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# West Coast Publishing

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## LD Jan-Feb 2023 Open Borders File 2

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# WEST COAST DEBATE

## LD

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**WEST COAST DEBATE .....2**

Resolved: Justice requires open borders for human migration .....4

**Affirmative .....5**

    Extensions – Open Borders Key To Justice .....6

    Extensions – Open Borders Increases the Economy .....10

    Extensions – Current Border Control is Inhumane .....12

    A2 – Citizens Rights Before Immigrants / Sovereignty .....15

    A2 – Freedom of Movement Exists Now .....18

    A2 – Open Borders Leads to Brain Drain .....19

    A2 – Open Borders Makes Things Worse .....20

    A2 – Open Borders is Utopian .....21

**Negative .....22**

    Extensions – Open Borders Harm Justice .....23

    Extensions – Citizens Rights / Sovereignty Comes First .....27

    Extensions – Reasonable Restrictions to Migration Exist .....30

    Extensions – Open Border Leads to Brain Drain .....32

    Extensions – Open Borders is Utopian .....34

    A2 – Open Borders Not Key to Justice .....36

    A2 – Open Borders Solves Inequality .....38

    A2 – Freedom of Movement Requires Open Borders .....40

    A2 – Open Borders Benefits the Economy .....42

## **Resolved: Justice requires open borders for human migration**

## Affirmative

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## Extensions – Open Borders Key To Justice

### Open borders is necessary for global justice for three reasons

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May **2022**

“Should we open borders? Yes, but not in the name of global justice,” *Ethics and Global Politics*, Vol. 15, <https://www.tandfonline.com/doi/full/10.1080/16544951.2022.2081398>

The argument for open borders as a remedy of global justice is often based on the following premises: (1) The world in its current state is unjust, millions of people lack access to the basic resources for a decent life; (2) borders (re)produce this injustice, as they spatially delimit opportunities and prevent people from moving where these are found; (3) a world with open borders would alleviate this situation by allowing people to migrate to the countries that offer the most opportunities.

### Because the Earth is a common good, everyone should be able to access any part of it

Juan Carlos **Velasco**, professor in Spain, 7 March **2015**

“Open-Border Immigration Policy: A Step towards Global Justice,” *Migraciones Internacionales*, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

To speak about the right of persons to circulate freely in today's world is to take a walk through a minefield of paradoxes. To start with, it should be completely normal for the entire surface of the planet we inhabit to be accessible to anyone who is able to move around. After all, the whole planet is the common property of humanity (albeit with the permission of the other animal species that live here), property that each generation receives as an undeserved inheritance. And if the Earth is a common good (and probably the most genuine one), the access to all its different parts must be universally guaranteed. From the aforesaid, a way of conceiving one's relation with the territory can be inferred that obliges and constrains both visitors and hosts ( Thiebaut, 2010:550–551 ).

### The freedom of movement through open borders is necessary for liberalism

Michael **Blake**, professor at the University of Washington, 14 July **2012**

“Review Of: Debating the Ethics of Immigration: Is There a Right to Exclude?,” *Notre Dame Philosophical Reviews*, <https://ndpr.nd.edu/reviews/debating-the-ethics-of-immigration-is-there-a-right-to-exclude/>

Cole's contribution argues for the opposite conclusion. His negative argument seeks to establish that arguments in favor of the right to exclude (Wellman's included) are morally unpersuasive. Cole's positive conclusion seeks to establish that a moral right to international mobility is part of any defensible and coherent liberalism. Liberalism's refusal to endorse open borders, on Cole's account, is both a theoretical and a moral embarrassment to liberal theorists: theoretical, because we have failed to live up to the moral universalism we pretend lies at the heart of our theories; and moral, because we have not been willing to accept the radical changes that liberalism ought to provoke within our privileged and wealthy lives.

## **Freedom of movement is key to better one's conditions**

Juan Carlos **Velasco**, professor in Spain, 7 March **2015**

"Open-Border Immigration Policy: A Step towards Global Justice," *Migraciones Internacionales*, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

From this type of approach so succinctly outlined, it would be fitting to derive the affirmation of *ius migrandi* as a corollary: the right of everyone not only to move around the planet, but also to change their residence and settle wherever it suits them. The possibility of deciding where to live is a fundamental aspect of human freedom (and in many cases it is also a condition of the possibility to enjoy other freedoms and opportunities). This assertion is completely evident when the person migrating is oneself. No one would deny this fundamental right to oneself. However, it does not always happen the same way when one tries to apply it to others. Then a thousand distinctions are made, nonsense that in recent times has only become more pronounced, such that the distance between theory and practice is abysmal. One has only to refer to the evidence. The free circulation of persons, as well as freedom of residence, is a basic human right, yet the specific way it is regulated suffers from a degree of asymmetry that borders on the absurd, a feature visible even in the most influential text about human rights, the Universal Declaration of Human Rights (UDHR). Its Article 13 proclaims: "(1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country."

## **Opening borders solves the issue of exclusion and criminalization**

Alex **Johnson**, December **2014**

"US Border: Open or Closed?," Worcester State University, [http://wsu.tonahangen.com/citizen/?page\\_id=51](http://wsu.tonahangen.com/citizen/?page_id=51)

Let's first look at the possibility of opening the borders, basically allowing anyone into the United States. When a country has borders and immigration laws, it will often permit people to enter a national territory as immigrants. Borders create identities of belonging and non-belonging. When an illegal immigrant comes into the United States without permission, he or she is considered not belonging here. If this illegal immigrant gets caught, they will face deportation (along with never being able to come back to the United States again legally, even if they didn't have any sort of criminal record). When you open the borders, this will eliminate the "legal" and "illegal" statuses of immigrants. We won't have to worry about regulating immigration, because everyone will be considered "legal". According to Bauder, "These controls and restrictions enable the unequal treatment of human beings who are otherwise equal; they distort free markets; they facilitate exploitation and unjust accumulation and they permit and reinforce various forms of oppression." [1] Creating borders and not allowing certain people into the United States may not be all that fair, considering we are a nation built and founded upon immigration. Once immigrants come into the country, we can then say they have to stay here for a certain amount of years before they become an actual citizen.

## Opening borders is necessary to live up to the lessons of the past and the present moment

Juan Carlos **Velasco**, professor in Spain, 7 March **2015**

“Open-Border Immigration Policy: A Step towards Global Justice,” *Migraciones Internacionales*, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

The migrations and, in particular, the massive forced movements of persons recorded after the First World War, and especially during World War II, constitute a background of historical experiences that played an important role in the creation and approval of the UDHR, as they were experiences shared with greater or lesser proximity by all the relevant actors of the time. Free circulation within the country itself, as well as the possibility of leaving it or the right to return to one’s own country, were options denied millions of people during those tragic years, a rejection that came at an extremely high cost of human life. It is evident that the UDHR is a historic document, in a literal as well as a critical sense. Given that its achievements and weaknesses have a historical reading, if its validity is to be maintained, the interpretation of rights of mobility (set forth in Articles 13 and 14 of the UDHR) should be updated and adapted to the new historical context: These rights were formulated in the context of the Holocaust and the Cold War, and today would have to be reinterpreted in light of the socioeconomic, political, and cultural consequences of globalization to formulate the right to mobility ( Estévez, 2012:151 ). That is precisely the main intention of this article: to examine the possibility of shaping an open-door migration scenario, that is, a collection of policies that conceive of migration as one more element in the processes of globalization—and not as a breeding ground for the multiplication of social conflicts—so that it brings about the complete implementation of freedom of movement and settlement.

## Current immigration policy proposals don’t live up to the values of liberty and justice for all, opening borders is key

Nathan **Smith**, contributor to AEI, 13 May **2011**

“What If Justice Demands Open Borders?,” American Enterprise Institute, <https://www.aei.org/articles/what-if-justice-demands-open-borders/>

Why do we cling to this myth that anyone can get in line and come to America? Mostly because our values demand it. We aspire to be a country of “liberty and justice for all.” To accept frankly that some people are excluded from America for life because of their place of birth would make nonsense of this claim. So we try to forget about them. President Obama, and most Americans, want to find a happy medium. We want to be a place where “anyone can write the next chapter in our history;” and yet we want to accept only the “best and brightest.” We want to be humane to those already here illegally, without creating incentives for more to come. But that happy medium doesn’t exist. We can persist with the present muddle, in which people break the laws on a large scale because they benefit by doing so. Or we could try to close the borders and do whatever it takes—abandoning all scruples about inalienable rights and liberty and justice for all— and figure out some way to redefine what it is to be American that does not depend on our historic ideals. Or we could try a third option: resolutely examine what those ideals really demand of us, and do that, even if means changing a lot of bad habits and taking a few risks.



