational purposes, employment purposes or humanitarian purposes. The DACA process can be long and tedious but it is essential in order to begin a path of better enrichment, especially, in order to apply to an institution of higher education. Currently about 146,000 people applied for deferral in 2016 (Almasy, 2017). Ethically, DACA is the right policy. Education is essential and to place barriers on these children who have not had a choice in the matter of moving to the US is not utilitarianism. Education is essential for social integration. This is where many students meet friends and future peers. This is where they build their lives and foster an identity.

But in June 2017, a group of Republican state officials from ten states, led by the Texas Attorney General, called on President Trump to stop the controversial program put in place by President Obama in 2012. Concerns that the program could be eliminated are significant because of the Texas threat. The courts already struck down a similar policy proposal that would have expanded the eligible population via another program known as DAPA—Deferred Actions for Parents of Americans—that also lengthened the accompanying work permits to three years. In 2016, the US Supreme Court upheld the appellate court’s decision in a split decision (Ordoñez, 2016).

It is estimated that only 5–10% of undocumented high school graduates go on to college (American Immigration Council, 2010). The total undocumented population known is 11.2 million of *all* ages and 1.1 million undocumented children under the age of 18. California is the state with the largest number of undocumented immigrants (Educators for Fair Consideration, 2012). The population of undocumented that graduate from high school is 65,000 and of that only about 7000–13,000 are enrolled in college throughout the US (Educators for Fair Consideration, 2012).

From an ethical perspective the commutative justice theory is violated if the undocumented do not have the same rights to education as the people who reside within the

US. *Plyler v. Doe* established rights for undocumented students to education from the grades K-12 on. DACA is helping to pave the way for higher education.

At the Local Level: Sanctuary Cities

The issue of who should make refugee policies has been addressed both in the US and in Europe. But in the US, the Federal Government has traditionally prevailed, more recently a number of local entities have declared themselves Sanctuary Cities and have refused to cooperate with federal authorities in the detention of illegal migrants. In a paper presented at an international forum, Cristina A. Rodriguez-Acosta of Florida International University discussed the intergovernmental coordination of managing migration in the US complex federal system where an estimated 11 million of the 55 million people of immigrant descent are considered undocumented. The paper considers sectoral policies for migrants' management and integration, as well as local policies in that regard. It also looked at the challenges faced by local and state governments. It mentions that the US immigration is often described as a collapsed one where the federal government has failed in the implementation and enforcement of its own policies. In many instances, the federal government expects local and state governments to implement policies, such as holding undocumented immigrants during deportation procedures, without adequate funding. Cities and counties that refuse to do so are considered "sanctuary cities" (Rodriguez-Acosta, 2017).

Trump's campaign promises included slashing federal grants from cities that refuse to comply with federal efforts to detain and deport those living in the country illegally. Soon after his election, Trump signed an executive order that would prevent the sanctuary cities from receiving federal grants if they did not fully cooperate with the Immigration and Customs Enforcement (ICE). Usually, ICE's detention requests ask local jails to hold someone up to 48 h, plus holidays and weekends, to give immigration authorities more time to apprehend them. Since the requests are triggered when someone is fingerprinted, the detentions apply only to people booked in a jail on local charges unrelated to immigration. Many localities across the US adopted policies of not honoring these requests, called detainers. In San Francisco, a federal judge ruled Trump's executive order unconstitutional. The Mayor of Seattle filed a lawsuit against the Trump administration alleging that the treat to withdraw US\$ 4.1 billion in federal funds to cities and counties for refusing to perform a federal function was illegal and unconstitutional. The lawsuit claimed the Trump government's coercive conditions on funding were a break of the 10th Amendment, which limits the federal government's power to force state entities to enforce federal regulations. Several Texas cities also challenged the law, saying it unconstitutionally infringes on the rights of local governments to police their citizens.

But local municipalities, federal rulings have held, are liable for damages when they hold people beyond the release date for the crime for which they were initially picked up. This might happen if a person picked up for drunk driving is also suspected of an immigration violation and ICE asks that a person be held. It provides a

warrant for the person they want held, not just a request, that's another matter. Law enforcement, even in the places that call themselves "sanctuary" locations, usually complies. They know that it is counterproductive to demonize entire immigrant communities on the basis of immigration status since often they get the criminals with the help of other immigrants. And a community where people are afraid to call the police about crime is a community where criminals can flourish. In addition, US-born people are far more likely to be criminals than immigrants, even the ones who are not in the country legally (Sanchez, 2017b).

In July 2017, the Justice Department escalated its promised crackdown on the so-called sanctuary cities, saying it will no longer award grant money to cities unless they give federal immigration authorities access to jails and provide advance notice when someone in the country illegally is about to be released. Under the old rules, cities seeking grant money needed only to show, they were not preventing local law enforcement from federal authorities about the immigration status of detained people.

The Executive Director of the State and Local Legal Center, Lisa Soronen, in an article on legal theories for sanctuary cities reviewed several possible legal theories cities may rely on if they sue the federal government. But she specifically highlighted the Tenth Amendment that reserves powers not delegated to the federal government to the states. She wrote that:

The Supreme Court has interpreted the Tenth Amendment to contain an anti-commandeering requirement where states and local governments cannot be required "to enact or administer a federal regulatory program". For example, in *Printz v. United States* (1997), the Court struck down a federal law requiring local police departments to perform handgun background checks until the federal government could manage the task. Sanctuary cities could argue that they cannot be commandeered into enforcing federal immigration laws (Soronon, 2017).

New Policies Proposed by President Donald J. Trump

Donald Trump was elected president largely on his promises to build a wall in the US-Mexican border, deport millions of undocumented immigrants and ban Muslims from entering the country. The deportation of illegal immigrants was not really a new policy. As discussed earlier in this chapter, deportation was actively pursued by President Barack Obama and his predecessors. But building a wall in the US-Mexican border and the ban on Muslims entering the country were cornerstone of Trump's immigration policy. These outrageous promises provoked strong opposition from immigration rights activists who missed the broader picture of an angry populace that eventually helped elect Trump as president precisely on these promises. Trump remains firmly committed to building the 1933-mile wall along the US-Mexico border despite a significant drop in border apprehensions. Although a majority of the undocumented immigrants trying to cross the border are from Mexico and Latin America, numerous people from far-flung corners of the world have also tried to sneak into the US using that route. According to arrest data from the Homeland Security Department 8000 people from India, China, Romania, Bangladesh, and Nepal were caught between October 2015 and August 2016. The group of overseas migrants represented

a tiny fraction of the more than 408,000 arrested while crossing the Mexican border illegally during that period. But the arrests suggest a rising trend in the number of migrants opting for the long trek across the seas to South America, over land to Central America, and then through Mexico. (*The Miami Herald*, 2016a, p. 13A).

Mexico has dominated the discussion on illegal immigration as the country from which most immigrants went to the border. But in recent years the number of Mexicans who have been trying to sneak into the US has dropped. India and China are now among the top 10 countries of origin for people caught trying to sneak into the United States. Large numbers of immigrants from those two countries have long come to the US legally and many have overstayed visas to remain here. Now some people are making their way to Mexico to try to sneak into the US as visas are harder to come by (*The Miami Herald*, 2016a, p. 13A).

Building a Wall in the US-Mexico Border

Despite the fact that net migration from Mexico was at its lowest levels since the 1940s when Trump was a candidate for the presidency in 2016, one of his major campaign slogans was to build a wall in the US-Mexican border and to have Mexico pay for it. But after he was elected he tried to put pressure on US lawmakers to finance it. He even threatened to veto the national budget and shut down the US government if Congress did not vote for allocating funds to build it. However, he slowly realized that realistically this would not happen. He immediately proposed budget cuts from programs like medical research, infrastructure, and community grants so US taxpayers, not Mexico, can cover the down payment for the wall. In a call for contractors to bid to produce prototypes, the government made a series of specific recommendations. While its original concept was for a 30-foot wall, the request for proposals posted by Customs and Border Protection in mid-March 2017 said designs with heights of at least 18 feet may be acceptable. The designs—one for a reinforced concrete structure and a second that could use other materials—had to be able to prevent people from climbing the wall unassisted, had to include features to prevent scaling via grappling hooks and other climbing aides, and prevent tunneling within 6 feet of surface. The wall had also to be able to repel someone equipped with a sledgehammer, car jack, chisel, battery operated impact tools, battery operated cutting tools, torch or other similar hand-held tools.

A report released on April 18th, 2017 by Senate Democrats found that President Trump's plans to build the border wall could cost more than three times as much as initial estimates, adding that the administration had yet to provide Congress with evidence that a wall would be effective in stopping the flow of illegal immigration and drugs. The report said the border wall could cost nearly US\$ 70 billion to build and US\$ 150 million a year to maintain. An internal report by the DHS had previously said the wall could cost about US\$ 21.6 billion, not including maintenance. The report prepared by the Democratic staff of a Senate Homeland Security panel, also found that the construction of a wall would require taking hundreds of acres of private land at a cost of millions to taxpayers and would divert money from crucial mobile video surveillance technology (*The Miami Herald*, 2017a, p. 9A).

Soon after the report was made public, President Trump clarified that he does not see the need for the wall to stretch the roughly 2000-mile frontier with Mexico. Instead, he envisioned anywhere between 700 and 900 miles of see-through wall. To justify his new plan for a shorter wall he stated that there are a lot of natural barriers, mountains, rivers that are violent and vicious, and some areas that are so far away that there are really no people crossing. There are already about 650 miles of fencing along the border, all of which is see-through. The Mexican border in much of Texas is defined by the Rio Grande, though parts of that river are little more than a trickle of water. About 24 miles of the border in Arizona is marked by the Colorado River. Trump also hinted at the possibility of constructing a solar wall along the border. He suggested that such solar wall could generate clean electricity from the sun as a way to defray the costs of the wall. But critics retorted that with less than 2% of the US population living within 40 miles of the border, most of the electricity generated by the wall would be useless—unless costly transmission lines were also build to channel the electricity to other parts of the country (Caldwell, 2017).

Trump's moves rekindled old resentments in Mexico about US behavior—which includes invasions in the nineteenth and twentieth centuries and the seizure of significant Mexican lands. That has mostly been played down by Mexican leaders who have pursued pragmatic policies and mutual economic interests with both Republican and Democratic administrations. Every day, goods valued at US\$ 1.4 billion cross the US-Mexico border, and millions of jobs are linked to trade on both sides. Mexico is the world's second-largest customer for American-made products, and 80% of Mexican exports—automobiles, flat-screen TVs, avocados—are sold to the US (Partlow, 2017).

In addition, new data showed that the wall will not be a good deterrent to keep illegal immigrants out of the US. Most critics of Trump's planned border wall cited studies showing that about 40% of undocumented immigrants have not entered the country by sneaking across the US border with Mexico but arrived as tourists and overstayed their visas. A 2017 study by the Center for Migration Studies (CMS), titled "The 2,000 Mile Wall in Search of a Purpose", showed that the real percentage of visa over stayers is 66%, much more than previously thought (Oppenheimer, 2017). In other words, the vast majority of undocumented immigrants are entering the US through airports or border checkpoints with valid visas, which would make Trump's border wall—the centerpiece of his immigration policy—a monumental waste of money (Oppenheimer, 2017). Ironically, another argument against building an expensive wall in the US-Mexican border could be found in the way Mexico has been able to successfully protect its own southern border. In 2015, Mexico, without a wall—but with better surveillance in collaboration with the US—deported 165,000 migrants from the Northern Triangle countries of Guatemala, Honduras and El Salvador. The US deported 74,478 Central Americans the same year (Schneider, 2017).

Although Trump's rhetoric on deportation dominated his campaign, one of his main policy promises was to build a wall in the US-Mexican border. But in an article published in May 2017, Franklin Foer wrote that Trump's rush toward hardline immigration policies could yield a grim bonanza of unintended consequences. He wrote that perhaps the Mexican economy, the 15th-largest in the world, would have the capacity to absorb them. But he added that it is equally easy to imagine a sce-

nario in which they inundate the labor market. He elaborated that even that possibility does not capture the likely economic costs of deportation. The Mexican economy would be deprived of the remittances that immigrants send back to their relatives.

It's hard to speak hyperbolically about the importance of these transfers—In 2016, Mexican Americans sent \$27 billion back to their Mexican families, more than the value of the crude petroleum that Mexico exports annually. Remittances are extensively studied by economists. Ample evidence suggests that they are as effective as anti-poverty program as anything devised by governments or NGOs: Families that receive remittances are more likely to invest in their own health care and education. Relieved of the daily scramble for sustenance, they are free to participate in productive economic activity with lasting benefits (Foer, 2017, p. 45).

He also warned that mass deportation of Mexicans and a trade war with Mexico will create the type of situation that would provoke another massive wave of illegal migration. “Even if the likelihood of getting caught was far greater than before, the threat of capture wouldn’t necessarily deter migrants. History vividly shows that desperate people take risks that might otherwise appear irrational.” (Foer, 2017, p. 45).

In February 2017, two high level US government officials, The Secretary of State, Rex Tillerson, and the Homeland Security Secretary, John Kelly, traveled to Mexico to explore the possibility of having Mexico host deportees from other countries while their immigration documents are being processed in the US. Similar requests from the EU to Turkey had been successful after the EU agreed to pay Turkey US\$ 6 billion and place the country in a fast track to membership. But in the case of the US-Mexico negotiation, the US immigration officials suggested that the US could deport undocumented immigrants to the contiguous country they had entered from, which in the vast majority of cases would be Mexico. Since 2014, the number of Central Americans fleeing violence and poverty captured in the US-Mexico border had outnumbered the number of Mexicans, according to US Customs and Border Protection data. In fiscal 2016, border patrol officers apprehended 58,819 unaccompanied children and 73,888 family units along the southwest border. Most were from El Salvador, Honduras, and Guatemala. The Mexican government made clear to the visiting emissaries that it will not accept deportees from third countries under any circumstances (Sherman, 2017).

A Ban on Admitting Muslims to the US

One of the new president’s first Executive Orders was to block citizens of seven Muslim nations from entering the US. The order created chaos at major airports. Even citizens from these countries who were permanent US residents were not admitted and were stranded abroad. Trump’s order also halted refugee admissions and imposed a 90-day ban on entry for non-American citizens from Iraq, Syria, Sudan, Libya, Somalia and Yemen. Civil rights groups fought back by filing the first legal challenge to the order. On the day President Trump signed that order, some people tried to

humanize the people whose lives are lost or saved by those decisions. They recounted the fate of passengers on the *St. Louis*, a ship that fled Nazi Germany in 1939 with more than 900 Jews seeking refuge in Cuba and then Miami. The ship was turned away, returned to Europe, and more than 250 of its passengers died in German hands.

Amid a storm of protest, Trump stuck by the ban as essential to the safety of the nation, saying that in the “coming days, we will develop a system to help ensure that those admitted into our country fully embrace our values of religious and personal liberty. We want people to come into our nation, but we want people to love us and to love our values, not to hate us and to hate our values.” (Kulish, Harris, & Nixon, 2017).

Following Trump’s order, the State Department went even further than prohibiting those outside the country from entering: It revoked the visas of all nationals from those countries, without notifying them, even those who are legally studying, working, and living in the United States. Only a case-by-case exemption deemed in the national interest “on the determination made by the secretaries of state and homeland security,” would reinstate the visas, the department said. “They aren’t just seeking to prevent people from entering,” said Greg Chen, director of advocacy for the American Immigration Lawyers Association. “They are excluding people who have been here for a long time once they leave.” (Kulish, Harris, & Nixon, 2017).

President Trump’s immigration order suspended the US’ refugee program for all nations—not just seven Muslim nations—while it underwent review. The first version of the order was declared unconstitutional by the courts. A revised order affecting only six countries (Iraq was dropped from the original list) was drafted. Although Trump’s major argument for issuing the order was national security, a Politifacts review found that none from the six affected countries has been implicated in a fatal terror attack on US soil since 9/11. “In the 14 years after the 9/11 terror attacks, 784,000 refugees resettled in the US Yet during that time only three resettled refugees were convicted on terror-related charges—two of them for plotting against an overseas target and the third for hatching “plans that were barely credible,” according to the report.” (*The Miami Herald*, 2017b, p. 18A).

In the fiscal year 2015, 70,000 people from around the world arrived in the US under the refugee program and since 1975, more than 3 million refugees have taken advantage of the resettlement program because they had a well-founded fear of persecution based on religion, race, nationality, political opinion or membership in a particular social group. In 2015, the US accepted the most refugees from Burma (18,385); Iraq (12,676); Somalia (8858); the Democratic Republic of the Congo (7876); Bhutan (5775); and Iran (3109). But the numbers change from year to year depending on where the political hot spots are and where persecution escalates. In the same fiscal year, 2300 refugees from Latin America and the Caribbean were admitted with most coming from Cuba (1527) and Colombia (521) (Whitefield, 2017).

The US had banned foreigners before, but this time it was different. Several presidents, both Republicans and Democrats, have relied on the same federal law to keep certain groups of foreigners out of the US. Jimmy Carter denied entry to Iranians in April 1980 after a failed rescue mission for American hostages in Iran. Ronald Reagan barred migrants arriving at the borders from “high seas” in September 1981, targeting Haitians and Cubans. Bill Clinton in November 1999 barred those

responsible for repressing civilians in Kosovo. And George W. Bush in June 2001 banned those who planned and carried out wartime atrocities in the Western Balkans. All these presidents have used Executive Orders to impact immigration policy. In each case, the presidents relied on 8 U.S.C. 1182(f), a statute that gives them wide latitude over who can come into the country. The law says that “Whenever the president finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.” (Kumar, 2017).

Legal expert said that while Trump’s executive order may rely on the same law as his predecessors, it differed from theirs in two important ways. First, it was much broader, banning all people from multiple countries, including those whose status had already been determined. Second, the order could be deemed unconstitutional because it discriminates against people based on their religion; the order called for special consideration for followers of minority religions from the affected countries, a certain reference to Christians. Usually, presidents cite more specific immediate national threats than Trump’s order did and target those who might come to the US in the future, not those who already have legal status or are en route (Kumar, 2017).

After his election, Trump took a more pragmatic approach to the migration problem. Instead of reiterating his desire to immediately deport millions of illegal immigrants, he stated that he wanted to get rid of the known criminals among the larger group of undocumented immigrants. An editorial in *The Miami Herald* (2016b) reported that by some informed estimates, there were 820,000 people living in the country illegally who had criminal convictions; of these 300,000 had a felony conviction. Deporting only the criminals made more sense than trying to deport all the estimated 11 million unauthorized immigrants. There are at least two major obstacles to a mass deportation. The first one is the chaos of the immigration court system. Most of the deportations would have to be approved by immigration judges. But immigration courts are foundering. The national backlog consists of more than 500,000 cases, yet Congress has authorized only 300 positions for immigration judges (Kumar, 2017). A second obstacle is that the deportation force required to round up millions of immigrants does not exist. The turmoil this would cause in virtually every major city in the country would rattle the political system to its foundation. Regardless, Trump announced in early 2017 the creation of a new government office called VOICE (Victims of Immigration Crime Engagement) that will document and publicize crimes committed by undocumented immigrants who, according to most studies, commit far fewer crimes than native-born Americans.