## Border restrictions are rooted in an exclusionary logic that is incompatible with justice

Juan Carlos **Velasco**, professor in Spain, 7 March 2015

“Open-Border Immigration Policy: A Step towards Global Justice,” *Migraciones Internacionales*, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

With regard to freedom of circulation and residence, countries maintain that their regulation forms part of the domain reservé of their sovereignty. The prevalent notion of state sovereignty continues to hinge upon exclusive control of a specific territory and its borders, legal authority that also includes the regulation of foreigner admission procedures. As a consequence, the spontaneity of migratory flows remains conditioned by the constant, although rarely efficient, state endeavors that tend to plan them, orient them, and regulate them. Behind the persistence of territorial borders, one finds an implacable state machinery determined to mark the confines between those inside and those outside, to separate human beings into citizens and foreigners, an exclusive logic in addition to one that is profoundly inhospitable ( Bello, 2011 ). This is not a mere theoretical assertion but rather a verified daily practice.

## Modern borders were created from exploitation and conquest, and reinforce global hierarchies

Michael **Blake**, professor at the University of Washington, 14 July 2012

“Review Of: Debating the Ethics of Immigration: Is There a Right to Exclude?,” *Notre Dame Philosophical Reviews*, <https://ndpr.nd.edu/reviews/debating-the-ethics-of-immigration-is-there-a-right-to-exclude/>

The second thread is the historical context within which these debates are formed. We often ignore, Cole asserts, that the borders that divide the wealthy and the poor were, in large part, created by the wealthy, who felt (and feel) entitled to roam the earth in pursuit of profit (220-225). Against this backdrop, arguments against the right of the poor to cross borders seem not only unjust but unjustly ahistorical; we invoke these borders as if they were morally sacred, while ignoring the fact that they are the legacies left over from uncontroversially unjust patterns of exploitation and enslavement.

## Border controls are a manifestation of unequal division

Juan Carlos **Velasco**, professor in Spain, 7 March 2015

“Open-Border Immigration Policy: A Step towards Global Justice,” *Migraciones Internacionales*, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

To close the borders to people, however, it was not necessary to present migrants as potential terrorists. That is only a conveniently timed excuse, as the physical barriers were erected long before, from the moment control of movement of migrants was bolstered with the fight against drug trafficking, the white-slave trade, and smuggling in general. The objective was no longer to keep two worlds with conflicting ideologies separated, as occurred until the fall of the Berlin Wall, but rather to impede the access of persons who were simply looking to improve their lives. Although the subject of migration was already being dealt with from a policing perspective (if not strictly military), the construction of new walls was promoted after the Twin Towers were demolished. Erected in an attempt to halt illegal immigration, they covered and continue to cover a considerable part of the 3,152 kilometers of border between the United States and Mexico, the longest and most dramatic line separating a rich country and a poor country [6] . Such barriers, equipped with cameras and high-intensity lighting and furnished with thermal and motion detectors, do not, however, prevent both countries from maintaining the most important bilateral migratory nexus in the world.

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## Extensions – Open Borders Increases the Economy

### Migration taxes can offset economic costs to migration

Nathan **Smith**, contributor to AEI, 13 May 2011

“What If Justice Demands Open Borders?,” American Enterprise Institute, <https://www.aei.org/articles/what-if-justice-demands-open-borders/>

Another response is that we did not have a welfare state then, and now we do. Milton Friedman said, “You cannot simultaneously have free immigration and a welfare state.” That is true if immigrants have full access to welfare benefits. So prudence requires that open borders be coupled with denying welfare benefits to (most of) the foreign-born. Moreover, the government could also tax migration, as advocated by Nobel Prize-winning economist Gary Becker. There has been an ongoing debate about the fiscal effects of immigration. The latest finding seems to be that “there is no strong fiscal case for or against sustained large-scale immigration.” With migration taxes, however, we could ensure that the fiscal effects of immigration are favorable.

### Open borders increase labor migration which boosts the economy

Kevin **Johnson**, associate dean at UC-Davis Law, 2008

“Opening the Floodgates: Why America Needs to Rethink Its Borders and Immigration Laws,” SMU Law Review, Vol. 61, <https://scholar.smu.edu/cgi/viewcontent.cgi?article=1493&context=smulr>

Open borders are consistent with the integrating world economy. I have outlined arguments for a far-reaching change in the U.S. immigration laws that would respond to the rapidly changing world in which we live. Open borders would mark a true revolution in current U.S. immigration law and would create an admissions system in which migration more closely approximates demand. The elimination of exaggerated border controls would offer many benefits to the United States. As part of a globalizing economy, the nation stands to reap economic benefits from freer labor migration. As a matter of economic theory, international trade with Mexico and much of the world-which the United States has eagerly embraced-differs little from labor migration. A utilitarian approach would allow for labor migration and add the benefits of new labor to the national economy.

### Open border for migration would increase tax funds to help the economy

Nathan **Smith**, contributor to AEI, 13 May 2011

“What If Justice Demands Open Borders?,” American Enterprise Institute, <https://www.aei.org/articles/what-if-justice-demands-open-borders/>

If a depressed housing sector is one of the country’s biggest short-run problems, its big long-run problem is that the government is broke. Projected revenues fall far short of covering projected costs. Open borders would mean more taxpayers to help pay for America’s debts, mitigating uncertainty about where the future tax burden will fall. Since 2008, there seems to be a feeling that the United States is in decline, that a great stagnation has set in, that Americans’ customary optimism is obsolete. One antidote to this declinism can be found in the ideal expressed on the Statue of Liberty.

## Opening borders would be economically beneficial

Alex **Johnson**, December **2014**

“US Border: Open or Closed?,” Worcester State University, [http://wsu.tonahangen.com/citizen/?page\\_id=51](http://wsu.tonahangen.com/citizen/?page_id=51)

Opening America’s borders also could cost less, since we wouldn’t need border patrol, and wouldn’t need to constantly enforce immigration laws. Also, we could free up space in the jails by opening America’s borders. The United States was built on the notions of equality, freedom, justice and liberty for all. Bauder says, “A person’s territorial belonging would no longer be linked to the place or community of birth, but rather to the territory of residence, independent of whether the person migrated there or chose to remain since birth”. [1] Another advantage of opening the border is that there will no longer be illegal immigrants abusing the welfare systems. Immigrants will have to actually contribute to the resources we have in the United States, which would be contributing to the system. A big moral reason for opening the U.S. borders is that families will no longer be separated. When illegal families come over to the United States and have children, their children are born citizens. A lot of the time, the parents of these children end up getting caught and deported, breaking up families and causing long term psychological effects on the kids. By opening the borders, families won’t be separated, and will no longer live in fear of getting caught and deported. According to Bercerra, et al, “Anti immigration policies have deleterious effects on the health of the undocumented population as they live in constant states of fear; individuals are deported, families separated, and they experience discrimination”. [2] One last advantage of opening the United States border’s is higher population could create more jobs. This could actually stimulate our economy.

## Migration doesn’t hurt jobs for locals, the jobs are different and immigration restrictions limit potential jobs

Nathan **Smith**, contributor to AEI, 13 May **2011**

“What If Justice Demands Open Borders?,” American Enterprise Institute, <https://www.aei.org/articles/what-if-justice-demands-open-borders/>

Immigrants are “stealing our jobs,” critics say. The truth is that most workers cannot substitute for one another. Their skills, locations, habits, and relationships are too different. Deporting an illegal immigrant might just mean one less job in the economy. It might mean two less jobs in the economy: the illegal immigrant’s, and the manager or coworker whose work was complementary with his. It all depends. There is not much reason, theoretical or empirical, to think illegal immigration affects the employment rate of natives one way or the other.

## Migration doesn’t hurt salaries of local people

Nathan **Smith**, contributor to AEI, 13 May **2011**

“What If Justice Demands Open Borders?,” American Enterprise Institute, <https://www.aei.org/articles/what-if-justice-demands-open-borders/>

A more powerful argument is that immigration undermines the incomes of natives. But this is not altogether supported by the facts, either. Gianmarco Ottaviano and Giovanni Peri found that immigration has had a positive effect on the wages of most natives; but it does have small negative effects on high-school dropouts. Others have also found negative effects of immigration on the wages of the least skilled workers. Migration tax proceeds could finance payments to the least skilled natives to offset wage losses due to immigration.

## Extensions – Current Border Control is Inhumane

### Open borders would end the brutality and discrimination of current border enforcement

Kevin **Johnson**, associate dean at UC-Davis Law, **2008**

“Opening the Floodgates: Why America Needs to Rethink Its Borders and Immigration Laws,” SMU Law Review, Vol. 61, <https://scholar.smu.edu/cgi/viewcontent.cgi?article=1493&context=smulr>

Importantly, the removal of controls would end the sheer brutality inherent in current immigration enforcement, which results in physical abuse, promotes racial discrimination, and relegates certain groups of U.S. citizens and lawful immigrants to second-class status, both inside and outside the United States. Permeable borders would allow for the admission of immigrants in numbers approximating the demand for immigration and make it unnecessary for many noncitizens seeking entry into the United States to circumvent the law. The immigration laws would not create the need for aggressive enforcement, with its discriminatory impacts and deadly results.

### Countries around the world are restricting freedom of movement

Juan Carlos **Velasco**, professor in Spain, 7 March **2015**

“Open-Border Immigration Policy: A Step towards Global Justice,” Migraciones Internacionales, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

However, anti-immigration barriers are not an exclusive phenomenon of the United States. In fact, they have proliferated on all the continents and, according to some estimates, adding all those raised around the planet, now reach a total length of some 18,000 kilometers (Rodier, 2012:47). Not as famous as the one cited above but comparable in length is the double row of 2.5-meter-high wire fences that India erected 15 years ago to deter the migration coming from Bangladesh, and which is now more than 2,500 kilometers long. Shorter, but much higher and more modern, are the gates of raised fences to protect the land perimeter of the North African Spanish cities of Ceuta and Melilla and specifically impede the migratory passage from Morocco. Physical barriers and obstacles have also been erected in different sections of the land border between Greece and Turkey that do not coincide with the Evros River.

### Current border controls prevent migration

Nathan **Smith**, contributor to AEI, 13 May **2011**

“What If Justice Demands Open Borders?,” American Enterprise Institute, <https://www.aei.org/articles/what-if-justice-demands-open-borders/>

But the law states otherwise. As Obama said, “as long as current laws are on the books, it’s not just hardened felons who are subject to removal, but sometimes families who are just trying to earn a living, or bright, eager students, or decent people with the best of intentions.” What he did not mention is that most people who apply for visas do not get them, and, anticipating this, most people who would like to come do not bother to apply. Gallup polls have found that one-quarter of the world’s population wishes to migrate, and 165 million wish to come to the United States. Only 35 million immigrants live in America. Why don’t the rest come? Because they can’t.

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## **Border controls are created to increase the risk of would be migrants**

Juan Carlos **Velasco**, professor in Spain, 7 March **2015**

“Open-Border Immigration Policy: A Step towards Global Justice,” *Migraciones Internacionales*, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

The construction of walls and the militarization of borders is becoming an increasingly common practice, yet it does not detain the international passage of persons. No border is known to be impassible. Border police, armies, observation flights, television cameras, sophisticated systems of sensors: None of these achieve the effectiveness required in the pursuit of their goal. The same can be said of the intensification and refinement of measures of control in airports, the preventative deployment of those controls to points of origin, or the generalization of the demand to for people to have biometric passports. None of these procedures serve to prevent persons from entering a country and even less to detain those who want to leave their own country because they are dogged by desperation. In addition to nourishing a lucrative business that a powerful, promptly generated security industry benefits from ( Rodier, 2012:19–45 ; Andersson, 2014 ), they just serve to trick the migrants in a more subtle way, to increase their physical risks as well as the prices traffickers charge for smuggling them.

## **Restrictive borders uphold global inequality and inflict violence against migrants**

Alex **Sager**, professor of philosophy at Portland State University, 1 February **2022**

“Why Migration Justice Still Requires Open Borders,” *Journal of Applied Philosophy*, <https://onlinelibrary.wiley.com/doi/10.1111/japp.12558>

I revisit themes from *Against Borders: Why the World Needs Free Movement of People* (2020) in dialogue with Gillian Brock's *Justice of People on the Move* (2020) and Sarah Song's *Immigration and Democracy* (2019). We share the conviction that current border regimes are deeply unjust but differ in what migration justice requires. Brock and Song continue to give states significant discretion to exclude people from entering and settling in their territories, whereas I contend that migration justice demands open borders. I reject the claim that state self-determination justifies migration restrictions. Central arguments for open borders highlight the role that restrictive border controls and the state category of ‘immigrant’ play in upholding racialised hierarchies and exploitative economic relations, as well as in inflicting violence against mobile people.

## **Borders regulate freedom of movement to maintain inequality**

Juan Carlos **Velasco**, professor in Spain, 7 March **2015**

“Open-Border Immigration Policy: A Step towards Global Justice,” *Migraciones Internacionales*, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

At present it is not accurate to speak of border closure or policies of zero immigration, but rather of a strict and conditioned regulation. [...] As such, the borders are transformed into airtight, strongly symbolic limits between countries that receive and countries that send people. ( López, 2005:116 )

## Closed borders result in immoral consequences

Kevin **Johnson**, associate dean at UC-Davis Law, **2008**

"Opening the Floodgates: Why America Needs to Rethink Its Borders and Immigration Laws," SMU Law Review, Vol. 61, <https://scholar.smu.edu/cgi/viewcontent.cgi?article=1493&context=smulr>

It is to be hoped that the time will come when the United States will realize that closed borders are far from inevitable and, in fact, do not serve the national interests. Closed borders result in immoral consequences that, in the annals of history, have shamed the United States and will continue to do so. The Berlin-Wall-lite that the government is in the process of erecting between the United States and Mexico is not consistent with American values and dreams. Rather, an "open Republic" is more consistent with the values for which this nation proudly stands.

## Europe's strict border enforcement demonstrates it's a strategy to exclude the world's poor

Juan Carlos **Velasco**, professor in Spain, 7 March **2015**

"Open-Border Immigration Policy: A Step towards Global Justice," Migraciones Internacionales, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

The closing of borders has become Europe's "migratory doctrine" ( Wihtol de Wenden, 1999:28 ), and the fight against illegal immigration the strategy to implement it. So-called Fortress Europe is much more than a handy linguistic resource for journalistic use. It is a tangible reality planned with the goal of trying to contain planetary poverty [7] . Related to this is the tendency observed in the European Union to de-judicialize the processes of detention and expatriation of undocumented persons, with the consequent failure of the right to effective legal protection.

## It is a myth that anyone can immigrate legally

Nathan **Smith**, contributor to AEI, 13 May **2011**

"What If Justice Demands Open Borders?," American Enterprise Institute, <https://www.aei.org/articles/what-if-justice-demands-open-borders/>

So it's not correct to say "anyone can write the next chapter of our story." Only for a favored few is legal immigration an option. Yet we don't like to admit this, so Obama repeated the myth that illegal, undocumented immigrants have "cut in front of the line." This assertion pretends there is a line, and all any willing migrant has to do is wait his turn. This pretends there is a recognized right to migrate, and potential immigrants only face some administrative delays in exercising it. But the presupposition is false, and it makes little sense to blame someone for cutting in line when legal immigration was never an option for him.

## A2 – Citizens Rights Before Immigrants / Sovereignty

### National security functions as an alibi to functionally criminalize an essential freedom

Juan Carlos **Velasco**, professor in Spain, 7 March **2015**

“Open-Border Immigration Policy: A Step towards Global Justice,” *Migraciones Internacionales*, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

In principle, according to custom and international law, the act of migrating does not constitute a crime. As a result, if countries took this seriously, they should abstain from deploying any type of policy and legislation designed to criminalize immigration that is not expressly authorized. However, they do just the opposite. The customary practice is to close borders to immigration and the exception is conditional opening. To protect this conduct and serve as a perfect alibi, we are presented with the widespread obsession about security, which, raised to supreme importance above all other considerations, dominates space and public discourse. The following comment by a former speaker of the U.S. House of Representatives is a significant expression of that national security rhetoric: “No serious nation in the age of terror can afford to have wide-open borders with millions of illegal aliens crossing at will” (Gingrich, 2005:86).

### Justifications for border control is rooted in the Hobbesian tradition, which contradicts natural law

Nathan **Smith**, contributor to AEI, 13 May **2011**

“What If Justice Demands Open Borders?,” *American Enterprise Institute*, <https://www.aei.org/articles/what-if-justice-demands-open-borders/>

Advocates of immigration restrictions tacitly borrow from another political tradition, from the 17th-century English philosopher, Thomas Hobbes, spokesman for arbitrary and absolute power. Hobbes, long dead, is still with us in disguise. He has taken the form of a word, sovereignty, the uses of which encapsulates his philosophy and sustains his influence. Hobbes and the contemporary proponents of sovereignty relegate natural law to the background, or simply ignore or deny it. The Hobbesian tradition tells people to obey sovereign governments, no matter what. By contrast, the Lockean tradition affirms that sometimes governments ought to be resisted.

### Being born in a particular place doesn't give you the right to exclude others from living there

Juan Carlos **Velasco**, professor in Spain, 7 March **2015**

“Open-Border Immigration Policy: A Step towards Global Justice,” *Migraciones Internacionales*, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

The continued occupation of a specific territory by a human group—a historical fact repeated thousands of times, be it through peaceful or violent means—generates certain rights of use that nonetheless cannot negate or distort the most basic right of all individuals to interact with other human beings or cancel the obligation to admit individuals from other places. The right to interact as well as the obligation to welcome can be found in an abundance of different cultural contexts [3].