Another attempt to make new immigration policy was the RAISE (Reforming American Immigration for Strong Employment) Act. That bill was introduced in the [US Senate](#) in 2017. It was co-sponsored by two [Republican](#) Senators and sought to reduce the levels of legal [immigration to the US](#) by 50% by halving the number of [Green Cards](#) issued over the next ten years. The bill would also impose a cap of 50,000 [refugee](#) admissions a year, would end the [visa diversity lottery](#), would close the door to people who don’t speak English upon arrival and prioritize skills over family reuni-

fication, abandoning that sacrosanct and humanitarian tenant of US immigration policy. The bill received the support of President [Donald Trump](#), who promoted a revised version of the bill in August 2017, but was opposed by Democrats, immigrant rights groups, and some Republicans. The bill has not attracted any additional co-sponsors, and Republican leaders in Congress had no plans to vote on immigration in 2017.

Separating Families to Combat Illegal Immigration

In December 2017, the Trump administration was considering a plan to separate parents from their children when families are caught entering the country illegally, according to officials who have been briefed on the plan. The forceful move is meant to discourage border crossings, but immigrant groups have denounced it as draconian and inhumane. Under current policy, families are kept intact while awaiting a decision on whether they will be deported; they are either held in special family detention centers or released with a court date. The policy under discussion would send parents to adult detention facilities, while their children would be placed in shelters designed for juveniles or with a sponsor, who could be a relative in the US, though the administration may also tighten rules on sponsors. Another proposal involves random spot checks of the sponsors' homes where the children are taken, which would most likely result in even more immigration arrests, as those homes often contain other undocumented immigrants (Dickerson & Nixon, 2017).

Previous administrations have stopped short of resorting to policies like family separation, because of concerns that it could force people into the hands of dangerous smugglers who sell themselves as a way to evade the Border Patrol, or force people with legitimate claims for asylum to remain in life-threatening situations in their home countries. The DHS would not comment on the statuses of the policies being considered, but a spokesman for the Department said that migrating illegally with children was itself cruel because the dangerous illegal journey north is no place for young children and there is a need to explore all possible measures to protect them. Rape and kidnappings for ransom are common en route to the US. A report from the IOM documented 232 cases from January through July 2017 of people who died trying to cross rugged terrain or rivers, or in unsafe conditions inside trains or buses, even before they got to the border (Dickerson & Nixon, 2017).

Still, the prospect of breaking a sacred bond between parent and child has not been an easy political and ethical decision. After an uproar from immigrant advocates and some members of Congress, the DHS clarified that families would be separated only in extreme circumstances, such as when the child was in danger because of the parent. Even some people in the DHS who support strict enforcement of immigration laws see family separation as going too far. But even without a formal change in policy, immigrant advocates say that families are already being separated on occasion. The Women's Refugee Commission (WRC) and other organizations [filed a complaint](#) in December 2017 that said it had documented more than 150 cases in 2017. WRC stated that such policy will interfere with due process, and is really just cruel. A final policy is scheduled to be made in 2018 (Dickerson & Nixon, 2017).

The Battle in Congress and in the Courts Over Immigration Policies

During the 2016 Presidential election, immigration policy was one of the most controversial topics. Donald Trump catered for turmoil with his plan to deport millions of undocumented immigrants and to construct a wall at the US-Mexican border (paid for by the Mexican government). A poll conducted by Rasmussen Reports in February 2016 revealed that 51% of all voters, and 70% of Republican voters support Trump's idea to build a wall. Another poll conducted in March of the same year revealed that while support from Republican voters to construct the wall remained high, support of overall voters declined. However, three out of four voters stated that the issue of illegal immigration is an important one in respect of their vote (Pulse Opinion Research, 2016).

This means that immigration, as said before, is still one of the most discussed political topics. While many arguments that point to immigration as a negative thing were devalitized in this chapter, it would be false to say that the dominant public opinion on immigration reflects this. Also in Congress we can see that on both ends of the political spectrum it is argued that we need to do something about our "immigration issue". The loudest voices come from the far right, with wordings such as "invasion", "mortal danger" or "state of emergency" (White, 2015, p. 97).

In 2011/2012, the Democratic majority in the Senate proposed an immigration reform that suggested the legalization of undocumented immigrants which is why the Republican controlled House of Representatives blocked the reform. Another approach in 2013 again failed to lead to a major reform of immigration law due to discrepancies between House and Senate. The Senate approved the proposed Act called Border Security, Economic Opportunity, and Immigration Modernization Act which suggested "more enforcement to deter unauthorized entry and employment, a path to legal immigrant and eventual US citizen status for most of the 11 million unauthorized foreigners in the country, and new and expanded programs to admit more foreign workers." (Hollifield et al., 2014, p. 60). However, the House of Representatives did not approve the comprehensive approach, but considered some aspects of it that dealt with increased enforcement (Hollifield et al., 2014).

Besides from the inability of the Congress to agree on a major immigration reform, the policies at work do not meet the set expectations. There is a "gap between the goals and results of national immigration policy [that] is growing wider in the major industrial democracies, thus provoking greater public hostility toward immigrants in general (regardless of legal status) and putting pressure on political parties and government officials to adopt more restrictive policies (Hollifield et al., 2014, p. 3).

In early April 2016 the Supreme Court heard oral arguments in *Texas v. United States*, a challenge by Texas, Florida and 24 other states to the Obama administration's 2014 policy to defer the deportation of immigrant parents of US-born or legal-resident children. Deferred Action for Parents of Americans (DAPA) and lawful permanent residents, never took effect, because Texas secured a preliminary injunction against it. DACA was not affected by this case, except for the administration's

proposal to extend the work permit for the so-called Dreamers to three years from two. No final decision could be taken by the High Court because at that time an existing vacancy has reduced its number to eight Justices instead of the normal nine. When the eight-member Court reviewed the case two months later, its vote was a 4-4 tie. The injunction stayed in place giving a hit to President's Obama's immigration policy. Obama's dream of a more humane immigration system suffered a blow with a ruling that ended a policy meant to keep families together. With that ruling, undocumented parents of US-born or legal resident children could be deported. The Supreme Court's original decision reflected the split in Congress and the nation over immigration. In 2017, a new Justice was appointed by President Trump. The balance of the Court was tipped in favor of the President's proposed policy.

Soon after Trump was elected he signed several Executive Orders that were promptly challenged in court on constitutional issues. The first legal showdown was triggered with the order banning entry into the US for citizens of seven Muslim nations. A small army of volunteer attorneys worked around the clock to stop these deportations and free the detained passengers. Four federal judges intervened to prevent the deportation of permanent residents and holders of valid US visas back to countries they had just left. And three days later, a federal judge in Los Angeles ordered a halt to the ban for visa holders. Members of Congress in both political parties erupted with anger and concern over Trump's Executive Order. The battle over immigration policies will not end very soon. In December 2017, a federal appeals court panel ruled that President Trump's third travel ban violates the law—though the judges put their own decision on hold until the Supreme Court can weigh in. In a 77-page decision, the three-judge panel with the US Court of Appeals for the 9th Circuit ruled that President Trump had exceeded his lawful authority in issuing the latest ban, in part because he had not made a legally sufficient finding that entry of those blocked would be detrimental to the interests of the US. President Trump's latest ban blocks various travelers from eight countries from entering the US. With the uncertainties over the future of Trump's presidency after the 2018 Congressional elections, it is quite possible that the policies that will eventually prevail might not satisfy both sides.

Though commonly neglected in policy discussions, federal Immigration Courts play the pivotal role in the noncitizen removal process. US Immigration Courts are trial-level tribunals which are part of the executive branch, rather than the judicial branch. Within the US Department of Justice, the [Executive Office for Immigration Review](#) (EOIR) administers the Immigration Court system. As part of the executive branch, Immigration Courts are more vulnerable to [shifting political pressures](#) than the federal judiciary. Currently, there are [58 Immigration Courts](#) with over 300 US Immigration Judges located in 27 states across the country. US Immigration Courts are civil, not criminal proceedings—a noteworthy distinction. Only criminal defendants are constitutionally entitled to a lawyer, so there is no right to counsel for respondents in Immigration Courts. Nationally, only 37% of respondents obtained legal representation in removal cases (McLaughlin, 2017).

The identification of an alleged noncitizen by the federal agency of ICE is just the beginning of an often-protracted legal process. The Immigration Court process begins with a [Notice to Appear](#) (NTA) from ICE, a charging document which

accuses the respondent of being in the US without proper authorization. The NTA alleges grounds for removal, and schedules a master calendar hearing before a US Immigration Judge. While removal proceedings are pending, respondents may be held in ICE custody, released on bond or put on conditional parole (McLaughlin, 2017).

The first master calendar proceeding deals with case scheduling, motions and pleadings. Next steps for the respondent include designating a country for possible removal, and stating any desire to apply for asylum. A judge may set the individual, or merits hearing, months or even years after the initial proceeding. During this hearing, the judge hears arguments, takes testimony, reviews documents and considers any application for asylum. Once completed, the immigration judges issue their findings in an oral or written decision. If the judge finds the respondent is removable, he or she will sign an order of removal for ICE enforcement. The 17-member [Bureau of Immigration Appeals](#) (BIA) is the first appellate venue, where appeals are decided by a single member or three-member panel. Finally, BIA decisions can be appealed to the US Circuit Courts of Appeal within the judicial branch (McLaughlin, 2017).

Chapter 7

Ethical Theories and Moral Principles that Apply to the Migration Problem



Three prominent ethical theories will be used to guide the actions of policy makers who have to decide on the fate of those who are seeking asylum. The analysis is being done using the current situation of the migrants who are trying to find refuge in Europe. The massive number of migrants from countries at war who are arriving in European countries poses an unprecedented burdensome problem that is creating some ethical and moral dilemmas for European policy makers.

The chapter is not about corruption although there are several known instances when dishonest policy makers involved in the management of migration programs would allocate resources and opportunities in ways that are unfair and inefficient. [Transparency International](#), a global NGO committed to combating corruption, defines corrupt practices as the offering, promising, accepting or soliciting of an inducement for an action which is illegal or a breach of trust. Yet corruption is found in every country and it is widespread in some. For this reason, corruption in general, and bribery in particular, have been topics of great interest to scholars and government officials who manage funded migration programs. In this chapter the focus is only on ethical considerations and/or ethical violations by policymakers and migrants. These can directly be related to the three ethical theories chosen for the analysis that follows in this chapter (Haensel and Garcia-Zamor, 2017b).

However, other scholars have focused their research on corruption in migration management. Pianezzi and Grossi (2017) think that this topic provides a valuable context through which one can explore the rise of networks as a specific mode of public governance and the challenges this raises in terms of accountability and control. Adopting the theoretical lens of actor-network theory (ANT) they investigated a specific Italian episode of corruption related to the awarding of governments contracts for the management of the Mineo's CARA, Europe's largest reception center for migrants. Their analysis showed that a "governance network" may turn corruption itself into a network where abuse of power can proliferate thanks to the opacity resulting from the multiplicity of actors, interactions, and fragmentation characterizing the governance system in migration management (Pianezzi & Grossi, 2017).

One of the main ethical questions concerning the conflict in Syria is who or which countries are going to take the many people fleeing the war in and offer them a secure place to live. The common phrasing “European Refugee Crisis” used countless times by media all over the globe in order to describe what is going on at the borders of the European continent already implies that the question who is going to offer refuge is unresolved. Opinions on whether the EU and its member states is obligated to take the refugees in are deeply divided. While German chancellor Angela Merkel thinks that “coping with war refugees is a European-wide obligation”, Hungarian Prime Minister Victor Orban who does not understand the resolution of the refugee crisis as one of his government’s concerns disagrees. The ongoing dispute between the leaders of the EU-countries shows that there are many ways to look at the migration problem and the question whether it is a country’s obligation to take in refugees or whether it is ethical to refuse access to them. In the end, the question is one of moral nature; which doesn’t make it easier to find an answer, yet provides “lenses” to look at it and to discuss different standpoints and their application to immigration. The three most prominent ethical theories chosen as such “lenses” are utilitarianism, duty ethics, and virtue ethics.

Utilitarianism

The Theory

Eighteenth and nineteenth century philosophers Jeremy Bentham and John Stuart Mill, account for the founding fathers of utilitarianism. While the two defined utilitarianism in slightly different ways, they agreed that what produces the greatest amount of happiness is what should be done. But what exactly is happiness and what is the relationship between happiness and morality? These questions are the main questions utilitarianism deals with.

The ‘principle of utility’ as defined by Jeremy Bentham refers to “the principle that approves or disapproves of every action according to the tendency it appears to have to increase or lessen—i.e. to promote or oppose—the happiness of the person or group whose interest is in question” (Bentham, 1823, p. 7). Thus, whether an act is considered ‘good’ or ‘bad’ depends on whether the consequence of this act increases or decreases the total amount of happiness for the persons affected by the act. Especially for the purpose of this reading’s topic, it is important to note that ‘every action’ refers to actions conducted by an individual, as well as to actions conducted by a government.

Happiness as defined by classical utilitarianism is “what makes a person’s life better in itself for him” (Bykvist, 2010, p. 17). Thus, happiness is a ‘subjective state’, meaning that every person has his/her own set of values that increase or decrease his/her well-being. Jeremy Bentham constructed a list of what he calls “simple” pleasures and pains, which for example contains friendship and malevolence and a list of “pleasures of sense”, such as taste or touch. The quantity of the different pains and pleasures produced, then again depends on circumstances as for instance strength of intellectual powers or health (Bentham, 1823).

That said, it is impossible to generally say what happiness is and therewith what we specifically ought to do, but every person has to answer that question for himself/herself and answers may vary. On doing so, it is insignificant who this person is (in terms of origin, age, race, etc.); the only thing that counts is the person's well-being or happiness. Even though every person individually defines what happiness is for him/her, happiness is not an egocentric "thing", since "the individual's happiness will be found in doing what is morally right" (Crisp, 1998, p. 5), and that is to maximize overall happiness.

According to that, the conception of happiness and utilitarianism are two separate things. Utilitarianism purely says that one ought to maximize happiness. What happiness consists of however, is a second question that, as mentioned before, has individual answers. John Stuart Mill's definition of happiness for example is that happiness is pleasure; a hedonistic view (Crisp, 1998). Jeremy Bentham, who as well was an advocate of hedonism (and of course utilitarianism) and at the same time an inspiration for John Stuart Mill, defined pleasure as the absence of pain, meaning all kinds of physical and mental sufferings. Sources for pleasure and pain can be not only of physical, but also of political, moral and religious nature (Bentham, 1823).

Accordingly, utilitarianism, like other moral theories is concerned with the question what makes an action right and what makes it wrong (Bykvist, 2010). As explained above, one of the main principles of utilitarianism is that "the right way to act is to produce the greatest amount of happiness overall" (Crisp, 1998). In order to tell if an act is going to produce the greatest amount of happiness overall, two basic questions need to be asked: the first concerns the alternative actions available at the time a decision has to be made, and the second addresses the consequences these actions evoke. Subsequently, the alternative actions and their outcomes are compared as measured by how much happiness they "produce" (Crisp, 1998).

For the measurement of the 'substance of happiness' of an action, Bentham suggests to consider seven 'circumstances', which define the value of a pleasure or pain. These are a pleasure's or pain's (1) intensity, (2) duration, (3) (un-) certainty, (4) nearness/remoteness, (5) fecundity (the chance that one sensation is followed by another of the same kind; pain by pain or happiness by happiness), (6) purity (the chance that one sensation is followed by another of the opposite kind; pain by happiness, or happiness by pain), and (7) extent (the number of people affected by an act).

In order to measure the tendency of the outcome of an act, Bentham then suggests the following: The values of each pleasure and the values of each pain produced by an act in the first instance, and the values of each pleasure and/or pain in the second and following instance (fecundity and purity) have to be summed up and compared. This process has to be repeated for each and every person that is impacted by the act. The comparison of the total value for happiness and the total value of pain produced by an act will then provide an estimate suggesting whether an act will do good or rather bad and therewith an idea what to do with the goal to achieve the greatest possible balance of pleasure over pain (Bentham, 1823).

In this context it should also be noted that utilitarianism does not deal with the world as it is, but as it should be. This means that advocates of utilitarianism do not claim that people in fact choose to do whatever produces the greatest amount of happiness, but that this is what they ought to do (Crisp, 1998). Also, one has to dif-

ferentiate between ‘act’ and ‘rule’ utilitarianism. ‘Act’ utilitarianism considers the direct consequences of a single act, while ‘rule’ utilitarianism refers to the consequences of an act upon a rule. Accordingly, “rule utilitarianism is the view that the right action is that which is in accord with that set of rules which, if generally or universally accepted, would maximize utility.” (Crisp, 1998, p. 16).

Utilitarianism and Migration

If we applied Bentham’s model to the case of the European refugee crisis, one would have to sum up all pleasure and pain caused by an act as for example the acceptance or rejection of refugees by a country. In the course of this, it could be acceptable to compromise some pain if in the end the total value for pleasure outweighs the total value for pain (the greater the difference, the better). With reference to the question whether a country ought to accept war refugees, one would have to consider the consequences of acceptance and rejection for everybody affected by that act, such as the refugees themselves, the population of the receiver as well as the population of the sender country.

To provide some examples, consequences could be (a) if rejected, refugees remained in a life-threatening environment, a warzone, which could cause pain for them, and their families, since the consequences of war are death, injuries, devastation, etc., (b) if rejected, refugees could be protected from having to live in a discriminatory environment, or (c) if accepted, refugees could live in a safe place which could result in pleasure. Other consequences include that (d) the acceptance of refugees could challenge the economy of the receiving country and therewith lower the quality of life in the country, or (d) the rejection of war refugees could prevent economic migrants from entering a country, taking jobs away from the receiving country’s population. These and all other possible consequences would have to be summed up and ranked against each other measured by their value of pleasure and pain. The ethical thing to do according to utilitarianism now depends on the result of the calculation and which of the two acts (rejection versus acceptance) increases happiness for the groups of people in question (Haensel and Garcia-Zamor, 2017c).

What becomes clear is that one of the major issues with this practice, which by the way is not meant to be “strictly pursued before every moral judgment or every legislative or judicial operation, [but which] can be always kept in view” (Bentham, 1823, p. 23), is the unpredictability of the consequences an act has; no one can tell what exactly the consequences of accepting or rejecting refugees are.

Refugees and Migrants

Another question that should be addressed again when discussing migration policy-making from a moral perspective is whether it is ethical to differentiate between refugees and people who migrate for economic reasons.

A migrant is a person who moves, usually voluntarily, to live or work either temporarily or permanently. He may or may not cross a border. A refugee in contrast is a person who did not freely choose to leave his/her country but was forced to flee due to war, violence or similar reasons. Signatories to the Geneva Convention agreed to protect refugees, allow such persons to enter their countries and to grant temporary or permanent resident status to them.