## **Citizenship to a particular country is arbitrary – no one should be excluded from changing where they live or are citizens**

Michael **Blake**, professor at the University of Washington, 14 July **2012**

“Review Of: Debating the Ethics of Immigration: Is There a Right to Exclude?,” Notre Dame Philosophical Reviews, <https://ndpr.nd.edu/reviews/debating-the-ethics-of-immigration-is-there-a-right-to-exclude/>

The third thread, which will require more attention, is the insistence that closed borders are morally impermissible, because these borders violate the egalitarianism that is at the heart of liberalism itself. There are, under this heading, several individual arguments Cole believes can demonstrate the incompatibility of closed borders and moral equality. The first is that membership is, itself, a good we distribute; we distribute membership in states to persons, assigning some to wealthy democratic states and others to unrepresentative and unresponsive regimes with few protections for basic human rights. For Cole, the fact that we do this is itself an issue to be dealt with by our theories of justice; we cannot think that a "just" domestic political community is fully justified, if the good of membership in that community is distributed arbitrarily among the world's population, any more than we would praise a group of racists who marginalized those of other races, yet practiced fairness in their dealings with one another (179). This argument entails that we have reason to condemn any distribution of membership that assigns greater life-chances to some people, giving them greater resources and protection -- and that then defends this distribution by giving states the unilateral right to control membership. To insist that no arbitrary facts can determine the allocation of primary goods within a country -- but to then allow arbitrary facts to determine who shall be a member of that country -- is to run into self-contradiction.

## **The burden of proof is on those who wish to deny the ability to freely migrate**

Juan Carlos **Velasco**, professor in Spain, 7 March **2015**

“Open-Border Immigration Policy: A Step towards Global Justice,” Migraciones Internacionales, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

Bearing in mind these types of arguments in which the functional imperatives of politics predominate implies disregarding not only moral but also other demands derived from human rights. If we assume basic principles like equal treatment and nondiscrimination are valid, the burden of proof on this point falls on whoever argues in favor of limiting freedom of movement and settlement: The onus of proof therefore lies upon a state claiming the right to keep from entering or settling in its territory one who wishes to do so. We must ask in what cases a state has such a right, not in which cases one who wishes to immigrate has the right to enter. (Dummett, 2004:118)

## **Freedom of migration is not a violation of natural law which governmental laws are foundational upon**

Nathan **Smith**, contributor to AEI, 13 May **2011**

“What If Justice Demands Open Borders?,” American Enterprise Institute, <https://www.aei.org/articles/what-if-justice-demands-open-borders/>

One lesson to take from the Lockean tradition is the imperative for freedom of migration. A country must not prevent peaceful migration by force, because migrants are not violating natural law. They are violating no one's natural rights. They have committed no violence against persons or property. They are pursuing happiness, without threatening the lives or liberties of others. Coercion against them has no justification if governments are instituted among men to secure inalienable natural rights.

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## **Freedom of movement is an inalienable right**

Juan Carlos **Velasco**, professor in Spain, 7 March **2015**

“Open-Border Immigration Policy: A Step towards Global Justice,” *Migraciones Internacionales*, Vol. 8,  
<https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

Freedom of movement around the planet is a basic right of all human beings. The burden of proof falls on those who defend suspending or restricting it. This supposition is the point of departure for this article; however, instead of taking up space to defend this right, we will instead work to show the widespread practices intended to deny it, muddle it, or question its essential character.

## A2 – Freedom of Movement Exists Now

### Current laws are insufficient to affirm true freedom of movement

Juan Carlos **Velasco**, professor in Spain, 7 March 2015

“Open-Border Immigration Policy: A Step towards Global Justice,” *Migraciones Internacionales*, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

Stated directly: “Emigration is a human right, but immigration is not” ( Heller, 1992 ). This is in fact what can be inferred from current international legislation on the subject, inspired in the cited article from the UDHR. The declaration recognizes the right of every person to leave the country they are a citizen of, as well as the right to return to this country, yet it says nothing about the correlative obligation of other governments to accept their entry in the territory of their own jurisdiction. In accordance with the aforementioned international laws, then, a right to leave one’s own country exists, but in fact there is nothing about entering another ( Cole, 2000:43–46 ), except in cases where one is fleeing from political, ethnic, or religious persecution, in which case the right to asylum is applied. This is, incidentally, a right positively protected, but frequently administered in a miserly way by many countries, including democratic ones, which have signed agreements—beginning with Article 14 of the UDHR and continuing with the Convention and Protocol Relating to the Status of Refugees (1951/1967)—that bind them legally [4] .

### The existence of borders is a structural handicap for freedom of movement

Juan Carlos **Velasco**, professor in Spain, 7 March 2015

“Open-Border Immigration Policy: A Step towards Global Justice,” *Migraciones Internacionales*, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

Since the consolidation of modern national states, merely posing the possibility of recognizing the free circulation of persons—and with that, the gradual shaping of a world with open borders—is usually considered a direct challenge to a sacrosanct faculty traditionally attributed to said sovereign entities: controlling their territorial borders and reserving the right of admission. In this sense, the very existence of sovereign territorial states represents a structural handicap for the free exercise of ius migrandi.

### Freedom of movement does not exist without open borders

Juan Carlos **Velasco**, professor in Spain, 7 March 2015

“Open-Border Immigration Policy: A Step towards Global Justice,” *Migraciones Internacionales*, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

It is true that international legislation affirms the right to emigrate, but it ignores its logical contrast, the right to immigrate, and as such, the first right ends up being violated. What fails, then, is the cornerstone of the construction: the right to immigrate is not constituted, let alone codified, in a binding way for the potential receiving countries. An individual right is recognized, but no specific obligations for possible recipients involved in its observation are indicated (Benhabib, 2005:19). For its potential beneficiaries, it is nothing more than a conditioned right. As such, there is a considerable imbalance between the unrestricted recognition of emigratory freedom and the factual submission of the right to immigrate to the sovereign decision of receiving countries. Nonetheless, in strict legal logic, the duty to receive is already implicit, because when a right is recognized, the obligation not to impede its realization is established [5] . But while logic and honest interpretation follow their courses, governments neglect the obligations contracted. In the middle of her trip, the migrant then remains trapped de facto in a zone of passage, in a vague regulatory zone where her rights are at the very least suspended.

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## A2 – Open Borders Leads to Brain Drain

### The brain drain argument doesn't take into account temporary migration

Marieta Validivia-Lefort, graduate from University College London, 2018

"MIGRATION, FREEDOM OF MOVEMENT, AND SOCIAL JUSTICE: "DOES THE 'BRAIN DRAIN' EFFECT JUSTIFY RESTRICTIONS ON IMMIGRATION?"," IPPR, Vol. 13, <https://ippr-journal.com/wp-content/uploads/2019/09/MarietaValdiviaLefort.pdf>

Regarding the previous discussion, I argue justifications for restrictions on immigration based on the assumption of scarcity require the distinction between permanent and temporary migratory action; restrictions on immigration based on the 'brain drain' effect might be more justified in circumstances of permanent individual's reallocation or definitive emigration. For instance, if our highly-skilled individual (highly educated, with work experience, and bilingual) of the previous example decides that his/her emigration from the countryside or a resource-deprived city to the capital or to another country is based on a non- return intention, and given the fact that he/she found better opportunities and never returned to his/her home city/country, then is possible to argue that the loss of human capital has taken place, and the argument of scarcity might be justified. However, if our individual, after a determined time, returned to his/her home city/country, with fundamental cognitive capital gained from the experience in other cities/countries, then we can perceive a 'brain gain' effect rather than 'brain drain' one; thus the scarcity argument in favour of restrictions on immigration is unjustified.

### The logical conclusion of the brain drain argument supports the inequality of the 'lottery of birth'

Marieta Validivia-Lefort, graduate from University College London, 2018

"MIGRATION, FREEDOM OF MOVEMENT, AND SOCIAL JUSTICE: "DOES THE 'BRAIN DRAIN' EFFECT JUSTIFY RESTRICTIONS ON IMMIGRATION?"," IPPR, Vol. 13, <https://ippr-journal.com/wp-content/uploads/2019/09/MarietaValdiviaLefort.pdf>

The protectionist arguments given on the previous paragraphs reflect that an imposition to stay in the country of origin based on the 'brain drain' effect consists in a perpetuation of the 'birth-right lottery' or 'Lottery of Birth' theory. This can be understood, as Shachar (2011) presents, "citizenship, with all its blessings, is awarded by the accident of birth (...) access to well-off countries is still reserved primarily for those born in a particular territory (...) those born on the 'wrong side of the border'" (p. 2) are condemned to live the consequences of this 'bad luck'. This explanation, in addition to the "duty of assistance" described by Oberman (2013), presents an interesting argument against justifications on immigration based on the 'brain drain' effect.

## A2 – Open Borders Makes Things Worse

### The world would be better with open borders

Kevin **Johnson**, associate dean at UC-Davis Law, **2008**

“Opening the Floodgates: Why America Needs to Rethink Its Borders and Immigration Laws,” SMU Law Review, Vol. 61, <https://scholar.smu.edu/cgi/viewcontent.cgi?article=1493&context=smulr>

Last but not least, strong policy arguments exist for the abolition of border controls. Experience demonstrates that, at least within modern sensibilities, overzealous border controls simply cannot be enforced by the U.S. government. Undocumented immigration is not viewed as criminal by many law-abiding Americans,<sup>3</sup> nor is the employment of undocumented immigrants.<sup>4</sup> Abolition of border controls would recognize the economic and social reality of immigration. Millions of undocumented immigrants make valuable contributions to the U.S. economy but are forced to live on the margins of society and, subject to exploitation because of their uncertain immigration status, work in poor conditions for substandard wages.<sup>5</sup> Foreign policy benefits would accrue from a system in which nationals of other societies were welcomed rather than labeled a public menace, barred from entry, and treated as pariahs in our midst.

### Arguments against the freedom of migration perpetuate social inequality globally

Marieta Validivia-**Lefort**, graduate from University College London, **2018**

“MIGRATION, FREEDOM OF MOVEMENT, AND SOCIAL JUSTICE: “DOES THE ‘BRAIN DRAIN’ EFFECT JUSTIFY RESTRICTIONS ON IMMIGRATION?,” IPPR, Vol. 13, <https://ippr-journal.com/wp-content/uploads/2019/09/MarietaValidiviaLefort.pdf>

These justifications define –implicitly- that whether highly-skilled workers, “for no fault or responsibility of their own, were ‘sorted’ into the world’s most under- privileged countries and regions” (Shachar 2011: 5), just because they were ‘unlucky in this lottery’, and they have a moral duty with their nations and compatriots, they must stay in their home lands. The main question here is “could we [justly] say to a Ghanaian doctor that she must return to her country while an immigrant Russian doctor is allowed to settle down and start a new life” (Shachar 2016: 192) based on the ‘brain drain’ effect? Can we find sources of discrimination and perpetuation of social injustices in justifications for restrictions on immigration based on the ‘brain drain’ effect? In fact, these justifications allow the perpetuation of sovereignties and social injustices by indirect discrimination given by the arbitrary fact of birth.

### Even if migration leads to increase inequality locally, closed borders maintains global levels of inequality that are worse

Nathan **Smith**, contributor to AEI, 13 May **2011**

“What If Justice Demands Open Borders?,” American Enterprise Institute, <https://www.aei.org/articles/what-if-justice-demands-open-borders/>

Open borders would lead to more inequality and visible poverty in the United States. But the great injustice in today’s world is not economic inequality within countries, which partly reflects people’s effort and choices, but economic inequality between countries, which is larger, and which guarantees some people a relatively comfortable life from birth, irrespective of their merits and efforts, while trapping others in desperate poverty.

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## A2 – Open Borders is Utopian

### Open borders is supported by both liberals and libertarians – it is feasible

Juan Carlos **Velasco**, professor in Spain, 7 March **2015**

“Open-Border Immigration Policy: A Step towards Global Justice,” *Migraciones Internacionales*, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

While the elimination of borders has long been encouraged by thinkers who have been dismissed as being utopian and of minor importance, the idea has recently been revived and advanced by respected promoters of neoliberal globalization who, equipped with an ultra-liberal or libertarian ideology, defend the free circulation not only of goods but also, consequently, of people in a world without barriers. Indeed, a wide-ranging, animated academic debate has arisen around the desirability and viability of a world with open borders [2]. The heart of the controversy lies not in the radical elimination of border policies, but rather in controlling borders for the passage of human beings, that is, in recognizing the free circulation of persons.

### It is possible to convince people to support open borders

Juan Carlos **Velasco**, professor in Spain, 7 March **2015**

“Open-Border Immigration Policy: A Step towards Global Justice,” *Migraciones Internacionales*, Vol. 8, <https://www.redalyc.org/jatsRepo/151/15146709002/html/index.html>

Recognizing that borders are firmly anchored in the collective thinking of political communities, what follows is a critical work of political imagination that admits from the start the enormous difficulty of constructing alternative mental maps. In the last section of the article, we argue for the need to set in motion a public debate about the opening of borders, and how making innovative proposals—even if they might be considered too utopian—is a wise action to take.

## Negative

Watermark Sample

## Extensions – Open Borders Harm Justice

### Open borders benefits the richest, not the poorest

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

“Should we open borders? Yes, but not in the name of global justice,” *Ethics and Global Politics*, Vol. 15, <https://www.tandfonline.com/doi/full/10.1080/16544951.2022.2081398>

Therefore, if borders are only a tiny part of that framework, it is unclear why their opening would be an effective, let alone definitive, solution to the problems that global justice confronts.<sup>2</sup> At best, a world with open borders would be a world with greater mobility, one from which only some could benefit; usually the people best situated in their countries of origin, who are not the most in need (Brock 2009). Consequently, it is difficult to see how this could help the poorest people who lack the minimum resources and skills to migrate (Pogge 2006) – hence the third premise is also controversial.

### Unrestricted freedom of movement means rich people could buy up resources in the poorest countries

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

“Should we open borders? Yes, but not in the name of global justice,” *Ethics and Global Politics*, Vol. 15, <https://www.tandfonline.com/doi/full/10.1080/16544951.2022.2081398>

However, a human right to migrate must be understood as the right of every human being, irrespective of their talents, resources or any other circumstances, to travel and establish their residence in any country. And, as such, ‘it attaches as much to the rich Canadian wishing to settle in Germany as it does to the desperate Somali trying to cross the border into Kenya’ (Miller 2016a, 49). We can now clearly see how these remedial policies come into conflict with the very idea of freedom of movement. In all these cases, the state would be favouring one type of immigration over another, or to put it bluntly, it would be restricting the freedom of movement of the relatively better-off for the benefit of the least advantaged.<sup>10</sup>

### The people who migrate are not the neediest which actually increase global inequality

Sarah **Song**, academic researcher, October 2018

“Does Justice Require Open Borders?,” *Immigration and Democracy*, <https://academic.oup.com/book/4570/chapter-abstract/146668379?redirectedFrom=fulltext>

Our particular relationships and institutional contexts matter for the types of distributive obligations we have. This does not mean we have no global obligations. The chapter examines different forms of global inequality and identifies circumstances where global inequality does constitute global injustice, but even in such cases, an open borders policy is a limited response. Alleviating global poverty is the major animating concern of the global distributive justice argument for open borders, but it is typically not the world’s poorest who migrate and the departure of a country’s more-skilled members tends to deepen, not alleviate, global inequality.

## Open borders are incompatible with global justice

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

"Should we open borders? Yes, but not in the name of global justice," *Ethics and Global Politics*, Vol. 15, <https://www.tandfonline.com/doi/full/10.1080/16544951.2022.2081398>

From the moment that borders are placed at the service of redistribution, the honourable cause of global justice perverts the very idea of open borders, since it legitimizes the promotion of one type of immigration (that of the relative poor) and the limiting of another (that of the relative rich). As a result, freedom of movement and open borders become empty signifiers. By this we do not pretend to suggest that such policies are necessarily unjust, but rather that the idea of open borders is not compatible with that of global distributive justice. In fact, global justice could under certain circumstances justify the imposition of severe restrictions on mobility and even the obligation to remain in one's country.

## Open borders would exasperate political inequality and create second-class citizens, contradicting justice

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

"Should we open borders? Yes, but not in the name of global justice," *Ethics and Global Politics*, Vol. 15, <https://www.tandfonline.com/doi/full/10.1080/16544951.2022.2081398>

The second implication concerns citizenship rights. Just as mere presence in a territory does not automatically lead to the acquisition of social rights, neither does it enable the newcomer to participate in the political decision-making process. In short, freedom of movement, at least as it is understood here, gives rise only to the right to cross borders and establish residence in another country. However, this could lead to first- and second-class citizens: people who enjoy full rights while others are deprived of basic social and political rights. As this might be a problematic scenario incompatible with liberal principles, especially that of equality before the law, it would be morally unacceptable to grant some people rights that are systematically denied to others.

## A right to open borders makes global inequality worse

Michael **Blake**, professor at the University of Washington, 14 July 2012

"Review Of: Debating the Ethics of Immigration: Is There a Right to Exclude?," Notre Dame Philosophical Reviews, <https://ndpr.nd.edu/reviews/debating-the-ethics-of-immigration-is-there-a-right-to-exclude/>

At this point, I think Cole might reply that our example is highly atypical: in the real world, immigration involves keeping people in low-income countries from leaving their homes and coming to more high-income countries. We ought to keep these real people in mind. This is, I think, entirely true -- but I am not sure that it will help Cole's case. Cole seems, here, to be confusing two different ways of defending immigration rights. We might defend these rights as ways of protecting against the persistent violation of other rights -- rights to be free from poverty or oppression, say. Alternatively, we might defend these rights as rights that are important in themselves, much as we defend the right to free choice of occupation or the right to freedom of religion. If we focus on the facts of international poverty in our defense of immigration rights, we have to face up to the fact that the best response to this poverty may not be a universal right, given to everyone, to go anywhere they want to. A human right to cross borders, for example, would likely entail that rich Americans should have the right to go to Cuba, or Nicaragua, or Haiti, and purchase land on the same terms as the locals. While this might be defensible, it is far from clear that it is the only -- or the best -- response to the facts of objectionable poverty in these countries. The people who have been subjected to the violence of history, whose countries are neither representative nor rights-protective, might have rights in virtue of this to cross borders to escape from poverty. But all this involves the development of particular rights, whereby some people have some rights to cross some borders. We have no reason to think that we can, from these materials, develop a universal right of the sort Cole defends.