According to utilitarianism, the differentiation between refugees and people who want to immigrate for economic reasons would be neither ethical nor unethical, since the theory doesn't differentiate between people based on features such as origin, race, age, gender, etc. The theory solely focuses on the amount of well-being produced, regardless of who the person is. "Everyone is to count for one, no one for more than one" (Bykvist, 2010, p. 18).

Limitations and Issues Within the Theory

One of the issues with Bentham's model and worthwhile to mention is that it concentrates exclusively on quantity, but not on quality. Thus, the model neglects the fact that "some kinds of pleasure are more desirable and more valuable than others" (Crisp, 1998). Mill recognized this deficit and added

If one of the two [pleasures] is, by those who are competently acquainted with both, placed so far above the other that they prefer it, even though knowing it to be attended with a greater amount of discontent, and would not resign it for any quantity of the other pleasure which their nature is capable of, we are justified in ascribing to the preferred enjoyment a superiority in quality, so far outweighing quantity as to render it, in comparison, of small account (Mill, 1863, p. 12).

It should be added that it is debatable if, after adding the measurement for quality, the theory can still be called hedonistic. With reference to the European refugee crisis, one could argue that the pleasure of knowing that one's life is out of danger caused by a war would outweigh the pleasure of knowing that one's tax money is not spent on people who never contributed to the "pot" of taxes. What becomes clear is that one of the difficulties with this model is the subjectivity of pleasure and pain. It is impossible to fully understand what one's action prompts in another person and how that is different from what a second, third, etc. person would sense.

Motives and Intentions in Utilitarianism

Finally, the (ir)-relevance of motives and intentions in utilitarianism should be addressed. Jeremy Bentham defined motives as "anything that can contribute to give birth to, or even to prevent, any kind of action" (Bentham, 1823, p. 55). Mill emphasizes that the motive of an act can take on various forms. This means that for an act to be morally right the motive does not necessarily have to be 'duty' (as in duty ethics),

in other words, “the motive has nothing to do with the morality of the action, though much with the worth of the agent” (Mill, 1863). Instead, the motive in its substance is either pleasure or pain, resulting in either ‘good’ or ‘bad’ actions (Bentham, 1823).

Intentions involve the consequences an action brings about. If one is aware of the fact that the consequences of an action are ‘bad’ but still decides to execute it, the intentions are ‘bad’. This again implies that one is aware of the consequences of an act and is able to predict them. Predictability however, as mentioned before, is not necessarily given. The consequences of an act that has not been executed yet lie in the future. In order to predict these consequences one can refer to similar acts and their consequences that lie in the past. However, it remains impossible to predict the consequence of an act with an assurance of 100%, since no situation and its circumstances are identical to another and could therefore always result in a different outcome. Furthermore, unforeseeable events that can impact the consequences of an act could happen or consequences could only be visible in the far future, which would make it difficult for one to decide whether an outcome will be ‘good’ or rather ‘bad’. Thus, intentions as well as motives are not relevant to the morality of an action according to utilitarianism, but the focus lies on the consequences of an act and whether these are resulting in pleasure or pain (Crisp, 1998).

Utilitarianism and Moral Obligation

In terms of the European refugee crisis and the question of if there is such thing as a moral obligation to accept war refugees, this means that according to utilitarianism there is none. Since the only thing that matters is the total sum of happiness caused by accepting refugees compared to the happiness caused by any alternative action, the motives and intentions remain irrelevant. A person thinking as a utilitarian, cannot speak of the existence of moral obligation to do something, but only of the obligation to do whatever increases the total amount of happiness of the group whose interest is in question. This stands in total contrast to the theory of virtue ethics.

Virtue Ethics

The Theory

The youngest and at the same time oldest of the three normative ethical theories being discussed, is virtue ethics. Based on the ancient Greek approach of virtue ethics, the theory was not recognized as such next to deontology and utilitarianism for the longest time. Within the last 40 years however, virtue ethics has “acquired full status, recognized as a rival to deontological and utilitarian approaches, as interestingly and challenging different from either as they are from each other” (Hursthouse, 1999). Plato and Aristotle were the first to discuss motives and moral character in

human behavior which the theory of virtue ethics is based on. Whereas utilitarianism concentrates on the outcome and the consequences of actions and deontology on duties and rules, virtue ethics emphasize (as the name already discloses) virtues, motives and moral character. Accordingly, “the role of emotions in our moral life” (Hursthouse, 1999), meaning thoughts regarding what kind of person one should be and how one should live were taken into account for the first time.

The main thought behind virtue ethics is that “an action is right for an agent if and only if the agent would do it from a virtuous motive (or the most virtuous motive available to the agent)” (Bykvist, 2010, p. 29). It becomes clear that in contrast to duty ethics, virtue ethics focus on what we ought to be rather than what we ought to do.

Thus, there are no duties, obligations and laws that tell one what is moral to do in virtue ethics, but moral obligation is understood as an ‘empty concept’ that has no validity (at least in the most extreme version of virtue ethics). While the other two ethical theories addressed here refer to “what we legally ought to do or what would best contribute to our welfare” (Statman, 1997, p. 4), virtue ethics refer to what we ought to be, and that is a virtuous person. Yet, it is not a certain kind of behavior that needs to be good or right in order to confirm virtue, but a character trait of the actor. This means that an actor executes an act not because the act itself is good or contributes to people’s welfare, but because of his/her (virtuous) character. More moderate versions of virtue ethics however do accept the idea of obligation and rightness of action as long as it is clear that these two derive from aretaic ethics, meaning the virtues of character (Statman, 1997).

Thus, the question of what is a virtuous person or what makes a person a virtuous one, arises. Naturally, a virtuous person is one who has internalized all the virtues. Virtues in this context are “some kind of relatively fixed character trait, involving dispositions to think, feel, and act in certain ways” (Bykvist, 2010, p. 28). This means that a person with perfect moral virtues is one “with morally right desires but with no commitment to seeing to it that they remain right and (typically) with no conception of them as right” (Baron, 1985).

Consequently, an act becomes virtuous if it makes a human life flourish, meaning that through the act, the actor’s life becomes a better human life. Extreme versions of virtue ethics argue that moral virtue is closely connected to intellectual virtue, which implies that in order to be a character of moral virtue; one has to have character of intellectual virtue. This in turn means that virtuous character, intellectually as well as morally, shall remain reserved to the elite (Rorty, 1996).

The role of culture in the development of virtues has been addressed by intellectuals, such as for example British philosopher John Cottingham, who described a ‘good life’ as a “structured pattern of living...whose fundamentals have to be rooted in a civic culture, a culture in which the right pathways of emotion and action have been laid down in infancy and fostered by long habits of training and upbringing.” (Cottingham, 1994, p. 177). Cottingham adds that it is yet not impossible for a person who grew up in a culture that did not lay down the “right pathways of emotion and action” to become a virtuous person. However, this would require a “radical self-remarking will” that only a small elite would have (Cottingham, 1994). This relates to Rorty’s argument mentioned earlier, in which she explains the connection between intellectual and moral virtue.

Virtue Ethics and Moral Obligation

In reference to the European refugee crisis and the question whether there exists a moral obligation for a country to accept refugees, advocates of the most extreme version of virtue ethics would negate this question, since moral obligation is understood as an ‘empty concept’ that has no foundation because principles such as moral obligations have failed as a guide for the solution of practical dilemmas. Thus, practical dilemmas are too complex as that they could be solved through the application of a principle that in most cases cannot offer a solution to conflicting considerations which are inherent in practical dilemmas. More moderate versions of virtue ethics however would argue that there could be a moral obligation, as long as it derived from a virtuous character or mind.

Virtue Ethics and Migration

It becomes clear that the definition of ‘virtue’ is not universal but rather subjective. This opens the door to more than one possible ‘right’ act in one situation. In other words, one practical dilemma can have more than one ‘right’ way to act upon, depending on the virtues at stake. Applied to the present case of the European refugee crisis, two virtuous persons could be asked the same question, for example, whether they would vote in favor or against a refugee quota that determines how many refugees each member country of the EU has to receive. Important in this connection is that both persons are facing the same situation under the same circumstances. Virtuous person one could say that out of solidarity to the refugees he/she thinks that a refugee quota is a good idea, since it would provide people with a place to go (which they otherwise might not be offered). Virtuous person two however could say that he/she thinks out of respect for the refugees’ freedom to choose for themselves which country they want to live in that the refugee quota is not a good idea. This means that “two virtuous agents, faced with the same choice in the same circumstances, may act differently, and, nevertheless, both be right” (Hursthouse, 1993).

What has to be mentioned however is that in order for the explained example to be valid, one must accept that ‘right’ and ‘wrong’ are not necessarily contraries and that an act can possibly be right and wrong at the same time. This means that one can act in favor of one virtue and at the same time, through the same act, contrary to another. This is the usual situation that is referred to as an ethical dilemma. Virtues would be conflicting in this situation due to the fact that there is more than one ‘right’ solution (Statman, 1997). Another potential for conflict is the definition of virtues. Definitions could vary from person to person, and culture to culture and as a consequence reduce the generalizability or universality of the theory.

In terms of the European refugee crisis ‘culture’ is an especially sensitive matter. One fear is that the cultural differences between refugees and the native population in receiving countries will be insurmountable. Differences in culture and their connected virtues have been portrayed as especially strong between the occident and the orient

by critical voices. Others however praise multiculturalism and interpret the crisis as an opportunity to develop a more open minded, tolerant and diverse culture in Europe. The question for virtue ethics in this context would be what should and what should not be considered a 'virtue', who decides on that, how much leeway should be given to definitions and where the fine line between virtue and the contrary is.

In contrast to utilitarianism, and according to virtue ethics, it would be ethical to act in a certain way, even if this way was not the most beneficial in terms of overall happiness. A justification for such an act could for example be the fact that someone wishes or decides to be a certain type of person. Applied to the European refugee crisis and the question whether countries ought to accept or reject refugees, this would mean that according to virtue ethics, it could be ethically acceptable to receive refugees even if it was confirmed that the negative consequences outweigh the positive ones, just because it is a virtue to the actor to be charitable, kind and willing to be helpful (Swanton, 1997).

In terms of the earlier question if there was a moral obligation according to moderate virtue ethics for a country to accept refugees, we said that there could be one, as long as this obligation derives from a virtuous character or mind. Considering the situation of refugees fleeing a war that put their lives in danger and maybe destroyed their goods and chattels, in other words considering there is a person in need, one could argue that a virtuous person whose character traits include for example kindness, would want to help the person in need. Yet, not because someone else made it obligatory to him/her, but because he/she himself/herself recognizes that he/she is obliged to help, because it is a virtuous thing to and he/she is a virtuous person with respective character traits.

Deontology/Duty Ethics

The Theory

Eighteenth-century philosopher Immanuel Kant accounts for the founding father of duty ethics and the concept of the categorical imperative. As the name 'duty ethics' already implies, according to this theory, an action is moral if it is done from duty. In this context, something is done from duty if it is done because it is the right thing to do (Stratton-Lake, 2000). In order to understand the thought behind Kant's concept of duty, we need to have a closer look at what is understood by 'duty'.

The word 'duty' for some people might have a negative connotation; Soldiers supposedly kill out of duty (to their country, or to their fellows), and judicial officers out of duty (to the law) could make a family homeless, because the family was unable to pay the rent even though the reason for their illiquidity could be that the father fell ill with cancer. In other words, doing something 'out of duty' in common usage is not necessarily something that is understood as morally 'right', but rather morally questionable. The way the word 'duty' is used in duty ethics is different from what was described before. Thus, for Kant, 'duty' refers "solely to the respect we owe to

humanity in ourselves and others and to the various forms of moral self-constraint that we must exercise, when necessary, in order to be rationally self-governing beings” (Wood, 2008, p. 159). Accordingly, Kant differentiates between ‘juridical duties’, meaning a duty that is externally coerced, and ‘inner or self-constraint duties’.

‘Inner or self-constraint duties’ are duties that one himself/herself decides to act upon from free will and not because an external party tells him/her to do so. In other words, “‘Duty’ refers to the act of freely making yourself desire something and do it because you appreciate the objective moral reasons there are for doing it” (Wood, 2008, p. 159). What needs to be clarified now is what would account for ‘moral reasons’ as motive of duty. Put differently, what makes us desire a certain action? Kant, besides from objective reasons, also mentions feelings (the *Metaphysics of Morals*). He divides them up into four categories, which are (1) moral feelings (“feelings of approval or disapproval directed at actions”), (2) conscience (“moral feelings directed to oneself, in view of some action performed or contemplated”), (3) love of human beings (“e.g. any form of benevolent caring or concern for the welfare of another as a person who is an end in itself”) and (4) respect (“for the dignity of a person, or for the moral law as the basis of our own rational self-government”) (Wood, 2008, p. 160).

Kant furthermore defined the ‘moral principle’ or the ‘supreme principle of morality’ through what he calls ‘the concept of a categorical imperative’. The ‘moral principle’ strictly speaking consists of three ‘formulas’: (1) the formula of universal law (“Act only in accordance with that maxim through which you can at the same time will that it become a universal law”), (2) the formula of humanity as an end in itself (“So act that you use humanity, as much in your own person as in the person of every other, always at the same time as an end and never merely as a mean”), and (3) the formula of autonomy (“the idea of the will of every rational being as a will giving universal law”) (Wood, 2008, p. 66). These ‘formulas’ in turn are based on the concept of the ‘categorical imperative’. This concept presumes that every action consists of an end and the required means to the end. Thus, one sets an end (something one wants to do or achieve) and performs the required means (whatever it takes to achieve the end). This is what Kant calls a ‘hypothetical imperative’. A ‘categorical imperative’ in contrast is “not conditional on some prior end”, which means it is valid in any case, without exceptions. It furthermore demands one to act in a certain way, regardless of what one might “want” to do (Wood, 2008).

Duty Ethics and Migration

In terms of the European refugee crisis and the question whether countries should accept refugees, this would mean that according to Kant, one would have to ask himself/herself, if one could consistently and rationally want that everyone thinks it’s right to refuse access to refugees. Keeping the first, and the second ‘formulas’ of the moral

principle, which refer to ‘the will that one’s act becomes universal law’ and ‘humanity as an end in itself’ in mind, one would come to the conclusion that refusing to admit refugees and therewith refusing help to people in need would disrespect formula one and two and can thus not be a morally right act in accordance with duty ethics.

Kant further differentiates between ‘rights’ and ‘ethics’, which both entail their own “systems” of duties. “Right is a system of rational moral norms whose function is to guarantee the treatment of humanity as an end in itself by protecting the external freedom of persons according to universal laws” (Wood, 2008, p. 162). Right underlies juridical duties that are enforced or coerced by external powers such as civil or criminal courts. Yet, Kant emphasizes that (unfortunately) not all juridical duties can be coerced (e.g. in international rights). Ethical duties in contrast “must never be coercively enforced” (Wood, 2008, p. 162). ‘Ethics’ refer to what was mentioned earlier concerning ‘inner or self-constraint duties’.

Applied to the case of the European refugee crisis this would mean that a country that would act in a morally correct way, according to duty ethics, would be a country that out of duty, and for instance motivated by the concern for the welfare and well-being of the people fleeing a war (love of human beings), decides to admit refugees. A country could also act morally by taking refugees in with the motive to comply with the Geneva Convention from 1951, whose signatories agreed to protect refugees, which includes allowing them to enter their countries and granting them some form of legal status (e.g. permanent or temporary residency).

Migrants’ fundamental rights are an issue that is addressed under some EU countries legal framework. European and constitutional (including case law) framework and the relevant legal and administrative regulation in the constitutional perspective, fundamental rights shall be assured to any human being on an equal basis, citizen or not. Notwithstanding, different status between citizen and foreigners is legitimate, if reasonable, under Italian Constitution. Lately, Italian Constitution admits limitation to Rule of Law and fundamental rights in emergency situations. Centers for migrants’ detention, identification and/or expulsion show both Rule of Law inadequacy and state of exception elements (Perfetti & Rota, 2017). Daniela Piana of the University of Bologna discussed this same issue in the case of four EU countries: France, Italy, Belgium, and the Netherlands to assess to what extend local experiences of effective access to justice can be transferred or adapted to other contexts. Piana wrote that from a functional point of view migrants and asylum seekers are rights holders who, eventually, under specific—and mostly dramatic—conditions may be in the need of addressing the legal system to have their rights enforced or the violation of their rights sanctioned (Piana, 2017). Luca Galli in a paper on judicial dualism and foreigner protection in Italy and France elaborated further. He wrote that a correct and realistic analysis of the foreigner’s juridical condition must take into account not only the tools crafted in each legal system to deal with migration and the (fundamental) rights granted to him/her by the national, the supranational and the international legislators, but it also has to consider his/her possibilities of protection and access to courts, provided in the different legal systems (Galli, 2017).

Limitations and Issues Within the Theory

One of the debatable aspects of Kant's theory of duty ethics is whether two duties can be conflicting. Conflicting duties could lead to a moral dilemma, meaning that whichever decision the agent makes, the act cannot be solely 'right'. An example would be a promise that one cannot keep or, with reference to the European refugee crisis the question whether helping the refugees (duty one) and protecting the country's society (duty two) are conflicting. Kant states that two duties cannot conflict in a way that would make it impossible to do 'right'. More specifically, his argument consists in the following:

A conflict of duties (*collision officourum s. obligationum*) would be a relation between them in which one of them would cancel the other (wholly or in part).—But since duty and obligation are concepts that express objective practical necessity of certain actions and two rules opposed to each other cannot be necessary at the same time, if it is a duty to act in accordance with the opposite rule is not a duty but even contrary to duty; so a collision of duties and obligations is inconceivable (*obligations non colliduntur*). However, a subject may have, in a rule he prescribes to himself, two obligating grounds (*Verpflichtungsgründe*) one or the other of which is not sufficient to put him under duty.—When two such grounds conflict with each other, practical philosophy says not that the stronger obligation takes precedence (*fortior obligatio vincit*) but that the stronger obligating ground prevails (*fortiori obligandi ratio vincit*).” (Kant, 1996, p. 16).

The above-mentioned example would account for what Kant calls “two obligating grounds”. Thus, there would be two different obligating reasons; one would be to help people in need (the refugees) and the other would be to protect the receiving country's native society. The first point offers a reason why there is a strict duty for a country to accept refugees, while the second one provides a reason why there is a duty not to do so. According to Kant, the “stronger obligating ground prevails”, meaning the stronger reason (in our example either to protect the country's society or to help the refugees) “wins”. But how does one decide which reason is stronger? While he defines different categories of duties, such as imperfect and perfect duties for which a guideline addressing which duty is “stronger” is given, Kant does not specifically offer an answer to this question that would satisfy each and every case (Wood, 2008).

Another issue with Kant's theory is similar to the difficulties with the subjective definition of virtues in virtue ethics. Thus, the definition of absolute morals is not generalizable; different people living in different cultures could use different definitions.