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## Advocating for open borders as the solution to achieve global justice mistakes a symptom for the disease

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

“Should we open borders? Yes, but not in the name of global justice,” *Ethics and Global Politics*, Vol. 15, <https://www.tandfonline.com/doi/full/10.1080/16544951.2022.2081398>

The second premise is more questionable though. Poverty and inequalities precede borders, which – at least as we know them today – are a relatively recent invention dating back three centuries and a half to the Peace of Westphalia (Graziano 2018). Nor does the international regime devised by Western powers seem to be the only – not even the main – cause of the poverty of developing countries (Acemoglu and Robinson 2012). In fact, one does not need to cross state borders to encounter enormous inequalities in income and wealth. The national rich do not need borders, it suffices with the private property regime and the coercive apparatus of the state to ‘protect’ themselves. If anything, borders are just a small (but integral) part of that coercive apparatus designed to exclude the poor from the other side.<sup>1</sup> In this sense, rather than the origin, borders are the material expression of a profoundly unequal world, a sort of topography or spatial embodiment of inequality. If borders were the actual cause of global poverty and inequality, then it would make sense to call for their abolition. But to the extent that they are just one face of the problem, it does not seem that the solution lies in their opening, and much less in their removal. In fact, most cosmopolitan thinkers are extremely cautious when conceiving their ideal world, making it clear that they do not advocate for a world without borders, but for a world with open borders (Bauböck 2009; Carens 2013; Velasco 2016a, 2016b). In defending their permanence as jurisdictional demarcations, they implicitly recognize that borders are not the problem. The problem consists, above all, in the political, economic, and legal framework that perpetuates an unequal distribution of wealth.

## Viewing open borders as necessary to global distributive justice functionally means states can pay for their obligation of justice

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

“Should we open borders? Yes, but not in the name of global justice,” *Ethics and Global Politics*, Vol. 15, <https://www.tandfonline.com/doi/full/10.1080/16544951.2022.2081398>

There is a second concern: if the objectives of distributive justice are fulfilled at some point, would states be entitled to close their borders? In fact, it is not necessary to imagine such a far-fetched scenario to raise the same question: could an individual state unilaterally close its borders if it considered that it had already contributed enough via the transfer of income? In other words, can a state pay to close its borders? After having condemned so vehemently the happenstance of borders (Velasco 2016a) and their critical impact on people’s lives (Kymlicka 2001), it is striking to suggest that the opening of borders is a simple currency with which to pay our obligations of justice.<sup>6</sup>

## Supporters of open borders for justice only view it as a strategy to achieve a political goal

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

“Should we open borders? Yes, but not in the name of global justice,” *Ethics and Global Politics*, Vol. 15, <https://www.tandfonline.com/doi/full/10.1080/16544951.2022.2081398>

To sum up, under this instrumental conception, open borders are nothing but a strategy to achieve a political goal – the reduction of poverty and global inequality –, subject to electoral purposes and vulnerable to political manipulation. Moreover, once our distributive obligations have been realized (wherever the threshold may lie), freedom of movement would lose its raison d’être, becoming something superfluous and therefore dispensable. After all, if the reason to open our borders is the concern for the global poor, what prevents us from closing them once justice has been done? In the end, we might jump at similar conclusions to those who defend the right to exclude.<sup>7</sup>

## Extensions – Citizens Rights / Sovereignty Comes First

### It is a protected right for nations to determine their own social and cultural development, which includes limiting immigration

Sarah **Song**, professor at UC Berkeley, **no date**

“Immigration and Democratic Principles: On Carens’s Ethics of Immigration,” The Journal of Applied Philosophy,

[https://escholarship.org/content/qt04c687n6/qt04c687n6\\_noSplash\\_e93ee9c4fc78df2ab8a56821964c9972.pdf?t=pudd8g](https://escholarship.org/content/qt04c687n6/qt04c687n6_noSplash_e93ee9c4fc78df2ab8a56821964c9972.pdf?t=pudd8g)

What grounds the state’s right to control immigration is the right of collective self-determination. If we apply Carens’s “ground up” method to this principle, we find that it is a fundamental principle reflected in UN charters and covenants. The first article of the UN Charter, signed in 1945, declares self-determination to be a fundamental right of all peoples.<sup>9</sup> The idea of a universal right of self-determination is further enunciated in the International Covenant on Civil and Political Rights: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”<sup>10</sup> Collective self-determination has an internal and external dimension. Internally, collective self-determination is the idea of popular sovereignty – that a group of people ought to have independent political control over significant aspects of its common life. We can find its external dimension expressed in international law where it used to be viewed as applying only to specific territories – first, the defeated European powers and later, the overseas trust territories and colonies – and it was understood primarily as a right of secession. The idea of collective self-determination has evolved in international law to be understood as a right of all peoples to participate in processes of collective governance.

### A nation’s right to sovereignty and self-determination means it has the right to determine the members and occupants of its territory

Michael **Blake**, professor at the University of Washington, 14 July **2012**

“Review Of: Debating the Ethics of Immigration: Is There a Right to Exclude?,” Notre Dame Philosophical Reviews, <https://ndpr.nd.edu/reviews/debating-the-ethics-of-immigration-is-there-a-right-to-exclude/>

Wellman’s argument begins, then, with the idea of self-determination. Legitimate states are, he asserts, entitled to their own authority over self-regarding affairs; a country that has a less-than-optimal system of criminal law is not, in virtue of that, subject to being taken over or otherwise controlled by some outside agency (17). (If the criminal law becomes bad enough, of course, the human rights of the individuals in question might be violated -- in which case, the state is no longer legitimate.) The country would be wronged if we were to annex it, even in the admittedly rare circumstance that we were doing so in the name of its inhabitants, could actually run the criminal law better than the current institutional agents were doing, and were actually committed to democratic governance within the new country created by our annexation. This wrong, though, seems to involve the right of a country to be free from unwanted alteration in the membership of that country. We wrong the country by denying it self-determination, and our insistence on annexing it denies it self-determination by denying it the right to control who shall be a part of that country. If this is right, though, the right of political self-determination includes the right to exclude unwanted changes in the membership of polity. This, however, entails a right to keep out unwanted would-be immigrants: the right to self-determination demands that legitimate states not be subjected to the wishes of others in determining the membership of that state.

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## Open borders as a concept entails an unqualified right to move, which should not be universally guaranteed

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

"Should we open borders? Yes, but not in the name of global justice," *Ethics and Global Politics*, Vol. 15, <https://www.tandfonline.com/doi/full/10.1080/16544951.2022.2081398>

But what do open borders mean? The first thing to note is that borders are never entirely open or closed, it is rather a matter of degree. Borders can be more or less open in a variety of ways depending on the recipient. According to Chandran Kukathas (2021), openness can be conceptualized along three dimensions: entry, participation, and membership. The easier it is to enter a country, participate in its affairs, and acquire formal citizenship, the more open the border is, and vice versa. Nonetheless, this should not lead us to believe that open borders are just more open borders, 'rather, it entails that people can move freely across state lines and settle abroad regardless of their citizenship' (Sager 2020, 14). In this line, Lea Ypi (2008) considers that any obstacle (physical or otherwise) to movement is in effect a restriction. It is very important to note, however, that open borders do not entail an unqualified right to move. As will become clear later, there are occasions when freedom of movement might be rightly curtailed, such as in the event of a pandemic or a terrorist attack. In this way, open borders should be understood as a prima facie unrestricted right to move across and settle in a different jurisdiction.

## Outsiders should have not have rights in countries they are not citizens of

Michael **Blake**, professor at the University of Washington, 14 July 2012

"Review Of: Debating the Ethics of Immigration: Is There a Right to Exclude?," Notre Dame Philosophical Reviews, <https://ndpr.nd.edu/reviews/debating-the-ethics-of-immigration-is-there-a-right-to-exclude/>

Considerations like these lead to a more basic disagreement with Cole: why, exactly, is a closed border a violation of moral equality? Picture two people, each of whom has access to the best government available; each is adequately protected against standard threats, has an adequate range of options, and so forth. Now, imagine that one wants to move from her country to that of her neighbor. Why, exactly, is it a violation of equal concern and respect when the second country refuses to admit her? She has, after all, the protection of any and all rights we might imagine in her home country. More to the point, it seems as if she and her neighbor are being treated differently because they are, in relevant respects, different -- which is not a violation of equality, but the very definition of it. Her neighbor is subject to the law of the second country; she wants to become subject to it. She wants to abandon her current set of legal institutions, and acquire a new status within a new set of legal institutions; her neighbor doesn't want to change anything of the sort. Even if it is, in some odd sense, "arbitrary" that she was born in her own country and not that of the neighbor, does it not make moral sense that the different relationship she has with the political and legal machinery of her neighbor's country will make it at least plausible that we might refuse to admit her to this new status? Equality, understood in its proper sense, does not demand that everyone have the same rights; I, for example, have no right to vote in French elections, because of the (admittedly arbitrary) fact that I was not born there. This is not a violation of equality, but instead an implication of it. Those who are subject to the law of France should have the right to control its legal and political institutions; outsiders should not have the same rights. Why can we not say something similar about the case of immigration?