It is quite complicated for EU policy makers to address the issue of the refugees with an ethical and moral approach. This chapter illustrated how complicated an ethical and moral policy would be for any individual country. The process becomes even more complex when any national policy might require a consensus between the 28 autonomous governments of the EU. The chapter also discussed how ethical policies might affect both the negative and the positive consequences of migration. It emphasized how difficult it is to adopt ethical policy initiatives that could solve or at least control the present chaos, disorder, and uncertainty created by the arrival of this massive number of refugees. Many of the policies being contemplated might create an unsustainable economic and political challenge to the European countries.

Chapter 8

The Impact of Ethical Policy Reform and Moral Solutions for Solving the Problem



Migration accounts for one of the oldest phenomena in human history. Defined as the movement of people, migration has been happening at all times; sometimes in greater, sometimes in smaller waves, sometimes for economic reasons, other times because of persecution or war. All of these situations are unique and can and have been dealt with in different manners by migrants as well as sending and receiving countries. The current refugee crisis the EU is dealing with, as well as the immigration question in the US especially in terms of immigration through the southern borders, confronts the international community with the question of morality in immigration policy once again.

Morality and ethics in immigration policy raise questions in terms of what is the right or the best thing to do. The difficulty lies in doing justice to all parties impacted by the movement, usually the immigrants themselves as well as the society in the receiving country. Competing interests and values are not uncommonly involved and pose an exceptional challenge to immigration policy making.

The Role of Ethics and Morality in Sustainable Immigration Reform

Ethical immigration policies are policies that ideally benefit both, the population in the receiving country as well as the migrants. Thus, ethical policy minimizes negative impacts related to the immigration and the development of areas where the immigrants' skills could contribute to a further economic development of the recipient country.

Unfortunately, we are and have been witnessing in the past that certain actions and policies intended to regulate or in some cases prevent or decrease migration have led people to choose illegal ways to enter a country which puts them into potentially dangerous situations where they are exposed to exploitation and can't claim their rights. In other cases, people fleeing violence and seeking asylum are

experiencing a culture of rejection by potential countries of refuge. Considering that refugees are coming from places that are torn apart by war, many of them being honest people who have been working to maintain a decent way of life but because of a disaster they are in a situation where they have to leave and protect their families and start a new life in a safer place, the need for sustainable immigration reform and cooperation between potential host countries is obvious. The fact that some of the potential host countries were or are involved in the conflicts in the refugees' home countries (e.g. the Civil Wars in Central America in the 1980s or the Iraq and Syria conflict) further strengthens this argument.

One obstacle connected to immigration policy is the unfortunately widespread negative perception of immigrants and refugees which not least has to do with the media spreading more news on isolated cases of unacceptable behavior by immigrants or refugees than on cases where integration worked and governments successfully implemented educational or housing programs for immigrants and refugees. It is unfortunate that these kinds of massive efforts despite their great success have not been widely commented on by politicians and the media (Schuck, 2008).

Immigration can have both, positive as well as negative impacts on a receiving as well as a sender country's economy, labor market, or population growth. When thinking about immigration policy, the consequences of immigration are intended to be regulated or controlled. Within the public debate of immigration policy, many prejudices exist that are not actually supported by numbers but nevertheless spur fear and reluctance in receiving countries towards immigrants. In surveys in the US and the United Kingdom, people over 65—compared with people under 30—were nearly twice as likely to say immigrants have a negative impact on society, despite the fact that they are being wheeled around by them (Stein, 2017). Yet, it would also be incorrect to say that immigration has solely positive effects for a receiving as well as a sender country. George Borjas of Harvard University argues that since he began studying immigration in the 1980s, his fellow economists have grown far less tolerant of research that emphasizes its costs. Borjas is an immigration skeptic. Donald Davis, a Columbia University economist who takes a more favorable view of immigration's economic impact, shares his view (Beinart, 2017). Although economists differ about the effect of immigration, Peter Beinart in an article published in *The Atlantic* stated that immigration hurts the Americans with whom immigrants compete. He concluded that since more than a quarter of America's recent immigrants lack even a high-school diploma or its equivalent, immigration particularly hurts the least-educated native workers, the very people who are already struggling the most (Beinart, 2017).

One of the concerns in receiving countries regarding immigration is sustainability in terms of population growth. Jeff Passel, a demographer who works for the Pew Research Center explained that “without the immigrants, the US population would start decreasing. [...] The big picture is that immigration has been the major demographic factor driving growth and change in the US population over the last 50 years” (Gonzales, 2015). And the same accounts for most European countries. Population growth to some gives rise to concern regarding sustainability, environment and the provision of public services.

Under President Clinton, the stabilization of the US population was one of the Sustainable Development Council's main recommendations: "Managing population growth, resources, and wastes is essential to ensuring that the total impact of these factors is within the bounds of sustainability. Stabilizing the population without changing consumption and waste production patterns would not be enough, but it would make an immensely challenging task more manageable. In the United States, each is necessary; neither alone is sufficient." (Shulman, 2012). Research conducted by the Pew Hispanic Center revealed that the total fertility rate of American women has dropped significantly. In the 1950s, the average amount of children per woman was 3.5. In 2012 this number had fallen to 2.05 children per woman. Accordingly, the research states that "82% of population growth between 2005 and 2050 will be due to new immigrants arriving and their descendants" (Shulman, 2012).

The question on whether overpopulation is an issue that should be addressed on a global rather than on a national level is another factor that complicates the issue. Assuming the issue should be dealt with on a global level, there would be no argument to link migration and sustainability on a national level. Furthermore, the question on rather it is ethical to deny someone access to the world's resources needs to be asked. Thus, is it ethical to deny someone access to a resource because of fear that there could potentially not be enough, even if that person asks for this access out of need? There are two (and potentially more) ways to look at this issue. One is that nobody has the right to deny access to resources to anyone, since the distribution of resources is not equal or fair in any way. We don't choose to be born in the US or in Syria. Yet, one can also argue that if we don't take care of resources in a sustainable way, meaning preventing an overload of these resources, we in the end are causing greater suffering due to the destruction of resources (Federation for American Immigration Reform, 2009).

In terms of the EU it is questionable whether the increase in population due to the refugee crisis constitutes an issue in terms of overpopulation. First of all, many European countries are experiencing problems regarding pension payments due to the dropping fertility rates. The current and future workforce does not cover the pension demand of the continuously aging population. Secondly, we would have to ask ourselves the question how it can be possible that due to the influx of refugees to the EU, we are discussing topics such as sustainability, shortage of resources, and employment straits, while countries of significantly less development, such as Iran, Pakistan, Ethiopia, Lebanon or Turkey are hosting the majority of refugees (UNHCR, 2017).

Another concern raised frequently in the context of migration is what effect immigrants have on a country's labor market. Looking at the statistics we can with certainty say that immigration has had an impact on the labor market, since "immigration accounts for over half of labor force growth" (Shulman, 2012). In some countries, including the US, immigration impacts the economy in positive as well as negative ways. The negative impact is usually most strongly felt by the most vulnerable group; people in low-paid employment, young and minority workers. In other words, in sectors where most immigrants find (at least at first) employment, namely sectors where no skills that require specific training are needed. Immigration can in the end even be one of the factors that keep jobs in the US, "if it increases our com-

petitiveness with respect to labor costs.” (Shulman, 2012). Summarizing, the impact of immigration on the US economy is relatively small, since it triggers both, benefits and costs. Yet it has to be noted that as is often the case, the consequences are most felt by the most vulnerable groups as mentioned beforehand.

Immigration in the US has shown to have a slight impact on wages, which is another concern often raised in connection with the impacts of immigration. Research conducted by the Brookings Institute found that between 1980 and 2007 “immigration only caused a 2.3% depression in the wages [...]. [While] the Center for Immigration Studies found 3.7% depression in wages during 1980 and 2000.” (Boundless Economics, 2016). This concern thus is relatively unfounded. But an American writer stated that some US liberals assert that low-skilled immigrants depressed the wages of low-skilled American workers and strain America’s welfare state. The 2016 Democratic Party’s platform described America’s immigration system as a problem, but not illegal immigration itself. According to a comprehensive new report by the National Academy of Sciences, Engineering, and Medicine, groups comparable to immigrants in terms of their skill may experience a wage reduction as a result of immigration-induced increases in labor supply (Beinart, 2017). However, at the same time Beinart mentioned a 2015 essay published in the *New York Times Magazine* titled “Debunking the Myth of the Job-Stealing Immigrant.” In that essay, Giovanni Peri, a UC Davis professor known as the ‘leading scholar’ on how nations respond to immigration, had stated that immigrants tend to complement—rather than compete against—the existing workforce (Beinart, 2017).

Furthermore, migration can have negative consequences for the immigrants themselves, especially when they are situated in illegality. They are at risk of being individually exploited by employers, agents or traffickers. When employed illegally, immigrants basically don’t have any rights, meaning they are at their illegal employers’ mercy which commonly results in payments below minimum wages and unpaid overtime work. Yet, even with a valid visa, immigrants in the US do not have the right to change their employer, which accounts for an act of structural discrimination against immigrants, which also include labor laws, “recruitment and promotion practices of employers, or tax and social security systems that collect contributions from migrants but exclude them from certain public services.” (Münz, 2013, p. 7).

For the sending countries, meaning the immigrants’ home countries, migration can also have negative as well as positive impacts. A sending country thus needs to evaluate the reasons for which people are leaving the country (Boundless Economics, 2016). Are lack of quality education, low wages and high unemployment the reasons, a so called brain-drain is a possible consequence. This implies that people who potentially would be able to contribute to the country’s economy are leaving due to lack of opportunity which in turn impacts the country’s economy negatively due to lower levels of productivity. If, however others than economic opportunities are the reasons for people to leave a country (e.g. conflict), it can be expected that the in this case called refugees return to their home countries. Assuming that they received some form of education or work experience in their host country, migration in this case would benefit the sending country’s economy positively (Boundless Economics, 2016). The same accounts for remittances sent home by migrants to friends and family members.

The Benefits of Ethical Immigration Policies for the US and the EU

Under President Trump, immigration is probably one of the most discussed topics in US American politics. Uncertainties regarding the impact immigration has on the one hand on aspects such as the US economy or the labor market, but also on the daily life of the country's citizens has spurred the debate. Some argue the case for a reduction in numbers of immigrants allowed access to the country per year, saying that the high numbers of immigrants entering the country have negative impacts on the sustainability of the country in terms of labor, the economy and even the environment. The ethical question regarding immigration policy is a less frequently discussed aspect, yet it is a very important one.

Rainer Münz, the Head of Research & Knowledge Center at the Migration Policy Institute in Washington D.C. points out that there are several important aspects regarding the geography of migration that policymakers need to consider when working on policy initiatives. According to Münz, it is a fallacy to assume that the current geography of migration, namely the flow of young people from the South towards the North, is a static trend. Instead, we need to realize that most likely there soon will be increased competition for skilled labor due to more countries entering the global market on a competitive basis, changing economic growth patterns, as emerging markets continue to grow and therewith turn from being a sending country into a receiving country. Furthermore, the growth of these economies leads to more domestic and regional alternatives to overseas migration (Münz, 2013).

As we can see by means of the example of the US, the government has failed to create a legal pathway to legal status for unauthorized immigrants in the US as well as to create new legal limits on immigration that respond to market forces (Hinojosa-Ojeda, 2013). Besides from pointing out the downsides of having dysfunctional policies or even none at all, we should consider and emphasize the benefits of controlled immigration. Important in this case is that controlling immigration does not automatically mean restricting it.

Ethical Policy Recommendations for the US

Raúl Hinojosa-Ojeda, Director of the North American Integration and Development Center at Naval Postgraduate School in a paper on the costs and benefits of immigration enforcement points out that whether the effects of migration are negative or positive for a receiving country depends for the most part on how the receiving country is dealing with migration in terms of policies. Accordingly, the focus on immigration enforcement in US immigration policy dealing with illegal immigration is one of the reasons why immigration policy has been dysfunctional, overly expensive and ineffective in terms of the prevention of illegal immigration: "In the process, the enforcement-only strategy has produced a host of unintended consequences: more

deaths among border crossers, greater demand for people smugglers, less circular migration in favor of more permanent settlement among unauthorized immigrants, and further depressing of wages in low-wage labor markets. To date, significant declines in unauthorized immigration have occurred only during downturns in the US economy when US labor demand is dampened.” (Hinojosa-Ojeda, 2013, p. 4).

One of these enforcement-only strategies is the Immigration Reform and Control Act (IRCA) from 1986. Through the Act, welfare and other benefits were denied to undocumented immigrants and sanctions against employers who hire undocumented immigrants were increased. Yet, according to federal law, undocumented immigrants should be provided with services “necessary to protect life and safety” such as emergency medical care (Thomson Reuters, 2013). As mentioned beforehand, Hinojosa-Ojeda and others, with support of statistic proof came to the conclusion that the enforcement-only strategy applied in this case was not successful in hindering illegal immigration and improving circumstances for immigrants who are already in the country.

In the US, the Congress is in charge of all immigration related regulations, while the White House enforces immigration laws. Even though immigration is a matter that is constitutionally not left to the states, meaning that it technically should be dealt with on the federal level, many states have passed their own legislations. A tension between state and federal law remains and some of the state laws do get challenged in court. Lawmakers who advocate for state laws regulating immigration “[...] typically cite a lack of federal enforcement and the need to conserve limited state resources, while some cite security concerns.” (Thomson Reuters, 2013). One of the most famous of such laws is the Arizona State Immigration Law from 2010 which constitutes one of the toughest Immigration Laws in the US. Arizona is not the only state that enacts laws on immigration related issues. South Carolina and Alabama for example enacted laws that required police to check the immigration status of individuals in traffic controls and in other cases controls were imposed based on “suspicion” which caused lawsuits over racial profiling (Thomson Reuters, 2013).

In response to the enactment of state laws on immigration issues, the federal government stated that “setting immigration policy and enforcing immigration laws is a national responsibility. Seeking to address the issue through a patchwork of state laws will only create more problems than it solves.” (Thomson Reuters, 2013). Yet, the answer to the question how to improve and which changes to implement in immigration policy on the federal level in order to successfully deal with illegal immigration on the one and legal immigration on the other hand remains unclear. “Successfully” refers not only to the resolving of issues connected to (illegal) immigration, but also to the ethical and moral component in immigration policy.

In seek of an alternative to the IRCA from 1986; Raúl Hinojosa-Ojeda evaluated three different immigration policy scenarios in view of their economic impacts over the next ten years (with 2013 as starting point). The researcher considered three different scenarios: (1) comprehensive immigration reform, (2) temporary worker only, and (3) mass deportation.

In case of the first alternative, illegal immigrants would “come forward and register, pay an application fee and a fine, earn legal status—if they pass a criminal

background check—and eventually, US citizenship. Applicants would also be required to learn English and pay back any taxes owed.” (Hinojosa-Ojeda, 2013, p. 14). Temporary and permanent residency would be granted according to demand for labor. Furthermore, any immigrant working in the US would be granted full labor rights, of which one of the results would be higher wages (also for non-immigrants) in sectors where large numbers of immigrants are employed.

In the second scenario, a new worker program which grants limited worker rights to immigrants and is time-wise restricted, would be designed. The program would cover illegal as well as legal immigrants, yet it would not lead to permanent resident status or citizenship for either group. The economic impact would be that as well as in the first scenario, legal immigration responds to demands in the US labor market. Yet, the crucial difference is that “without the buildup of human capital and labor productivity that occurs over time among legalized workers”, wages remain low which in turn results in higher future levels of immigration, “since more workers are needed to produce the same level of output under low-wage, low-productivity conditions” (Hinojosa-Ojeda, 2013, p. 15).

The third scenario is mass deportation. According to this scenario, approximately four million immigrants and their dependents would be deported. This alternative is not only extremely expensive but according to the author also “not a realistic policy option”. The Center for American Progress has estimated the costs to amount between US\$ 206 and 230 billion over five years. Considering that this research was conducted in 2013, mass deportation might have seemed unrealistic back then, yet, with changing circumstances, the option could turn out to be more realistic than desired.

Looking at the three scenarios from an ethical/moral perspective, it is clear that the third scenario is condemnable. Mass deportation disregarding people’s will and rights can under no circumstances be a morally or ethically correct act. Considering utilitarianism as ethical road sign, the decision would fall on the first alternative, since it, compared to the other two, would lead to the greatest amount of “happiness” in terms of economic utility (higher wages, higher productivity, less new immigration in the long term) on both sides; the immigrants and the host country’s population.

Immanuel Kant’s logic of duty as ethical road sign would lead to the decision to certainly scrap alternative three, since duty ethics include the consideration of other people’s feelings and welfare, which in case of deportation would be disrespected. In terms of the first two alternatives however, one would need to define an end, meaning what it is one wants to achieve and subsequently the means, meaning what it takes to achieve this end. Let’s assume the end would be to stop illegal immigration, and enhance the economy. Considering Hinojosa-Ojeda’s analysis, the best means to achieve these ends would be alternative one, a comprehensive immigration reform, which would lead to increased wages and workers’ productivity as well as to the neutralization of illegal immigrants already residing in the US.

More explicit policy suggestions would be to divide applicants into different priority groups. Legitimate political refugees and asylum seekers would be of highest priority, followed by immediate family members of citizens and legal immigrants, and priority workers, according to the economy’s demand. The question is how many people to grant legal immigration/refugee status, which leads us back to

the discussion on whether one has the moral right to try to maintain a society's structures, even if that indirectly negatively impacts somebody else.

Furthermore, a way through which the most vulnerable of a society, such as people in low-paid employment, young and minority workers would be protected from ending up being the ones who have to carry the weight of the impact of immigration would have to be found. As mentioned in the beginning, ethical immigration policy refers doing justice to both groups, the migrants and the local population. Finally, the so called push-factors that drive migration could be addressed; which is the EU's latest approach in the case of the refugee crisis. Yet this approach is controversial and in some cases has proven to be ineffective at least in terms of decreasing migration (Castles, 2008).

Ethical Policy Recommendations for the EU

In the EU, we are dealing with different forms of immigration related issues. Thus, differing measures are considered. The first major difference is that the EU is currently dealing with refugees, who are escaping war, persecution, brutal violence and hunger and less with economic migration. Most refugees are natives of North African countries from where the countries of the EU are the closest accessible safe zone. The EU furthermore poses a different challenge in terms of the nature of its system. While the member states generally remain sovereign individual countries, they do pass on sovereignty to the Union to deal with certain issues and topics. The refugee crisis has imposed a unique and especially challenging task to the EU. Unified action has turned out to be more complicated than ever, since opinions on how to deal with the crisis differ substantially between the member states.

Legislation issued by the European Parliament can overrule national laws of the EU member states, which can potentially lead to a situation of conflicting laws as well as the feeling of loss of sovereignty by the individual member states. The fact that some of the EU member states are very young democracies and sovereign states that have joined the Union recently further complicates unified action. With the Schengen Agreement, the EU abolished checks at the member state's borders which in the case of the refugee crisis imposes an additional challenge in terms of control and security. In many countries of the EU we can observe that immigration increasingly becomes securitized including the criminalization of irregular immigration (e.g. in France and Greece). It has proven to be difficult for the EU to register newly arriving refugees and take control over the influx. So called hotspots located in Greece and Italy, two major entry points for refugees from North Africa to the Union, were established in order to register newly arriving refugees. Yet, the success of these hotspots is limited due to "overcrowded and understaffed detention and expulsion centers" (Open Society Foundations, 2016). One of the drastic consequences of the divisiveness regarding the management of the refugee crisis is Great Britain's EU exit.

As mentioned beforehand, the most recent approach by the EU to tackle the crisis is to address the push-factors in the home countries of the refugees. The Union

has allocated significant amounts of money to West African countries in order to support efforts to create incentives for people to stay and to fight famine, but also to fund better border protection specifically in countries bordering with Libya, such as Chad and Niger to prevent people from traveling towards Europe (Borchers, 2016; Tagesschau, 2017). From an ethical perspective, this measure is disputable. Considering Kant's logic of duty ethics as road sign, it is questionable rather the end for this measure in this case is to keep the refugees out of the EU and to prevent more from coming or if the end is to improve the lives of those in need simply because it is the right thing to do.

The challenge for the EU consists of two parts. On the one hand the Union is trying to create incentives for people to stay in their home countries, on the other hand it needs to come up with solutions on how to deal with the people that have already arrived in the EU, the ones that are on their way, and the ones that are supposed to return to their home countries.

Former Italian Prime Minister Matteo Renzi contributed with several suggestions to an EU strategy for external action on migration. Renzi suggests improved and increased inter-institutional cooperation not only among the EU member states but also with the third, or the sender countries. His suggestions include the establishment of a new EU investment fund through which targeted projects identified in cooperation with the third countries would be financed in order to improve social structures as well as infrastructure. Furthermore, he suggests "EU-Africa Bonds", meaning the facilitation of African countries' access to capital markets and other innovative financing projects, part of which the EU is now doing. The improved cooperation among the EU Member States on security, resettlement schemes and the creation of legal migration opportunities for immigrants and refugees are additional points Renzi addresses. The latter includes the suggestion to establish

"[...] entry quotas for workers, information on job opportunities in Europe for third countries nationals, pre-departure measures (including language and vocational training) in collaboration with European companies ready to employ manpower from third countries, matching of demand and supply of jobs, professional and social integration in the host Member States, Erasmus Plus programmes for students and researchers. Initiatives on circular migration as well as south-to-south migration opportunities should be further explored." (Renzi, 2016, p. 2).

Summarizing, his suggestions aim towards an "internationalization" of the issue that relieves countries such as Greece and Italy who have been left to deal with the crisis alone for too long. Yet, the way in which Renzi suggested to deal with the problem shows clear tendencies towards the by some European politicians' popular attitude to deal with the problem overseas rather than in the EU (e.g. Marine Le Pen and Matteo Salvini). Italian politician Barbara Spinelli heavily criticized Renzi's suggestions, stating that development aid and economic cooperation with third countries is tied to questionable requirements regarding border and migrant management, that cooperation is offered to the leadership of countries that continuously disrespect their citizens' fundamental rights and that this issue does not even get addressed in the plan (Spinelli, 2016).

Renzi's advice to internationalize the issue indirectly suggests the assumption that migration should be dealt with on a global scale. Yet not everyone shares this

view. Others are of the opinion that migration should be dealt with by every nation state individually which does not only include obligations but also the right to independently decide on migration policies. In the case of the EU, this discrepancy raises several questions. On the one hand the EU is an institution that its member states agreed to pass on some sovereignty in the light of shared values such as the respect for human rights, freedom, democracy, equality, and such like. This means there is a general tendency to deal with issues in a unified manner. Yet, especially since the EU consists of 28 member states, agreement can be difficult to reach as we can see in the case of the refugee crisis.

The current EU legal framework on migration addresses “key directives on the conditions for receiving asylum seekers (the Reception Conditions Directive) the processing of their claim (the Asylum Procedure Directive) and setting the standards for subsidiary protection (Qualification Directive) for genuine asylum seekers and those who do not qualify as refugees but face a risk of suffering or harm if returned to their countries” within the frame of the Common European Asylum System (CEAS) (von Helldorff, 2015). The Global Approach to Migration and Mobility instrument (GAMM) furthermore defines instruments to fight irregular migration, and to facilitate circular migration meaning the repetitive movement of temporary and migrant workers (von Helldorff, 2015).

Yet, there are two important factors these policies do not address. On the one hand, there is a lack of legal channels for refugees to enter the EU, and on the other hand there is the lack of an allocation system that manages the influx of refugees through the specific border countries of the EU. The lack of legal channels for refugees to access Europe leads refugees to make desperate use of offers made by traffickers and smugglers. The issue is that while entering the EU without a valid visa is illegal, the only way to claim for asylum is to physically be on EU soil. Consequently, legal access for refugees to claim for asylum is technically made impossible and indirectly forces refugees into the hands of traffickers. The other issue refers to the EU member states’ responsibility to handle asylum claims. Accordingly, “in theory the responsible state is the one in which the candidate has family ties or, more often the country of entry to Europe.” (von Helldorff, 2015). This means that the responsibility to deal with the majority of asylum claims presses on the shoulders of the countries bordering with non-EU states. This problem has led several frontier states to construct physical barriers at their borders, which might constitute a temporary relief, yet doesn’t solve the issue in the long term; neither does it depict a moral solution (von Helldorff, 2015).

Within this context, there are several questions for European policy makers to consider. While the EU member states do share certain values, one question regarding a common immigration policy would be whether the interest of one nation in the EU carries more weight than that of others; a concern that was raised with regard to France and Germany taking a lead (as so often) in the refugee question. Another related question is “if a nation is more powerful, is it ethical for that nation to set the agenda and policy on migration for neighboring countries and the region?” (Parker, 2007). In the case of the current refugee crisis we can observe resistance especially from the side of the Eastern European leadership towards the dominant EU member states (e.g. regarding a refugee quota).

This observation is in line with three drivers of market failures in refugee protection identified by Jones et al. The drivers are (1) lack of commitment to numbers, (2) lack of incentives to resettle, and (3) lack of coordination. Lack of commitment to numbers refers to the Union as a whole being unable to clearly state how many refugees it is willing to accept within a certain time frame. If that step was taken, individual member states could plan more adequately in terms of resource allocation to accommodate refugees. Yet, “Investments require certainty, and certainty is not something the EU currently offers in refugee resettlement.” (Jones, Teytelboym, & Rohac 2017, p. 9).

Once the EU has decided on an overall number of refugees it plans to accept for the following years, the next question would be which states will accept how many refugees. One suggestion is a quota scheme according to which refugees are distributed among the different states. The quota could be either negotiated or allocated through an auction process. Once the quotas would be allocated, countries could then “trade” them. While this approach is efficient, it is also morally questionable in terms of the initial quota distribution and refugee protection. If the first two questions, namely how many refugees the EU will take in and how many each individual state will take in are clarified, the question who welcomes which refugees still remains. The implementation of a resettlement scheme that matches preferences between refugees and states could help “maximizing [immigrants] likelihood of finding employment, reducing their vulnerability to radicalization, and minimizing the cost to the public purse.” (Jones et al., 2017, p. 8).

The issue of dispersion of newly arriving refugees discussed beforehand is one part of the debate on burden sharing between EU member states. Another element is the relocation and resettlement of refugees who are already located in the zone of the EU as well as the financial burden sharing. In 2015, the European Commission proposed a European Resettlement Scheme, according to which 160,000 people were supposed to be relocated by September 2017. The distribution key earmarks the allocation of refugees based on four criteria. These are the size of the population (40%), the total gross domestic product (40%), the “average number of spontaneous asylum applications and the number of resettled refugees per 1 million inhabitants over the period 2010–14” (10%), and the unemployment rate (10%) of the respective countries (Jones et al., 2017, p. 8).

Principles such as the Resettlement Scheme underlie the system of discretion, meaning that the implementation of the principle is flexible and that agencies have the ability to decide how to implement a policy (Licari, 2003). Bureaucratic discretion can have different effects. On the one hand it can lead to success without strict enforcement or on the other hand to the ignorance of the policy. In some cases, discretion in policy implementation can positively affect the willingness to implement a policy, in others coercion is the only way to successful regulation. In the case of European asylum policy, we can observe that discretion has led to ignorance and even rejection of the Resettlement Scheme proposed by the European Commission. The actual number of refugees settled in EU countries and relocated between them does not come close to the proposed number. Accordingly, only 28,000 refugees have been relocated by the beginning of 2017 (Martin, 2017). Some states such as Slovakia, Czech Republic or Poland have “effectively refused to take part in the scheme” (Licari, 2003).

One way to ensure implementation by all member states would be to replace the directives which underlie the system of discretion with regulations. The European Commission has proposed this action in July of 2016 stating that “establishing a fully harmonised common EU procedure for international protection to reduce differences in recognition rates from one Member State to the next, discourage secondary movements and ensure common effective procedural guarantees for asylum seekers” will lead towards efficient, fair and humane asylum policy (European Commission, 2016). The proposal is still being discussed by the European Council and the European Parliament. The Commission’s President Jean-Claude Juncker has appealed to the European Parliament and the European Commission to adopt the proposal by the end of 2018. Even though there is general support for the proposal, member states have raised concern, particularly regarding applicants with special needs such as unaccompanied minors and some of the proposed measures to limit secondary movement. The argument here is that some of these measures “[fail] to strike the right balance between fighting abuse and granting protection when needed” (European Parliament, 2017).

The European Commission further suggests delegating first-instance decision-making authority to the European Asylum Support Office (EASO) in order to ensure equal assessment of individual protection needs. The different assessment of these needs among member states is one of the critical points regarding the current system. Yet, the establishment of satellite offices in each member state is connected to considerable expenses and bureaucratic hassle. The European Commission admits that “as well as requiring a large-scale institutional transformation, considerable resources will need to be allocated to the new EU bodies responsible for asylum requests, in order to process the vast number of requests currently dealt with by the Member States’ authorities.” (European Commission, 2016a). This kind of solution can thus only be considered a long-term solution. It is obvious that the proposed reforms by the European Commission aim at controlling the asylum issue on the supranational level. The proposed measures limit member states in their discretion execution power and restrict their sovereignty. The only way in which such drastic measures could be implemented would be the favorable qualified majority vote by the European Council and the European Parliament. Considering the firm resistance especially of some of the eastern European countries, it remains questionable whether the shift towards regulations rather than directives in European migration policy will take place.

It is disputable how ethical it is to put a limit to the number of refugees the EU is accepting. Questions such as whether it is the Union’s duty to accept refugees and whose responsibility the crisis and the consequences are need to be considered. On the one hand, we need to ask if there is a general duty to accept refugees and if so, towards whom. On the other hand, we need to consider whether the acceptance of refugees is a global or a national responsibility and who should be the bearer of the consequences in terms of the private or public sector.

The ethical evaluation of policies that limit acceptance and therewith lead to rejection of refugees as well as policies that grant access to individuals based on professional qualifications needs to begin with the assessment of the state of the crisis in Syria and what “type” of migration the crisis triggers. As mentioned in the previous

chapters, the main objective of Syrian refugees is not to seek economic or political opportunity, but to escape a life-threatening situation caused by war. This aspect is vital for the assessment of moral requirements in migration policy (Osnowitz, 2015).

The concept of state sovereignty implies “that states are in complete and exclusive control of all the people and property within their territory” (Levin Institute, 2016). Based on this understanding, there is no obligation for states to grant access to a person they do not approve. Furthermore, one could argue that the uncontrolled crossing of borders “seriously damages our existing conceptions of the rationale for the existence of states in general” (Osnowitz, 2015). Yet, the merging notion that the treatment of citizens unconcerned of which heritage should no longer be a national but rather a global concern challenges the firm understanding of the concept of state sovereignty (Levin Institute, 2016).

As a consequence, the dealing with the refugee crisis can be understood as global rather than national responsibility. The main issue with global responsibility in this context is the inclination of states to pass on responsibility to each other. States could for example argue that if they don’t take in the refugees, another state will do so, which in turn means that there is no life-threatening situation at stake and therewith no moral obligation. The problem with this argument is evidently that if every state argues like that, where can refugees find shelter? Historic events such as the rejection of German-Jewish refugees during World War II by several non-European countries such as the US and Canada prove the tremendous consequences the rejection of refugees can have, which in turn would mean that there is a moral obligation for states to accept refugees in the Syrian case (Osnowitz, 2015).

One way to ensure that receiving countries benefit from migration is to integrate refugees into the labor market. Access permission granted based on levels of professionalism serves as a measure to prioritize professionals over low-skilled asylum-seekers. One of the major concerns regarding labor market integration is that the influx of a low-skilled labor force could hurt the existing, native labor force in the respective countries. Empirical research on that matter finds distinct results. While several studies suggest that immigration does depress wages, especially for the low-skilled labor force (e.g. Dustmann and Frattini, 2013), other research has shown that this effect is usually small and “depends very much on the complementarity of natives’ skills with those of the immigrants, the state of the economy and the size of the net immigration flow” (European Parliament, 2017, p. 20). For large influxes of immigrants, the impact on the low-skilled labor market is more severe during times of economic boom than during times of recession. Furthermore, another study on the effect of immigration on the labor market reveals that the influx of refugees negatively impacts labor markets in terms of unemployment rates only slightly and in the short-term (Foget and Peri 2015).

Research on the long-term effects of large immigration influxes in the case of immigration flows from former Yugoslavia, Somalia, Afghanistan and Iraq to Denmark revealed that “for low-skilled native workers, the presence of refugee-country immigrants spurred mobility and increased specialization into complex jobs” (Foget and Peri 2015). Considering that this case has been monitored for almost two decades now leads to the assumption that these effects are permanent.

One of the major difficulties with research especially on long-term effects of asylum-seeker influxes on native labor markets in receiving countries and labor market integration is the lack of available data. This accounts especially for data on refugee-specific integration. More recent data acquisitions do however consider the differentiation between immigrant and refugee integration. The *Survey of New Refugees (2010)* for example, which was conducted in the United Kingdom, examines refugee integration in terms of language skills, employment and housing. The analysis of the in 2010 evaluated data revealed that within less than one year after the asylum approval, employment rates increased by 15% (Home Office, 2010). The analysis further disclosed that key factor for integration is language skills. One important aspect regarding this and other comparable data is that it refers to immigration flows of significantly smaller size in contrast to what is referred to as the refugee crisis beginning in 2015.

Accordingly, past experiences and the analysis of historic data can only provide limited information in terms of best practices. The unique structures and social and economic circumstances of refugee-flows impede the predictability of the impacts individual refugee-influxes might have and thereby the development of best practice approaches that are applicable to a wide range of cases. Some general observations however are that labor market integration of refugees needs considerable time (longer than of economic migrants), that the speed of integration ultimately depends on the labor market conditions at the time of entry, and that refugee women integrate less successfully. One possible explanation for the last point is dependent on cultural circumstances in the refugees' home countries, where the participation rate of women in the national labor market is already significantly lower compared to their male counterparts. Recommendations for the improvement of the situation of women in the labor market of receiving countries include improved protection of women and children, as they are a minority in comparison to the number of male asylum seekers which makes them as such a vulnerable group, gender-sensitive asylum application procedures, attention for girls and women in order to prevent these women from becoming victims of human trafficking or sexual or gender-based violence, separate housing for women in reception centers and safe access to private sanitary facilities, and the provision of female interviewers and interpreters. Furthermore, interviews should be organized individually, separately from family members, which would allow women to speak more freely and make the applications of women more successful (European Parliament 2017)

Other factors that need to be considered regarding labor market integration are the sociodemographic characteristics of asylum seekers. Data gathered on the 2015 cohort of EU-asylum seekers reveals that three thirds of asylum seekers were male and that 82% were younger than 35 years of age. According to this, young men are disproportionately represented. It should be added that the educational background of asylum seekers sorted by country is not clear, due to lacking and partially contradicting data. One of the main issues regarding data is that in the past the distinction between economic migrants and refugees was rarely made. Thus, to determine the average level of education among asylum seekers is difficult. Furthermore, different countries reported distinct numbers; some disclosed significantly higher levels of average education for Syrian asylum seekers than others (European Parliament, 2017).

In summary, some of the refugee specific labor market integration obstructions include language skill deficiencies, low educational backgrounds and difficulties regarding the transferability of job qualifications. Furthermore, legal barriers to access the labor market, the lengthiness of asylum procedures and temporary and insecure residence statuses impede the integration process: “Less developed social networks, housing regulations, health conditions like trauma and violence during flight have strong links with the labour market outcomes of refugees. Additionally, cultural barriers are aggravating factors, and are likely to be greater for the recent refugees than earlier migration groups.” (European Parliament, 2017, p. 27).

A study conducted in 2016 for the European Parliament’s Committee on Employment and Social Affairs identified key elements for labor market integration of refugees. Within the frame of this study, five different policy documents addressing refugee integration in Europe were reviewed. These were:

- European Modules on Migrant Integration- European Commission 2014;
- Comparative study on the best practices for the integration of resettled refugees in the EU Member States- European Parliament (ECRE) 2013;
- A New Beginning. Refugee Integration in Europe—UNHCR 2013;
- Making Integration Work. Refugees and Others in Need of Protection—OECD 2016;
- The Refugee Surge in Europe: Economic Challenges—IMF Staff Discussion Note 2016.

Recommendations include ensuring access to health care services in order to detect mental and physical health issues early on. Health issues were identified as one of the major obstacles to labor market integration. The restriction of health care services turned out to imply higher long-term costs due to late intervention. The second recommendation concerns housing dispersal policies. Accordingly, it is necessary to find a balance between homogenous distribution and the availability of jobs. Housing dispersal policies should aim at preventing the concentration of large immigrant groups in order to facilitate integration. The availability of jobs is the second identified factor which needs to be considered regarding the dispersal of housing. The third recommendation addresses the involvement of the civil-society in the integration process. Civil-society engagement in the integration process can prevent discrimination, which has turned out to be a critical point with the emergence of strong anti-immigrant parties in some EU countries. The final recommendation deals with the availability of welfare benefits. Recent changes in welfare policy in some EU member states have shown a tendency towards the reduction or conditioning of benefits. Yet, “policies that restrict immigrants’ access to welfare benefits are likely to worsen their socio-economic integration and ultimately could lead to an increase in welfare claims but also to social exclusion.” (European Parliament, 2017, p. 32).