## Open borders and welfare are incompatible

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May **2022**

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In fact, some authors oppose free immigration for fear that domestic social justice would be undermined by a massive influx of migrants, as they would have to be granted full rights, including social and political rights (Miller 2016a). This should make us wonder whether the fundamental problem lies in these scenarios – that of a free immigration but unequal in rights, or that of a restricted immigration but with the same rights – or, on the contrary and as we argue here, in our conception of domestic distributive justice. As Chandran Kukathas (2014, 385) puts it, ‘[i]f the price of social justice is exclusion of the worst-off from the lands that offer the greatest opportunity, this may be a mark against the ideal of social justice.’ In this vein, it may be worth recalling Milton Friedman’s words that one can have freedom of movement or a welfare state, but not both.<sup>17</sup>

## Countries can be more welcome to migrants without open borders

Sarah **Song**, professor at UC Berkeley, **no date**

“Immigration and Democratic Principles: On Carens’s Ethics of Immigration,” *The Journal of Applied Philosophy*,

[https://escholarship.org/content/qt04c687n6/qt04c687n6\\_noSplash\\_e93ee9c4fc78df2ab8a56821964c9972.pdf?t=pudd8g](https://escholarship.org/content/qt04c687n6/qt04c687n6_noSplash_e93ee9c4fc78df2ab8a56821964c9972.pdf?t=pudd8g)

Elsewhere, I argue that justice requires not a policy of open borders but porous borders that privilege those whose basic human rights are at stake, including those fleeing persecution and violence and the world’s poorest individuals.<sup>4</sup> I want to devote this essay to developing another line of argument focused on the question of who has the right to control immigration into a particular country. Carens has done more than any other political theorist or philosopher to develop the normative perspective of prospective migrants from within the liberal democratic tradition, but he has not sufficiently engaged with the other side of the argument. That is, what is at stake for the immigrant-receiving country that might justify its claim to control immigration? In particular, he has not sufficiently explored the value of political community and the principle of collective self-determination. We need a broader normative framework for thinking about migration that takes seriously not only the claims of migrants but also the claims of political community.

## Extensions – Reasonable Restrictions to Migration Exist

### COVID-19 demonstrates that rejecting open borders can be just

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

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In fact, all these clauses are already explicitly or tacitly acknowledged when it comes to internal mobility. For example, mobility within a country could be legitimately restricted in the event of a pandemic or a terrorist attack, just as access to a popular national park could be limited if there was a significant risk of environmental degradation. In other cases, restrictions on international mobility would not be justified, and they would constitute an illegitimate impingement on individual freedom (Loewe 2020).

### COVID-19 is an example of why open borders shouldn't exist

**The Globe and Mail Editorial Board**, journalists, 21 June 2021

“Two good reasons for keeping the border closed, and one bad one,” *The Globe and Mail*, <https://www.theglobeandmail.com/opinion/editorials/article-two-good-reasons-for-keeping-the-border-closed-and-one-bad-one/>

It would make no sense to allow millions of American and other tourists into a country that, as part of what is hopefully our last round in the fight against COVID-19, is still restricting so many basic activities. The other good reason to hold off on a complete border reopening is that, though Canada's vaccination campaign is going well, it's still not where it needs to be.

### States may not have a right to exclude all migrants, but some reasonable restrictions can be made

Sarah **Song**, professor at UC Berkeley, **no date**

“Immigration and Democratic Principles: On Carens's Ethics of Immigration,” *The Journal of Applied Philosophy*, [https://escholarship.org/content/qt04c687n6/qt04c687n6\\_noSplash\\_e93ee9c4fc78df2ab8a56821964c9972.pdf?t=pudd8g](https://escholarship.org/content/qt04c687n6/qt04c687n6_noSplash_e93ee9c4fc78df2ab8a56821964c9972.pdf?t=pudd8g)

I believe a compelling argument can be developed for the political community's pro tanto right to control immigration, based on the idea of collective self-determination. In contrast to conclusory reasons for action, which require us to act regardless of other considerations in play, pro tanto reasons are “genuine reasons for action,” but they do not necessarily override competing reasons that may also be in play.<sup>8</sup> So, to say I have the right of freedom of movement is not to say I have an absolute right of free movement. For example, my freedom to move about typically stops at the tip of your nose and the border of your private land, unless I can make the case that there is a basic human interest that will be served by my interfering with your body or property. Similarly, to say that the state has a pro tanto right to control immigration recognizes it has genuine and compelling reasons for controlling immigration, but they must be weighed against competing considerations.

## Some limitations to migration are necessary for justice

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Like all rights, freedom of movement would not be absolute or unconditional, but it should rather be understood as a prima facie right (Huemer 2010) whose violation would require the existence of a direct and imminent risk to national security, public health, fundamental rights and freedoms, or democratic self-determination. Thus, an eventual reduction in the wage of some workers or concerns for the loss of the alleged cultural ‘homogeneity’ would be out of the question (Kukathas 2021). The most important thing is that the risk is direct and imminent<sup>18</sup> direct because there must be no other way to avoid it, so that the last resort to tackle it is the temporary and subsidiary<sup>19</sup> suspension of freedom of movement; and imminent because it cannot be based on bad omens, unfounded suspicions nor questionable empirical premises.

## Border control is necessary to reduce drug smuggling and crime

Alex **Johnson**, December 2014

“US Border: Open or Closed?,” Worcester State University, [http://wsu.tonahangen.com/citizen/?page\\_id=51](http://wsu.tonahangen.com/citizen/?page_id=51)

Another major problem with immigration today is the Mexican drug cartels. Because the southern border of the United States is not secure, many members of drug cartels have access into the United States. This brings a lot of violence to the border cities, and also allows for them to push drugs into the United States. Also, if the Mexican drug cartels have easy access into the United States, this could mean that terrorists could use these access points to come into our country and carry out terrorist attacks. Closing off the entire southern border would make it harder for drugs to come in, and also make it harder for illegal immigrants to come into our country. According to Congressman Duncan Hunter, “Fencing and infrastructure alone are by no means enough to stop illegal crossings, but the presence of physical impediments at the border, when supported by manpower and technology, create barriers that make entry increasingly more difficult and sometimes impossible.” [3]

## There are instances where restrictions on migration are favorable to principles of justice

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Let us begin with the countries of origin. Governments in developing countries could adduce reasons of justice to justify restrictions on the emigration of their qualified or wealthy citizens.<sup>9</sup> Such a policy could take the form of a ban on the emigration of highly qualified professionals most needed in their countries of origin (e.g. doctors, engineers, scientists, to mention just a few); or in a less draconian version, an obligation to work in the country for a certain amount of time or to pay a tax before departure. As for the receiving countries, let us imagine that a government committed to global justice decided to preferentially admit refugees and necessitous migrants, whilst at the same time setting a limit on the so-called ‘economic’ immigration. This policy would involve the poorest migrants taking precedence over the rich ones, and once the state’s obligations of distributive justice had been discharged, the closing of borders to the latter.

## Extensions – Open Border Leads to Brain Drain

### Open borders results in the ‘brain drain effect’ in under-developed countries

Marieta Validivia-Lefort, graduate from University College London, 2018

“MIGRATION, FREEDOM OF MOVEMENT, AND SOCIAL JUSTICE: “DOES THE ‘BRAIN DRAIN’ EFFECT JUSTIFY RESTRICTIONS ON IMMIGRATION?”,” IPPR, Vol. 13, <https://ippr-journal.com/wp-content/uploads/2019/09/MarietaValdiviaLefort.pdf>

Globally, public opinion tends to guide the discussion about migration from the perspective of the receiver country – illegal immigrants, unemployment, national security and crime -, however arguments about the impact of emigration as negative for global justice and the postcolonial era have been largely discussed in both the literature and the international public policy arena. This assumption finds its normative approach in the presence of two interconnected effects: the ‘brain drain’ (reduction in the human capital in the home country) and ‘brain gain’ (increase in the human capital of the receiver country) effects. More in detail, the ‘brain drain’ effect can be described as the loss of a highly-skilled worker that emigrate from their home country to a foreign one that perceives the ‘brain gain’ effect by receiving the foreign highly- skilled worker. In terms of definition, a highly-skilled immigrant corresponds to a “foreign-born individual, aged 25 or more, holding an academic or professional degree beyond high school” (Docquier and Marfouk, 2006 see Docquier and Rapoport, 2012: 684).