Concrete policy recommendations include expediting the legal access to the labor market; more specifically ease restrictions to work eligibility during the asylum processing phase. A work permit should be granted within maximum nine

months. Furthermore, language training should be linked to employment, and the assessment of refugees' skills and credentials needs to be expedited. The development of individual integration plans based on distinct skill and knowledge levels is integral to the improvement of refugees' labor market integration. Depending on the level of expertise, migrants need different types of support such as language or vocational training. The earlier refugees get to participate in support programs and language training, the faster the subsequent integration into the national labor market. Consequently, asylum seekers from countries with high recognition rates of international protection (e.g. over 50%) should already receive support during the application phase. Active labor market programs such as wage subsidy programs have proven to be effective in terms of increasing refugees' chances to obtain a regular job. The concept of these programs is that employers are given wage subsidies as incentive to hire refugees. Finally, the recommendation to apply multi-stakeholder approaches "involving a broad range of partners from different government ministries and departments at national, regional and local levels, as well as other stakeholders including civil society organisations (NGOs), the social partners and service providers" aims at the correction and prevention of long-term integration issues (European Parliament, 2017, p. 42).

As mentioned in the beginning, the second major component for ethical migration policy in the EU addresses migration channels. Accordingly, there are several options regarding how to facilitate the legal entry for refugees in need of international protection. One of them is the previously discussed resettlement scheme which regulates the transfer of refugees from their first country of entry to a third country. Programs such as the humanitarian admission program provide a solution for refugee groups who are in urgent need of protection. The solution is an addition to resettlement programs that serves the purpose of the immediate transfer of extremely vulnerable refugee groups from one country to another. Contrary to resettlement programs, humanitarian admission only grants short-term residence to migrants with the objective to assess each individual case and the need for further protection.

An alternative to humanitarian admission programs could be private sponsorship programs:

"There is no common and agreed definition of private sponsorship. A key element of private sponsorship is that a person, group or organisation assumes responsibility for providing financial, social and emotional support to a resettled person or family, for a predetermined period of time (usually one year or even longer) or until the person or family becomes self-sufficient. Additionally, sponsors have the option of naming the person or family they are willing to support in resettlement, though some sponsors do not have specific persons in mind but rather seek to match a certain profile." (Kumin, 2015).

The facilitation of returning migrants is another approach to diminish refugee numbers. As mentioned in other chapters, some countries pay migrants to return to their countries of origin. From a moral standpoint, practices that give refugees incentives to return to their country of origin before obtaining a decision over their asylum claim are disputable. In order for such kind of approach to be ethical, the return must be completely voluntary. The risk of getting deported in case the application gets turned down sets an incentive for refugees to rather take the money offered to them

before a decision on their asylum request is made. Thus, the decision to return is not necessarily taken of one's own free will, but rather an act of assessment and trade-off. Furthermore, the decision to return should be reversible. This means that in case the situation found upon return is still life-threatening, the refugee should be allowed to re-enter the country he/she sought refuge at before (Gerver, 2017).

Another point to consider regarding the facilitation of migrants to return home is the informed evaluation of the circumstances in the country of destination. It has happened that state governments and UN agencies relied on false information when recommending and facilitating migrants to return home. Examples include Afghanistan, where returning refugees immediately faced violence, or Bosnia, where returning refugees never received the promised housing and employment assistance (Gerver, 2017). One recommendation is to closely track how refugees who have already returned are doing before facilitating the return of more refugees. For this purpose, not only the close contact with the refugee who has returned is important, but also the contact with family members who can provide insight regarding the living situation (e.g. for rate of mortality, rate of displacement, and rate of food insecurity) (Gerver, 2017).

Summing Up

The migration crisis is complex. This is because it raises several issues all embodied in one subject matter. The problem bears a border protection crisis, human rights protection elements, integration aspects as well as a financial crisis. If nothing is done to address these problems, each wave of the migration situation with its growing rate, will be bigger than the previous ones. However, the diminishing world population might partly contribute to a decrease of the problem. Demographers at the UN estimate that there will be 140.89 million births in 2018. That is 61,000 fewer than in 2017. The world population is expected to drift down for several more years before starting to rise slightly again. They are predicting that the number of births will finally peak in the late 2040s at only 1.5% above the present level (Budd, 2017, p. 87). This might hold true for most of the world except for Africa. In 1990, just 19% of babies were born in Africa; in 2018, 31% of them will be. “If the UN is right, there will be more Nigerian newborns than Chinese ones by the late 2050s. It is an early sign of one of this century’s great trends: The Africanization of the world population.” (Budd, 2017, p. 87).

As the babies of 2018 grow up, they will give rise to new migration patterns. Because Central America is producing fewer children, the *yanquis* ought to feel less pressure on their southern border. By contrast, Africa will press more heavily on Europe. But the migration corridor to watch is the one that leads from increasingly baby-filled African countries to rapidly ageing Asian ones (Budd, 2017, p. 87).

Every developed nation has a moral obligation to rescue people who are in need. This has to be embodied in national and international public policies. European countries and the US will need to invest in the creation of opportunities for refugees to make a livelihood, to get an education and to assess health care services. Opportunities will also need to be created for local populations in host countries to migrants who continue to be affected on a daily basis by the influx of refugees and migrants in their country. The approach will have to be towards adopting preventive strategies rather than reactive strategies. The migrants and refugees flow will never

stop unless the US and the EU get serious about fixing fragile states. They are aware of that and they are already formulating public policies that address this issue.

The EU is recognizing the fact that aid has to be also given to host populations as well as refugees. With 59% of refugees living outside of camps among local communities in cities like Beirut, it is essential to offer broad-based help. One suggestion is to use cash vouchers as a humanitarian and economic tool. A study by the International Rescue Committee (IRC) showed that US\$ 1 distributed in Lebanon delivered US\$ 2.13 to the local economy. The United Kingdom recently announced that half of its overseas-aid budget of US\$ 18 billion would in the future be devoted to helping fragile and conflict states. Other donors need to follow this example (Miliband, 2015). That issue was discussed in the May 2016 World Humanitarian Summit.

A solution to the migration dilemma is difficult to find. In discussing the follow-up UN Summit on Migration that is scheduled to take place in September 2018, Roberts (2017) wrote that the problem is that countries have profoundly different interests. Migrating workers help poorer countries, which gain from remittances and skill transfers. Although rich countries also get some benefits, many voters are hostile to influxes of foreign workers. Roberts reported that Jorgen Carling, a migration expert at the Peace Research Institute in Oslo, predicted that anyone hoping that the UN Summit might create more legal and formal routes for migration will be disappointed. Roberts elaborated further, writing that:

Rich and poor countries will instead have to find narrower areas of shared interest, such as condemning people-smuggling networks or setting out basic rights for migrants. The compact could offer a global framework of good practice in migration policy—while leaving it to individual countries or regions to decide which bits, if any, to implement. Critics will grumble that the compacts offer no big gains, because no government will cede meaningful control over management of its border. Mr. Carling responds that just getting governments to talk regularly, and at a high level, about the needs of displaced people counts as a form of progress (Roberts, 2017, p. 82).

One area that needs to be addressed is how government policies should try to integrate Muslim immigrants in Europe and North America. Their integration has become an increasingly important policy issue both in Europe and in the US due to the marked growth of Muslim immigrants, the refugee crisis, and the geopolitical turbulence between Western nations and political Islamic groups. A transatlantic study explored the factors facilitating and impeding integration of Muslim immigrants in France, the Netherlands, the US and Canada. Based on the analysis of integration policies and in-depth interviews with integration experts in these four countries, the three co-authors tentatively concluded that equal employment opportunity and social inclusion are key factors that facilitate successful integration of Muslim immigrants. To better integrate its Muslim population, governments can implement specific measures, such as name-blind recruitment policies that are more accepting of minority religious practices that foster feelings of inclusivity, and public campaigns against Islamophobic stereotypes (Liebert, Goerzig, & Siddiqui, 2017).

Although the 1951 convention obliges countries to accept asylum-seekers with a well-founded fear of persecution, it is a very difficult task for the UNHCR to force the receiving countries to comply. The US under president Donald Trump is hostile,

especially to those arriving from Muslim-majority countries. The US will also shrink the world's biggest program for resettling refugees (who apply via the UN) from 110,000 places to 45,000 each year (Roberts, 2017).

Policymakers in Italy have chosen an interesting path to integrate the migrants. They are distributed throughout the country in an inhomogeneous way mixing their different nationalities. The main aim is to facilitate stable relationships—based on communication, mutual understanding and, cooperation—not only with the Italian people, but also among the different groups of foreigners. Of course, the authorities first help them overcome the linguistic barriers and help them find a job. This will help them create a link with the institutions and the citizens of the host country. Several Italian local entities have allowed migrants' boards and migrants' counsellors to be participants in public policy debates. Normally, they function as "filters" and are able to build cultural bridges. Another precious tool lays upon the principle of horizontal subsidiarity, which (according to art. 118 of the Italian Constitution) allows and encourages individuals and groups to take autonomous initiatives, in order to promote and implement public interest actions. This experimentation is quite interesting, because it is based on the acceptance of a wide legal notion of citizenship that comprises also foreigners and migrants. These two emblematic examples show that the modern tools of administrative law—even if born with other purposes, at least partially—may be useful in the perspective of migration management (Simonati, 2017).

Global refugee numbers are at their highest levels since the end of World War II, but the system in place to deal with them, based upon a humanitarian list of imagined "basic needs," has changed little. In a book published in 2017, Alexander Betts and Paul Collier argue that the system fails to provide a comprehensive solution to the fundamental problem, which is how to reintegrate displaced people into society. Western countries deliver food, clothing, and shelter to refugee camps, but these sites, usually located in remote border locations, can make things worse. The numbers are stark: the average length of stay in a refugee camp worldwide is 17 years. Into this situation comes the Syria crisis, which has dislocated countless families, bringing them to face an impossible choice: huddle in dangerous urban desolation, rot in dilapidated camps, or flee across the Mediterranean to increasingly unwelcoming governments. Their book seeks to restore moral purpose and clarity to refugee policy. One of the chapters is entitled "Rethinking ethics: the duty of rescue." But rather than assuming indefinite dependency, the two authors propose a humanitarian approach integrated with a new economic agenda that begins with jobs, restores autonomy, and rebuilds people's ability to help themselves and their societies. Timely and urgent, the book goes beyond decrying scenes of desperation to declare what so many people, policymakers and public alike, are anxious to hear: that a long-term solution really is within reach (Collier & Betts, 2017).

The issue of who should make refugee policies has been addressed both in the US and in Europe. Although the form of government varies between the US (federal) and most European countries, some of the policies adopted on each side of the Atlantic could also be a model for most destination countries. The conflict that arises in the US in the case of the sanctuary cities is a bit different from the ones that exist in several European countries where the choice of policies for the settlement

of refugees can originate from the central government or from local entities. A Scandinavian comparative analysis studying six policy processes from 1999 to 2016, concerning central-local government instruments within the field of refugee settlement illustrates a variety of policy paths. As in the US, refugee settlement is an important first step in the central government's integration policies. However, in Norway, Denmark and Sweden, the municipalities play an important role in refugee settlement and integration (Vilde, 2017).

Although the current number of refugees and asylum-seekers is the largest since World War II, that number does not include people displaced by climate change. Under international law, only those who have fled their countries because of war or persecution are entitled to refugee status. Thus, those who have fled their home because of climate change do not qualify. Many think that this definition is outdated. A research paper published by Anouch Missirian and Wolfram Schlenker in *Science Magazine* in December 2017 predicted that many more people will seek asylum in Europe as temperatures in their home countries are projected to rise. The researchers looked at weather patterns in sending countries between 2000 and 2014 and found that weather shocks on agricultural regions in 103 countries around the globe directly influence emigration (Sengupta, 2017). Since 2015, a group of academics and advocates have been proposing an entirely new treaty to replace the 1951 refugee treaty. The new one will have new categories to cover those who are forcibly displaced, including by the ravages of climate change.

Adding his voice to those of many pro-immigration policymakers and activists, Pope Francis has expressed concern for economic migrants, war refugees and others in society's margins. This is a central plank of his papacy. In his 2017 Christmas Eve remarks, he likened the journey of Mary and Joseph to Bethlehem to the migrations of millions of people today who are forced to leave their homelands for a better life, or just for survival. He expressed the hope that none who do not choose to go away but are driven from their land, leaving behind their dear ones, will feel there is no room for them on this Earth.

Until today, we are experiencing disagreement on many questions regarding the refugee crisis which leads to the doubt whether it is realistic to devote resources towards devising a regional policy (Parker, 2007). The Brexit has proven that commitment towards the EU by no means is infinite and that the ongoing disagreement on the matter could potentially lead to a serious crisis in terms of the stability of the EU as such. Finally, we need to ask "what the benefits are to having a uniform immigration policy in the region, including minimizing forum shopping by migrants and equally sharing the benefits and costs of migration among neighboring countries?" (*Ibid.*). Considering the different economic and financial circumstances of the EU member states, it seems mutually beneficial to establish a comprehensive and uniform policy to deal with the refugee crisis. "[...] different parameters such as the size of the country, the size of the population, the GDP as well as unemployment and the overall political stability" should be taken into account, as well as the creation of legal ways to access the EU such as for example the distribution of humanitarian visas to refugees fleeing war zones (von Helldorff, 2015).

What becomes clear when discussing morality in immigration policy making is that finding an approach to immigration that unconditionally satisfies all actors involved marks an impossible task. Yet, we have to remember that morality and ethics itself depict normative concepts where certain concessions have to be made. The goal is to keep the sacrifices at a minimum for all parties involved. What the discussion of immigration policies in the US and the EU has shown is that in many cases economic interests outweigh moral aspects; a trend where immigrants usually come out on the short end; not least because many times it's the receiving countries that have the upper hand. Yet, this is exactly the point where the moral aspect should kick in. Several approaches, their advantages and disadvantages in terms of ethics have been discussed coming to the conclusion that enhanced attention needs to be drawn to the moral aspect in immigration policy making in the US as well as in the EU and that the topic of immigration itself suffers under an overly negative perception in society that doesn't do justice to the facts.

References

- Adegoke, Y. 2016. Helping refugees is 'the moral imperative of our time' says Chimamanda Ngozi Adichie. Available at: <https://www.cnn.com/2016/08/26/africa/chimamanda-ngozi-adichie-refugees-help/index.html>. Accessed on February 3, 2017.
- Aghion, P., & Williamson, J. G. (1998). *Growth, inequality, and globalization: Theory, history, and policy*. New York: Cambridge University Press.
- Almasy, S. C. E. (2017, February 16). *CNN Politics*. DACA: 10 questions on program that protects 'Dreamers'. Retrieved March 15, 2017, from <http://www.cnn.com/2017/02/16/politics/daca-explainer-dreamers/>.
- Aly, H. (2016). *The inside story on emergencies*. Retrieved October 27, 2016, from <https://www.irinnews.org/analysis/2016/05/26/world-humanitarian-summit-winners-and-losers>.
- American Immigration Council. (2010). *The Dream Act*. Creating Opportunities for Immigrant Students and Supporting the US Economy. Retrieved May 12, 2017, from <https://www.americanimmigrationcouncil.org/research/dream-act>.
- Arar, R., Hintz, L. & Norman, K.P. (2016, May 14). The real refugee crisis is in the Middle East, not Europe. *The Washington Post*. 2016. Retrieved April 12, 2017, from https://www.washingtonpost.com/news/monkey-cage/wp/2016/05/14/the-real-refugee-crisis-is-in-the-middle-east-not-europe/?utm_term=.c923475a735d.
- Arango, T. (2016, February 5). Iraqi migrants leaving Europe, dreams unmet. *The New York Times*, 1.
- Armellini, A. (2016, November 6). 10 migrants die; 2,200 rescued in Mediterranean. *The Miami Herald*, 31A.
- Arnsperger, M. (2017). Abschiebung, freiwillige Rückkehr, Integration: Die große Asyl-Bilanz für 2016. *Focus Online*. Retrieved November 6, 2017, from http://www.focus.de/politik/deutschland/statistik-zu-fluechtlingen-abschiebung-freiwillige-rueckkehr-integration-die-grosse-asyl-bilanz-fuer-2016_id_7366166.html.
- Associated Press. (2016, October 31). Australia plans to ban asylum seekers from ever visiting. *The Miami Herald*, 14A.
- Associated Press. (2017, January 16). EU gearing up for new migrant crisis. *The Miami Herald*, 10A.
- Atlantische Initiative e.V. Berlin. (2014). *Atlantic-Community, The open think tank on foreign policy*. Retrieved October 22, 2016, from <http://www.atlantic-community.org/-/ttip-top-5-concerns-and-criticism>.
- Aviv, R. (2017, April 3). Letter from Sweden. The apathetic. Why are refugee children falling unconscious? *The New Yorker*, 68–77.

- Bachmann, K., & Stadtmuller, E. (2012). Immigration control and securing the EU's external borders. In K. Bachman & E. Stadtmuller (Eds.), *The EU's shifting border: Theoretical approaches and policy implications in the new neighbourhood*. New York: Taylor & Francis.
- Bagehot. (2017, November 18). Power to the people. *The Economist*, 50.
- Baker, A. (2016, September 12–19). Between the devil and the deep blue sea. *TIME*, 36–46.
- Baker, A. (2017a, April 17). No way home. *TIME*, 35–37.
- Baker, A. (2017b, June 5). Finding home. When home isn't where the heart is. *TIME*, 40–47.
- Banulescu-Bogdan, N., & Fratzke, S. (2015). *Migration Policy Institute*. Retrieved April 12, 2016, from <http://www.migrationpolicy.org/article/europe-migration-crisis-context-why-now-and-what-next>.
- Barbieri, W. A., Jr. (1998). *Ethics of citizenship. Immigration and group rights in Germany*. Durham, NC: Duke University Press.
- Baron, M. (1985). Varieties of ethics of virtue. *American Philosophical Quarterly*, 47–53.
- Bates, D. C. (2002). Environmental refugees? Classifying human migrations caused by environmental change. *Population and Environment*, 23(5), 465–477.
- BBC News. (2016, March 4). Retrieved October 12, 2016, from [BBC.com: http://www.bbc.com/news/world-europe-34131911](http://www.bbc.com/news/world-europe-34131911).
- BBC. (2017). Syria war: Almost 500,000 refugees return in 2017—UN. *BBC News*. Retrieved September 13, 2017, from <http://www.bbc.com/news/world-middle-east-40460126>.
- Beinart, P. (2017). The Democrats' immigration mistake. *The Atlantic*, 320(1), 60–65.
- Beine, M., Docquier, F., & Rapoport, H. (2001). Brain drain and economic growth: Theory and evidence. *Journal of Development Economics*, 64, 275–289.
- Bennhold, K. (2015, October 29). Young migrants reach Europe alone and afraid. *The Miami Herald*, A1 & A8.
- Bentham, J. (1823). *An introduction to the principles of moral and legislation*. London: Methuen.
- Betts, A. (2011). The global governance of migration and the role of trans-regionalism. In R. Kunz, S. Lavenex, & M. Panizzon (Eds.), *Multilayered migration governance: The promise of partnership*. New York: Taylor & Francis.
- Borchers, J. (2016). *Tagesschau*. Retrieved October 10, 2016 from <http://www.tagesschau.de/ausland/niger-117.html>
- Bordo, M. D., Taylor, A. M., & Williamson, J. G. (2005). *Globalization in historical perspective*. Chicago: The University of Chicago Press.
- Boundless Economics. (2016). [Boundless.com](https://www.boundless.com/economics/textbooks/boundless-economics-textbook/immigration-economics-38/introduction-to-immigration-economics-138/impact-of-immigration-on-the-host-and-home-country-economics-546-12643/). Retrieved May 26, 2016 from <https://www.boundless.com/economics/textbooks/boundless-economics-textbook/immigration-economics-38/introduction-to-immigration-economics-138/impact-of-immigration-on-the-host-and-home-country-economics-546-12643/>.
- Brandt, J. (2016). *The refugee crisis needs concrete solutions—Here are three*. Retrieved August 27, 2017 from <https://www.brookings.edu/blog/order-from-chaos/2016/09/20/the-refugee-crisis-needs-concrete-solutions-here-are-three/>.
- Bremmer, I. (2017a, April 10). Turkey's Erdogan threatens a breakup with the E.U. *TIME*, 10.
- Bremmer, I. (2017b, August 7). Liberal democracy eroding right in Europe backyard. *TIME*, 16.
- Brock, G., & Blake, M. (2015). *Debating brain drain. May governments restrict immigration? (Debating Ethics)*. New York: Oxford University Press.
- Brown, D., & Rodriguez, A. (2014). *When race and policy collide-contemporary immigration debates*. Santa Barbara: ABC-CLIO.
- Budd, J. (2017). Bye-bye baby. *The Economist. The World in 2018*, 87.
- Bykvist, K. (2010). *Utilitarianism—A guide for the perplexed*. New York: Continuum International.
- Caldwell, A. (2017, July 14). Trump says border wall needs to be only 700-900 miles. *The Miami Herald*, 7A.
- Camarote, S. A. (2011). *Center for Immigration Studies*. Retrieved October 15, 2017 from <http://cis.org/2000-2010-record-setting-decade-of-immigration>.
- Cañibano, C., & Woolley, R. (2015). Towards a socio-economics of the brain drain and distributed human capital. *International Migration*, 53(1), 115–130.
- Carens, J. H. (2013). *The ethics of immigration*. New York: Oxford University Press.

- Castle, S. & Erlanger, S. (2017, January 18). Theresa May outlines Brexit plan. *The Miami Herald*, 10A.
- Castles, S. (2000). International migration at the beginning of the twenty-first century: Global trends and issues. *International Social Science Journal*, 52(165), 269–281.
- Castles, S. (2008). *Citeseerx*. Retrieved April 18, 2017, from <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.674.2219&rep=rep1&type=pdf>.
- Castles, S. (2009, December). Development and migration—Migration and development: What comes first? Global perspectives and African experiences. *Theoria: A Journal of Social and Political Theory*, 1–31.
- Chardy, A. (2017, June 20). Federal prosecutors inaugurate express deportation’ system. *The Miami Herald*, 5A.
- Charles, J. (2017, August 19). Some Haitians heading to Canada from the U.S. risk dividing families. *The Miami Herald*, 1A & 2A.
- Chrysoulaki, S. (2017). *The case of Kos Island in Greece. International migration through the eyes of a young volunteer*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- Cini, M., & Borragan, N. N. P. (2013). *European Union politics*. Oxford: Oxford University Press.
- Cole, P. (2011). The case against the right to exclude. In C. H. Wellman & P. Cole (Eds.), *Debating the ethics of immigration. Is there a right to exclude?* New York: Oxford University Press.
- Coleman, D. (2009). Migration and its consequences in 21st century Europe. *Vienna Yearbook of Population Research*, 1–18.
- Collier, P., & Betts, A. (2017). *Refuge: Rethinking refugee policy in a changing world*. New York: Oxford University Press.
- Conversi, D. (2015). Modernity, globalization and nationalism: The age of frenzied boundary-building. In J. Jackson & L. Molokotos-Liederman (Eds.), *Nationalism, ethnicity and boundaries: Conceptualizing and understanding identity through boundary approaches* (pp. 57–82). New York: Taylor & Francis.
- Cook, L. & Emeric, E. (2015, November 12). EU presses African nations to take back migrants. *The Miami Herald*, 12A.
- Cottingham, J. (1994). Religion, virtue and ethical culture. *Philosophy*, 69, 163–180.
- Cowell, A. (2017, November 24). Rwanda offers to take migrants from Libya. *The New York Times*, A6.
- Crisp, R. (1998). *J.S. Mill utilitarianism*. New York: Oxford University Press.
- Department of Homeland Security. (2016, June 29). *Department of Homeland Security*. Retrieved November 10, 2016, from <https://www.dhs.gov/about-dhs>.
- Desilver, D. (2017). Immigrants don’t make up a majority of workers in any U.S. industry. Pew Research Center. Available at <http://www.pewresearch.org/fact-tank/2017/03/16/immigrants-dont-make-up-a-majority-of-workers-in-any-u-s-industry/>. Accessed on March 18, 2017.
- DHS. (2018). *DHS*. Retrieved November 14, 2016, from https://www.dhs.gov/xlibrary/assets/usvisit/usvisit_edu_biometrics_brochure_english.pdf.
- DHS. (2016). *Budget-in-brief*. Retrieved November 14, 2016, from https://www.dhs.gov/sites/default/files/publications/FY_2016_DHS_Budget_in_Brief.pdf.
- Dickerson, C. & Nixon, R. (2017, December 21). Trump administration considers separating families to combat illegal immigration. *The New York Times*.
- Dunning, J. H. (1997). *Governments, globalization and international business*. New York: Oxford University Press.
- Dustmann, C. & Frattini, T. (2013). “The Fiscal Effects of Immigration to the UK.” Discussion Paper Series, CDP No 22/13, Centre for Research and Analysis of Migration, Department of Economics, University College London.
- Educators for Fair Consideration. (2012). *Fact Sheet: An overview of college-bound undocumented students*. Retrieved November 22, 2016, from Educators for Fair Consideration: http://www.e4fc.org/images/Fact_Sheet.pdf.
- EurActiv. (2013). The EU’s Role in Global Governance. Available at: <https://www.euractiv.com/section/global-europe/linksdossier/the-eu-s-role-in-global-governance/>. Accessed on March 17, 2017.

- European Commission. (2016a). *Completing the reform of the common European asylum system: Towards an efficient, fair and humane asylum policy*. Press Release from July 13, 2016. Retrieved November 15, 2017 from http://europa.eu/rapid/press-release_IP-16-2433_en.htm.
- European Commission. (2016b). *The EU and the refugee crisis*. Retrieved November 16, 2017, from <http://publications.europa.eu/webpub/com/factsheets/refugee-crisis/en/>.
- European Commission. (2017). *European civil protection and humanitarian aid operations*. Retrieved November 3, 2017, from http://ec.europa.eu/echo/where/middle-east/syria_en.
- European Parliament. (2017). *Reform of the asylum procedures directive*. Retrieved November 16, 2017, from <http://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-reform-of-the-asylum-procedures-directive>.
- Eurostat. (2000). Push and pull factors of international migration. Luxembourg: European Communities. *EurActiv.com*. Retrieved October 25, 2016, from <http://www.euractiv.com/section/global-europe/linksdossier/the-eu-s-role-in-global-governance/#ea-accordion-issues>.
- Eurostat. (2017). *Asylum statistics*. Retrieved August 27, 2017, from http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics.
- Fantz, A., Anderson, B., & Elwazer, S. (2015). Refugee crisis: Why aren't Gulf States taking them in? *Cable News Network*. Retrieved November 4, 2017 from <http://www.cnn.com/2015/09/08/world/gulf-states-syrian-refugee-crisis/index.html>.
- Farber, G., & Koeppen, D. (2017). Intergovernmental aspects of public sector costs and benefits of the integration of refugees in Germany. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- Federation for American Immigration Reform. (2009, June). *Federation for American Immigration Reform*. Retrieved August 3, 2017, from <http://www.fairus.org/issue/the-ethics-of-immigration>.
- Figueiredo, E., & Lima, L. (2017). *Third country effect of migration: The trade-migration nexus revisited*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- Fischer, J. (2015). *Project Syndicate*. Retrieved July 21, 2017 from https://www.project-syndicate.org/commentary/eu-migration-crisis-by-joschka-fischer-2015-08?utm_source=MadMimi&utm_medium=email&utm_content=Nouriel+Roubini%3a+%22A+Financial+Early-Warning+System%22&utm_campaign=20150830_m127146087_Nouriel+Roubini%3a+%22A+.
- Foer, F. (2017, May). Mexico's revenge. *The Atlantic*, 40–45.
- Foget, M., & Peri, G. (2015). *Immigrants' effect on native workers: New analysis on longitudinal data* (Discussion Paper No. 8961).
- Foroohar, R. (2015, October). Europe's gamble. Migrants could be the key to a stronger economy. *TIME*, 19, 72–73.
- FPÖ Kärnten. (2016). *Unser Mitteleuropa*. Retrieved October 25, 2016, from <http://unser-mittelleuropa.com/2016/10/06/fpo-darmann-keine-weitere-aufnahme-von-migranten/>.
- Franzke, J. (2017). *Problems of local integration policy for migrants. Concepts and implementation in German municipalities*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- Garcia-Zamor, J. C. (2017, December). The Global Wave of refugees and migrants: Complex challenges for European policy makers. *Public Organization Review*, 7(4), 38–57.
- Galli, L. (2017). *Judicial dualism and foreigner protection: The cases of Italy and France*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- Garvin, G. (2017, July 1). Immigration courts, lacking judges, are sinking under massive backlog of cases. *The Miami Herald*, 1A.
- Gates, B. (2017, May 15). How to keep America safe. *TIME*, 39.
- Geddes, A. (2005). Migration research and European integration: The construction and institutionalization of problems of Europe. In M. Bommes & E. Morawska (Eds.), *International Migration Research* (pp. 265–280). Burlington: Ashgate.
- Gerver, M. (2017). An ethical approach to refugee returns. *News Deeply*. Retrieved November 27, 2017, from <https://www.newsdeeply.com/refugees/community/2017/08/15/an-ethical-approach-to-refugee-return>.

- Golash-Boza, T. M. (2012). *Immigration nation: Raids, detentions, and deportations in post 9/11 America*. New York: Taylor & Francis.
- Goldstein, R. N. (2017, April). Making Athens great again. *The Atlantic*, 86–94.
- Gonzales, S. (2015). *Reuters*. Retrieved September 6, 2016 from <http://www.reuters.com/article/us-usa-immigration-study-idUSKCN0RS08V20150928>.
- Goodwin, M., & Milazzo, C. (2017). Taking back control? Investigating the role of immigration in the 2016 vote for Brexit. *The British Journal of Politics and International Relations*, 19(3), 450–464.
- Guskin, J., & Wilson, D. L. (2007). Are immigrants hurting our economy? In *The politics of immigration: Questions and answers* (pp. 63–72). New York: NYU Press.
- Haensel, K., & Garcia-Zamor, J. C. (2016a). The globalization of the migration problem. *International Journal of Social Science and Economic Research*, 1(10), 1566–1579.
- Haensel, K., & Garcia-Zamor, J. C. (2016b). History and challenges of U.S. immigration policy-making. *Journal of Public Administration and Governance*, 6(4), 139–149.
- Haensel, K., & Garcia-Zamor, J. C. (2017a). *The new economics, the politicization, and the governance of international migration*. Paper presented at the 2017 Transatlantic Dialogue—TAD 13 that took place in Miami, Florida, April 5–8.
- Haensel, K., & Garcia-Zamor, J. C. (2017b). Ethical concerns and migrants. In A. Farazmand (Ed.), *Global encyclopedia of public administration, public policy, and governance*. New York: Springer.
- Haensel, K., & Garcia-Zamor, J.C. (2017c). *Why ethics and morality in immigration policies are crucial for the survival of the European Union*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- Hinojosa-Ojeda, R. (2013). *The costs and benefits of immigration enforcement*. Houston: Rice University's Baker Institute.
- Hollifield, J. F., Martin, P. L., & Orrenius, P. M. (2014). *Controlling immigration*. Stanford: Stanford University Press.
- Home Office. UK Border Agency. Analysis, research and knowledge management. (2010). *Survey of new refugees, 2005–2009* [data collection]. UK Data Service. SN: 6556, <https://discover.ukdataservice.ac.uk/doi/?sn=6556>.
- Hubbard, B. (2015). Wealthy Gulf nations are criticized for tepid response to Syrian refugee crisis. *The New York Times*. Retrieved November 3, 2017, from <https://www.nytimes.com/2015/09/06/world/gulf-monarchies-bristle-at-criticism-over-response-to-syrian-refugee-crisis.html>.
- Hursthouse, R. (1993). Slote on self-sufficiency. *Journal of Social Philosophy*, 24, 57–67.
- Hursthouse, R. (1999). *On virtue ethics*. New York: Oxford University Press Inc..
- International Organization for Migration. (2012). *RCMVS*. Retrieved August 5, 2017 from http://www.rcmvs.org/documentos/IOM_EMM/v1/V1S03_CM.pdf.
- IOM. (2015). Retrieved October 15, 2015, from <https://www.iom.int/>.
- Jahn, G. (2015, October). Austria to build fence along border with Slovenia. *The Miami Herald*, 29, 14A.
- Jimenez, M. (2009, October 1). *American Civil Liberties Union*. Retrieved November 22, 2016, from https://www.aclu.org/files/pdfs/immigrants/humanitarian_crisis_report.pdf.
- Jones, W., Teytelboym, A., & Rohac, D. (2017). *Europe's refugee crisis. Pressure points and solutions*. Washington, DC: American Enterprise Institute.
- Joppke, C. (1998). *Challenge to the nation-state: Immigration in Western Europe and the United States*. New York: Oxford University Press.
- Kagan, M. (2012). *The UN "Surrogate State" and the Foundation of Refugee Policy in the Middle East*. Scholarly works (Paper 781).
- Kant, I. (1996). *The metaphysics of morals*. Cambridge: Cambridge University Press.
- Kaplan, L. M. (2017, July). Latest Blog: "Update on refugee resettlement". Office of Linda M. Kaplan, an Immigration Law Firm in Miami, Florida.
- Katz, B., Noring, L. & Garrelts, N. (2016). *Cities and refugees: The German experience*. Retrieved August 27, 2017, from https://www.brookings.edu/research/cities-and-refugees-the-german-experience/?utm_source=feedblitz&utm_medium=FeedBlitzRss&utm_campaign=brookingsrss/topfeeds/latestfrombrookings.

- Keegan, B. (2017, July). Keeping our doors open? An overview of Refugee Resettlement Policy in the United States. *PA TIMES*.
- Kelly, L., & Regan, L. (2000). *Stopping traffic: Exploring the extent of, and responses to trafficking in women for sexual exploitation in the UK* (Vol. 36). Policing and Reducing Crime Unit: Home Office.
- Kentor, J. (2001, November). The long term effects of globalization on income inequality, population growth, and economic development. *Social Problems*, 48, 435–455.
- King Abdullah II. (2016). *The burden on Jordan far exceeds that on the West. Help is needed. The Independent*. Retrieved September 26, 2017, from <http://www.independent.co.uk/voices/the-burden-on-jordan-far-exceeds-that-on-the-west-we-need-help-a6849391.html>.
- Koopmans, R., Statham, P., Giugni, M., & Passy, F. (2005). *Contested citizenship: Immigration and cultural diversity in Europe*. Minneapolis: University of Minnesota Press.
- Koslowski, R. (2011, February). *Migration policy*. Retrieved November 1, 2016, from <http://www.migrationpolicy.org/research/evolution-US-border-controls-illegal-immigration>.
- Kulish, N., Harris, G., & Nixon, R. (2017, February 3). New policy traps some in U.S. *The Miami Herald*, 9A.
- Kumar, A. (2017, February 7). U.S. has banned foreigners before, but this time it's different. *The Miami Herald*, 9A.
- Kumin, J. (2015). *Welcoming engagement. How private sponsorship can strengthen refugee resettlement in the European Union*. Migration Policy Institute Europe.
- Lederer, E.M. (2017, March 11). U.N. says world faces largest humanitarian crisis since 1945. *The Miami Herald*, 18A.
- Lehmann, J.-P. (2015). *Forbes*. Retrieved September 17, 2017, from <http://www.forbes.com/sites/jplehmann/2015/09/02/refugees-migrants-europes-past-history-and-future-challenge/#1c71b0aa4765>.
- Levin Institute. (2016). *The issue of sovereignty*. Globalization 101. Retrieved November 22, 2017, from <http://www.globalization101.org/the-issue-of-sovereignty/>.
- Licari, M. J. (2003). Bureaucratic discretion and regulatory success without enforcement. In G. Krause & K. J. Meier (Eds.), *Politics, policy and organizations: Essays on the scientific study of bureaucracy*. Ann Arbor: University of Michigan Press.
- Liebert, S., Goerzig, C., and Siddiqui, M. (2017). *Government policies and integration of Muslim immigrants in Europe and North America: The Transatlantic comparison*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- MacDonald, A., & Barkin, N. (2016, January 18). *Huffington Post*. Retrieved October 26, 2016, from http://www.huffingtonpost.com/entry/european-leaders-fear-the-refugee-crisis-will-tear-the-eu-apart_us_569cfc32e4b0778f46fa010c.
- Malek, C. (2016). UAE to welcome 15,000 refugees from Syria. *The National*. Retrieved November 1, 2017, from <https://www.thenational.ae/uae/uae-to-welcome-15-000-refugees-from-syria-1.231435>.
- Martin, D. (2017). The EU migrant relocation and resettlement scheme—What you need to know. *Deutsche Welle*. Retrieved November 15, 2017, from <http://www.dw.com/en/the-eu-migrant-relocation-and-resettlement-scheme-what-you-need-to-know/a-40378909>.
- Masser, K. & Knorr, A. (2017). *Germany after the "Refugee Crisis" of 2015—Are we going to lose the game*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- Massey, D. S. (2003). *Citeseerx*. Retrieved June 5, 2017, from <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.473.925&rep=rep1&type=pdf>.
- Mazzei, P. (2017, February 10). S. Fla. ranks No. 5 in undocumented migrants. *The Miami Herald*, 7A.
- McDonald-Gibson, C. (2017, March 20). Ever more divided union. *TIME*, 37–39.
- McKenzie, R., & Brandt, J. (2016). *Towards solutions to the Syrian refugee crisis*. Retrieved August 26, 2017, from <https://www.brookings.edu/blog/markaz/2016/06/22/towards-solutions-to-the-syrian-refugee-crisis/>. Retrieved August 26, 2017.
- McLaughlin, B. (2017, August 29). Administratively strained: Immigration courts. *PA TIMES*.

- McNevin, A. (2011). *Contesting citizenship: Irregular migrants and new frontiers of the political*. New York: Columbia University Press.
- Merriam-Webster. (n.d.). Retrieved September 16, 2016, from <http://www.merriam-webster.com/dictionary/globalization>.
- Meister, M. & Wisdorff, F. (2017). Rückkehr zu Schengen scheitert an der Realität. *Die Welt*. Retrieved November 6, 2017, from <https://www.welt.de/politik/ausland/article160845015/Rueckkehr-zu-Schengen-scheitert-an-der-Realitaet.html>.
- Mello, M. (2013). *Huffington Post*. Retrieved November 22, 2016, from http://www.huffingtonpost.com/2013/06/13/border-security-boost-led_n_3436293.html.
- Migration Policy Institute. (2013). *Migration Policy Institute*. Retrieved November 9, 2016, from <http://www.migrationpolicy.org/research/timeline-1790>.
- Migration Policy Institute. (2016). *Migration policy*. Retrieved August 26, 2017, from <http://www.migrationpolicy.org/programs/moving-europe-beyond-crisis?gclid=CMah8JzLqdlCFcokhgoduTEFJw>.
- Miliband, D. (2015). The view geopolitics: Human rights. *TIME*, December 28, 2015–January 4, 2016, 36.
- Mill, J. S. (1863). *Utilitarianism*. Chicago: The University of Chicago Press.
- Miller, M. J., & Martin, P. (1980). Guest workers: Lessons from Western Europe. *Industrial and Labor Relations Review*, 315–330.
- Min Kyung, K. (2017). *What makes states restrictive? A comparative study on refugee recognition of Bulgaria, Hungary, and Poland*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- Mishra, P. (2017, September 14). How the new immigration is shaking old Europe to its core. *The New York Times*.
- Münz, R. (2013). *Migration Policy Institute*. Retrieved September 16, 2017, from <http://www.migrationpolicy.org/research/demography-and-migration-outlook-21st-century>.
- NCSL. (2015). *National Conference of State Legislatures*. Retrieved August 12, 2017, from <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx>.
- Odula, T. (2016, May 12). Kenya to close world's biggest refugee camp. *The Miami Herald*, 14A.
- OHCHR. (2016, September 19). *United Nations Human Rights Office of the High Commissioner*. Retrieved October 28, 2016, from <http://www.ohchr.org/EN/Issues/Migration/UNSummit/Pages/MigrationSummitIndex.aspx>.
- Open Society Foundations. (2016). *Open Society Foundations*. Retrieved September 3, 2017, from <https://www.opensocietyfoundations.org/explainers/understanding-migration-and-asylum-european-union>.
- Oppenheimer, A. (2017, March 12). Trump's border wall will be even more useless than previously thought. *The Miami Herald*, 5B.
- Ordoñez, F. (2016, September 18). Migrant surge poses challenge for U.S.: Who's a refugee, who isn't? *The Miami Herald*, 2B.
- Osnowitz, M. (2015). *The ethics of the Syrian refugee crisis*. Penn Wharton public policy initiative. Retrieved November 22, 2017, from <https://publicpolicy.wharton.upenn.edu/live/news/1088-the-ethics-of-the-syrian-refugee-crisis>.
- Padgett, T. (2017, April 21). If foreign aid is cut, trump's push to oust illegal immigrants will get us more illegal immigrants. *The Miami Herald*, 15A.
- Parker, L. M. (2007, May 1). *Santa Clara University*. Retrieved February 3, 2017, from <https://www.scu.edu/ethics/focus-areas/more/resources/the-ethics-of-migration-and-immigration/#8>.
- Partlow, J. (2017, January 27). White House says border wall might be funded by tax on goods from Mexico. *The Miami Herald*, 10A.
- Poushter, J. (2016). *Pew Research Center*. Retrieved May 27, 2017, from <http://www.pewresearch.org/fact-tank/2016/09/16/european-opinions-of-the-refugee-crisis-in-5-charts/>.
- Perfetti, L. R. & Rota, F. (2017). *Migrant's fundamental rights and public power under the Italian legal framework*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.

- Pew Research Center. (2017, November 20). Top 10 countries of origin of foreign students in the U.S., 2016. Available at <http://www.pewglobal.org/chart/foreign-students-u-s-higher-education-top-10-countries-of-origin/#>. Accessed on December 3, 2017.
- Piana, D. (2017). *Delivering justice to all: Migrants and courts in unbounded and rebounded system*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- Pianezzi, D. & Grossi, G. (2017). *Corruption in migration management: A network perspective*. Paper presented at the 2017 Transatlantic Dialogue—TAD 13 that took place in Miami, Florida, April 5-8.
- Pulse Opinion Research. (2016, April 6). *Rasmussen reports*. Retrieved November 9, 2016, from http://www.rasmussenreports.com/public_content/politics/current_events/immigration/april_2016/gop_voters_still_favor_border_wall_other_voters_less_so.
- Redden, E. (2017, July 26). Ready to go expat? *Inside Higher Ed*.
- Renzi, M. (2016). *Governo Italiano*. Retrieved August 3, 2017, from http://www.governo.it/sites/governo.it/files/immigrazione_0.pdf.
- Ritzer, G. (2010) *Globalization*. Malden: Blackwell.
- Richmond, A. H. (1993). Reactive migration: Sociological perspectives on refugee movements. *Journal of Refugee Studies*, 6(1), 7–24.
- Riley, J. (2008). *Let them in: The case for open borders*. Albany: Nelson A. Rockefeller Institute of Government.
- Roberts, A. (2017). On the move. *The World in 2018. The Economist*, 81–82.
- Rodriguez-Acosta, C. A. (2017). *Intergovernmental coordination of managing migration in the United States: The case of the sanctuary cities*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- Romeo, G. (2017). *Managing mass migration in the European Union between nationalist egoism and cosmopolitan temptations*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- Romero, S. & Politi, D. (2017, February 5). Argentina’s crackdown on immigration rattles region. *The Miami Herald*, 20A.
- Rorty, A. (1996, July). From exasperating virtues to civic virtues. *American Philosophical Quarterly*, 303–314.
- Rubin, J. (2016, October 24). GOP needs to wise up about immigration. *The Miami Herald*, 17A.
- Sacchetti, M. (2017, May 18). Immigration arrests soar. *The Miami Herald*, 18A.
- Sacchetti, M. & Barrett, D. (2017, July 11). Foreign students would face scrutiny under Homeland proposal. *The Miami Herald*, 7A.
- Sagini, M. M. (2014). *Globalization: The paradox of organizational behavior: Terrorism, foreign policy, and governance*. Lanham: University Press of America.
- Salahhedin, S. (2015, February 19). Dozens of Iraqi migrants return home from Europe. *The Miami Herald*, 14A.
- Sanchez, M. (2017a, February 14). Taking care of refugees is a moral duty. *The Miami Herald*, 15A.
- Sanchez, M. (2017b, July 11). House immigration bills based on inflamed rhetoric, not on finding real solutions. *Miami Herald*, 13A.
- Saner, R. (2017). *Multi-level governance of migrations: Refugee versus migrant*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- Santiago, F. (2017, April 26). Trump’s big feat so far: Terrorizing undocumented immigrants. *The Miami Herald*, 3A.
- Schneider, M. L. (2017, February 5). We can stop migration from Mexico, and we don’t need a wall. *The Miami Herald*, 7B.
- Schuck, P. (2008). *The morality of immigration policy*. New Haven: Yale Law School.
- Schuck, P.H. (2015, June 9). Creating a market for refugees in Europe. *The New York Times*.
- Secretary-General of the United Nations. (2016). Outcome of the World Humanitarian Summit. United Nations, Istanbul.

- Sengupta, S. (2017, December 21). Climate change is driving people from home. So why don't they count as refugees? *The New York Times*.
- Shaimerdenova, A., & Garcia-Zamor, J.-C. (2017). Influence of human capital on economic growth: A comparative analysis of education development in Kazakhstan, South Korea, Singapore and Malaysia. *Journal of Public Administration and Governance*, 7(3), 30–46.
- Sherman, C. (2017, February 25). Official: Mexico rejected U.S. plan on 3rd-country deportees. *The Miami Herald*, 17A.
- Shulman, S. (2012). *Population Press*. Retrieved August 3, 2017, from <https://populationpress.org/2012/09/19/ensuring-a-sustainable-future-by-progressives-for-immigration-reform/>.
- Shuster, S. (2016, April 4). No man's land. While Europe reels, thousands of refugees are trapped in northern Greece. *TIME*, 28–35.
- Simon, S. (2009, February 4). *Border-fence project hits a snag*. Retrieved November 9, 2016, from <http://www.wsj.com/articles/SB123370523066745559>.
- Simonati, A. (2017). *Migrants' participation in political local life in Italy: New administrative tools for social and legal integration*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- Sirleschtov, A. (2015). *Tagesspiegel*. Retrieved October 25, 2016, from <http://www.tagesspiegel.de/politik/die-afd-und-die-fluechtlinge-alternative-fuer-deutschland-beklagt-das-asyлчаos/12290094.html>.
- Smale, A. (2016, March 21). Merkel's trust in Turkey and Greece to stem Migrants Comes with Risks. *The New York Times International*, A8.
- Solimano, A. (2010). *International migration in the age of crisis and globalization*. New York: Cambridge University Press.
- Soronen, L. (2017, January 31). Legal theories for sanctuary cities. *ICMA—Leadership Matters*, 6(5).
- Spinelli, B. (2016). *Open democracy*. Retrieved July 7, 2017, from <https://www.opendemocracy.net/can-europe-make-it/barbara-spinelli/something-rotten-in-migration-compact-20-of-matteo-renzi>.
- Statman, D. (1997). Introduction to virtue ethics. In D. Statman (Ed.), *Virtue ethics* (pp. 1–42). Edinburgh: Edinburgh University Press.
- Steger, M. B. (2008). *Globalization—A very short introduction*. New York: Oxford University Press.
- Stein, J. (2017, August 29). Why older people should not vote—And other ideas unpopular with my parents. *TIME*, 59.
- Stephens, M. (2015). *Migrant crisis: Why the Gulf States are not letting Syrians in*. British Broadcasting Corporation. Retrieved November 2, 2017, from <http://www.bbc.com/news/world-middle-east-34173139>.
- Steuer, H. (2016). *Handelsblatt*. Retrieved October 25, 2016, from <http://www.handelsblatt.com/politik/international/daenemark-und-die-rechten-mit-asylspray-gegen-fluechtlinge/14617668.html>.
- Stevens, B. (2016). *United Nations University*. Retrieved October 28, 2016, from <https://ourworld.unu.edu/en/summits-signal-shared-action-to-address-refugees-and-migration>.
- Stewart, D. (2016, July 25). Britain's Theresa May takes power with Brexit in her sights. *TIME*, 14.
- Stratton-Lake, P. (2000). *Kant, Duty and Moral Worth*. London: Routledge.
- Swanton, C. (1997). Virtue ethics and satisfying rationality. In D. Statman (Ed.), *Virtue ethics* (pp. 99–117). Edinburgh: Edinburgh University Press.
- Tagesschau. (2017). *Tagesschau*. Retrieved September 3, 2017, from <http://www.tagesschau.de/ausland/hilfe-tschadsee-101.html>.
- Tamkin, E. (2017). *Did Turkey just kill the refugee deal with Europe?* Foreign Policy. Retrieved September 27, 2017, from <http://foreignpolicy.com/2017/03/14/did-turkey-just-kill-the-refugee-deal-with-europe/>.
- Terrazas, A., & Batalova, J. (2010). *Migration Policy Institute*. Retrieved September 3, 2016, from <http://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states-1#1a>.

- Tharoor, I. (2015). Assad's position strengthens in Syria with renewed Russian and Iranian support. *The Washington Post*. Retrieved October 21, 2017, from https://www.washingtonpost.com/news/worldviews/wp/2015/09/25/assads-position-strengthens-in-syria-with-renewed-russian-and-iranian-support/?utm_term=.cec2a2f5f3c3.
- The Atlantic. (2017, May). What was the most significant environmental catastrophe of all time? 104.
- The Economist. (2015a, November 7). The Indispensable European.
- The Economist. (2015b, November 30). Europe's has a deal with Turkey, but migrants will keep coming. Refugees' misery still drives them to leave.
- The Economist. (2015c, October 8). Asylum applications and Europe's Safe Country Lists.
- The Economist. (2016a, May 28). The EU is gambling its reputation to secure its border.
- The Economist. (2016b, April 30). Immigrants do less to raise birth rates than is generally believed.
- The Economist. (2016c, July 16). The irresistible rise of Theresa May.
- The Economist. (2017a, April 11). Fading Echoes—East Germany is running out of people.
- The Economist. (2017b, February 11). Waiting to make their move. Asia's looming labour shortage.
- The Economist. (2017c, March 23). Europe at 60—Can Europe be saved? If it is to survive, the European Union must become a lot more flexible.
- The Economist. (2017d, December 16). Rhetoric and reality. 24.
- The Trump Organization. (2016). *Trump Pence*. Retrieved October 25, 2016, from <https://www.donaldjtrump.com/policies/immigration>.
- The Miami Herald. (2015, September 9). Europe's migrant crisis, and ours (Editorial), 8A.
- The Miami Herald. (2016a, November 2). More people from far-flung corners of the world are trying to sneak into the U.S., 13A.
- The Miami Herald. (2016b, December 11). Singing a different tune on immigration (Editorial), 6B.
- The Miami Herald. (2017a, April 19). Border wall could cost 3 times the estimates, Democrat's report says, 9A.
- The Miami Herald. (2017b, March 8). New travel ban as misguided as the old (Editorial), 18A.
- The Telegraph. (1981). Court consider education for illegal alien children. *The Telegraph*.
- The Week. (2013). *The Week*. Retrieved November 10, 2016, from <http://theweek.com/articles/466628/what-take-secure-usmexico-border>.
- Thomson Reuters. (2013). *Find Law*. Retrieved August 3, 2016, from <http://immigration.findlaw.com/immigration-laws-and-resources/federal-vs-state-immigration-laws.html>.
- Trevino, K. L. (1986). Ethical decision making in organizations: a person-situation interactionist model. *The Academy of Management Review*, 601–617.
- Trimborn, M. & Reimann, A. (2016). Wer geht, kriegt Geld. *Spiegel Online*. Retrieved November 6, 2017, from <http://www.spiegel.de/politik/deutschland/rueckkehrhilfe-fuer-fluechtlinge-wer-kriegt-wie-viel-geld-a-1079175.html>.
- UN News Centre. (2017). *Over 600,000 displaced Syrians returned home so far this year*. UN News Service. Retrieved November 5, 2017, from <http://www.un.org/apps/news/story.asp?NewsID=57340#.WgO7dVWnGaE>.
- UNESCO. (2015). *UNESCO*. Retrieved November 3, 2016, from <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/migrant/>.
- UNHCR (2011). *States parties to the 1951 Convention relating to the status of refugees and the 1967 protocol*. Retrieved November 1, 2017, from <http://www.unhcr.org/en-us/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>.
- UNHCR. (2016). *Global trends—Forced displacement in 2015*. Geneva: UNHCR.
- UNHCR. (2017). *United Nations Refugee Agency*. Retrieved March 12, 2017, from <http://www.unhcr.org/en-us/news/videos/2017/2/58b3f4714/which-countries-host-the-most-refugees-quest.html>.
- UNHCR/UNDP. (2017). *Lack of funding putting help for Syrian refugees and hosts at risk, as Brussels Syria Conference set to open*. Retrieved August 26, 2017, from <http://www.unhcr.org/en-us/news/press/2017/4/58e340324/lack-funding-help-syrian-refugees-hosts-risk-brussels-syria-conference.html>.

- United Nations. (2016). *Agenda for humanity*. Retrieved October 27, 2016, from <http://www.agendaforhumanity.org/aboutthecommitments>.
- U.S. Customs and Border Protection. (2012). *U.S. Customs and Border Protection*. Retrieved November 10, 2016, from https://www.cbp.gov/sites/default/files/documents/bp_strategic_plan.pdf.
- Van der Brug, W., D'Amato, G., Berkhout, J., & Ruedin, D. (2015). *The politicisation of migration*. New York: Routledge.
- Vandererf, B., & Heering, L. (1996). *Causes of international migration* (p. 205). Collingdale: Diane.
- Vick, K. (2016, October 31). Between two worlds. *TIME*, 37–40.
- Vilde, H. (2017). *Central coercion or local autonomy? A comparative analysis of policy instruments in Scandinavian refugee settlement policies*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.
- von Helldorff, J. (2015). *Heinrich Böll Stiftung European Union*. Retrieved September 3, 2017, from <https://eu.boell.org/en/2015/09/03/eu-migration-dilemma>.
- Wasem, R. (2004). *U.S. immigration policy on permanent admissions*. Washington, DC: Congressional Research Services.
- Weiss, T. G. (2013). *Global governance—Why? What? Whither?* Malden: Polity Press.
- Walsh, B. (2015, October 26). Ohran Pamuk. *TIME*, 60.
- Wellman, C. H. (2011). In Defense of the Right to exclude. In C. H. Wellman & P. Cole (Eds.), *Debating the ethics of immigration. Is there a right to exclude?* New York: Oxford University Press.
- Welsh, T. (2017a, August 1). American white nationalists fund European ship to catch Muslims in the Mediterranean. *The Miami Herald*, 9A.
- Welsh, T. (2017b, August 24). Hunger, not crime, drives Central Americans to U.S., report says. *The Miami Herald*, 12A.
- White, C. (2015). *Immigration and regional integration. A globalizing world: myths and truths about migration*. Lanham, MD: Lexington Books.
- Whitefield, M. (2017, January 31). Suspension of refugee program affects all nations. *The Miami Herald*, 1A & 2A.
- Whitman, J. (2005). *The limits of global governance*. New York: Routledge.
- WHS. (2016). *World Humanitarian Summit*. Retrieved October 27, 2016, from <https://www.world-humanitariansummit.org/>.
- Williams, M. H. (2013). Evaluating party politicization of immigration (Chapter 13). In M. H. Williams (Ed.), *The multicultural dilemma: Migration, ethnic politics, and state intermediation*. New York: Taylor & Francis.
- Wishart, I., Donahue, P., & Navarra, K. (2015, November 30). EU, Turkey agree on means to stem flow of refugees. *Bloomberg News*.
- Wood, A. W. (2008). *Kantian Ethics*. New York: Cambridge University Press.
- Ybarra, V. D., Sanchez, L. M., & Sanchez, G. R. (2016). Anti-immigrant anxieties in state policy: The great recession and punitive immigration policy in the American states, 2005–2012. *State Politics & Policy Quarterly*, 16(3).
- Youssef, N. (2016, September 24). More than 160 migrants die off Egypt. *The Miami Herald*, 18A.
- Zengerle, P. (2016). *Exclusive: Paperwork, rights concerns hold up U.S. aid for Central America*. Reuters. Retrieved October 12, 2017, from <https://www.reuters.com/article/us-usa-centralamerica-aid/exclusive-paperwork-rights-concerns-hold-up-u-s-aid-for-central-america-idUSKC-N10M200>.
- Zhou, X. (2017). *Refugee children's education from the perspective of the European Union crisis*. Paper presented at the 2017 International Institute of Administrative Sciences (IIAS) Annual Meeting in Aix-en-Provence.