### The brain drain effect perpetuates global inequality

Marieta Validivia-Lefort, graduate from University College London, 2018

“MIGRATION, FREEDOM OF MOVEMENT, AND SOCIAL JUSTICE: “DOES THE ‘BRAIN DRAIN’ EFFECT JUSTIFY RESTRICTIONS ON IMMIGRATION?”,” IPPR, Vol. 13, <https://ippr-journal.com/wp-content/uploads/2019/09/MarietaValdiviaLefort.pdf>

Regarding this, Kapur (2017) argues as nations - understood as geopolitical entities with defined physical borders and intrastate regulations - seek to maximize their utility and macro-political situation, they are willing to accept ‘fiscally desirable’ or ‘highly-skilled’ immigrants, producing the brain gain effect. As those highly-skilled workers – a valuable tool for economic growth - leave their home countries searching for better opportunities, they produce scarcity of essential human capital for national improvements, or the so called brain drain effect. Both – especially brain drain - are recognised as “one of the major aspects of globalization” (Docquier and Rapoport, 2012: 682), and they are also associated to the perpetuation of differences among developing and developed countries by obstructing nation empowerment through the massive loss of human capital, especially in the regions of the Global South.



## Migration to first-world nations leaves countries without skilled workers

Marieta Validivia-**Lefort**, graduate from University College London, **2018**

“MIGRATION, FREEDOM OF MOVEMENT, AND SOCIAL JUSTICE: “DOES THE ‘BRAIN DRAIN’ EFFECT JUSTIFY RESTRICTIONS ON IMMIGRATION?”,” IPPR, Vol. 13, <https://ippr-journal.com/wp-content/uploads/2019/09/MarietaValdiviaLefort.pdf>

A similar description is given by Oberman (2013), adding that “in Granada, Haiti, and Jamaica, the skilled emigration rate is above 80 percent. In Africa, Cape Verde has a rate of 68 percent; Mauritius, 56 percent; Sierra Leone 52 percent; and Ghana, 47 percent” (p. 428). These countries -all of them defined as developing countries and part of the Global South- are ‘losing’ important human capital for the development of their nations. Thus, ‘brain drain’ might be extremely detrimental for some countries that face severe national problems, such as the Zambian health care system (only 646 doctors and 6,096 nurses for almost 12 million people) and its incapability to confront its significant levels of malnutrition and disease due to human capital loss (ibid., 428-9). Likewise, Stilz (2016) indicates that today, there “are more Ethiopian, Kenyan, and Sierra Leonean doctors in Europe and North America than in their home countries” (p. 67).

## People have a duty to use their talents to better their own communities

Marieta Validivia-**Lefort**, graduate from University College London, **2018**

“MIGRATION, FREEDOM OF MOVEMENT, AND SOCIAL JUSTICE: “DOES THE ‘BRAIN DRAIN’ EFFECT JUSTIFY RESTRICTIONS ON IMMIGRATION?”,” IPPR, Vol. 13, <https://ippr-journal.com/wp-content/uploads/2019/09/MarietaValdiviaLefort.pdf>

The ‘brain drain’ effect, understood as the loss of human capital by nations due to emigration, might justify restrictions on immigration under the humanitarian assumption of ‘duty of assistance’; highly-skilled individuals present a duty to ‘return’ to the homeland not only because their nations have ‘invested’ resources in them, but also because they have an inherent moral duty to help their disadvantaged compatriots to be better off.

## Extensions – Open Borders is Utopian

### People's beliefs need to change before borders can change

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

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Even so, leaving aside all the problems that could arise from the application of this measure, the argument itself is not very sound. If the idea of open borders starts from the empirically demonstrated premise that citizens in western democratic countries are for the most part reluctant to increasing immigration, it does not seem very likely that governments would risk opening borders with their citizenry against (Hidalgo 2019). Some propose open borders as a driving force for change, a mere way of challenging the 'complacency' of citizens in rich western democracies (Carens 2013, 296). But to have borders open we would first need to open people's minds, not the other way around. With all that, the arguments put forward in this article do not depend on the greater or lesser effectiveness of the policy nor on its possible effects.<sup>3</sup> Instead, we will try to show why open borders as an instrument of global justice are at odds with freedom of movement.

### Open borders is utopian and says prioritization of certain people's well-being is morally wrong

Sarah **Song**, professor at UC Berkeley, **no date**

"Immigration and Democratic Principles: On Carens's Ethics of Immigration," *The Journal of Applied Philosophy*,

[https://escholarship.org/content/qt04c687n6/qt04c687n6\\_noSplash\\_e93ee9c4fc78df2ab8a56821964c9972.pdf?t=pudd8g](https://escholarship.org/content/qt04c687n6/qt04c687n6_noSplash_e93ee9c4fc78df2ab8a56821964c9972.pdf?t=pudd8g)

An open borders immigration policy is radically utopian so one might associate it with a radical cosmopolitan vision of justice. Cosmopolitans hold that all human beings have equal moral worth and are entitled to equal concern and respect. Radical cosmopolitans hold the further assumption that particular human relationships – to family, friends, and compatriots – never provide independent reasons for action or suffice by themselves to generate special responsibilities. Responsibilities to one's associates are justifiable only if they can be justified by reference to the interests of all human beings viewed as moral equals.

## Even if open national borders could be achieved, political backlash would undo any changes

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

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Add to all this the problems of coordination and conflicts that would arise in the allocation of costs and benefits, not to mention the fact that many states would refuse outright to open their borders (as is already the case with the accommodation of refugees). The most we can look forward to for the moment is a world with partially open regional borders. However, even in that optimistic scenario, internal opening would most likely come hand in hand with the closure of external borders (as in the European Union); or else new borders would spring within cities and neighbourhoods in the form of ‘a thousand petty fortresses’ (Walzer 1983, 38). But even those countries that democratically decided to open their borders, it remains to be seen how long it would take voters to punish their governments at the polls. Not because of selfishness or xenophobia, but only because the opportunity costs would be too high for those few well-intentioned countries.

## A2 – Open Borders Not Key to Justice

### Open borders would not change the material conditions necessary for justice

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

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The first objection is that open borders do not significantly alter the final distribution of goods, or else produce the desired effects in terms of redistribution, and so it would not be necessary to restrict freedom of movement for the sake of justice. In its more modest version, if open borders do not make a significant change in the final allocation of resources, then what is the point in keeping them open? The ideal scenario would be that the free flow of individuals by itself (without the intervention of the state) produced fair results over which no adjustment was necessary. But notice that this implies acknowledging the redundancy of justice, and it is most certainly not what defenders of global distributive justice hold.

### Justice may require rich nations to help inhabitants of poor countries, but it does not obligate them to allow unlimited immigration

Michael **Blake**, professor at the University of Washington, 14 July 2012

“Review Of: Debating the Ethics of Immigration: Is There a Right to Exclude?,” *Notre Dame Philosophical Reviews*, <https://ndpr.nd.edu/reviews/debating-the-ethics-of-immigration-is-there-a-right-to-exclude/>

Wellman's argument thereby defends the right of a country to exclude non-members -- even if the needs of these non-members are exceptionally great. While wealthy countries have obligations to help the members of illegitimate regimes, and the inhabitants of poorer countries, these obligations do not rise to an obligation to admit these people to membership. Instead, Wellman argues that the obligations of the wealthier countries of the world are disjunctive in form: help prevent the circumstances giving rise to such would-be immigrants through intervention and institution-building, or admit such would-be immigrants to some form of membership within one's own borders (117-124). The importance of self-determination entails the right of legitimate states to be free from unwanted members, even when those members would be benefitted enormously by membership in such a society. Wellman's contribution includes a response to several theorists defending more open borders, a brief discussion of exit rights and the obligations of countries admitting highly skilled immigrants from developing countries, and an analysis of the moral wrongness of guest worker programs. Throughout, however, Wellman's contention is unchanged: a legitimate country may have many obligations to the global poor -- but the obligation to allow them to immigrate is not one of them.

## Open borders is oxymoronic to global justice

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

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Some proponents of global justice question that opening borders is an effective strategy to alleviate global poverty and reduce inequalities between countries. This article goes a step further and asks whether an open borders policy is compatible with the objectives of global distributive justice. The latter, it will be argued, entails the ordering of needs, the assignment of priorities and the preference or subordination of some interests over others. In other words, global justice requires the establishment of conditions and restrictions on mobility. On the contrary, open borders claim an unrestricted and unconditional (not unqualified) freedom of movement, limited only by public health considerations, serious threats to national security or democratic institutions, but not by an aspiration for maximizing global redistributive utility. The main point is that not only would freedom of movement be instrumentalized, losing its presumptive moral force, but ultimately open borders as a remedy of global justice are an oxymoron. The article concludes with an alternative defence of freedom of international movement.

## Global justice requires prioritizing needs, freedom of movement does not do that

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

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If justice is concerned with the needs of the disadvantaged, just as it would not be morally wrong to prevent a rich person from entering a soup kitchen or to deny her the minimum subsistence income, to what extent would a government act badly if it forbade her entry into the country? Distributive justice, by its very nature, requires us to put needs in order of priority, and to give some (the most pressing) preference over others (the least pressing).

## A2 – Open Borders Solves Inequality

### The freedom to migrate is a negative right, not a positive one so inequality can't be solved

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May **2022**

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The first refers to the distinction between positive and negative obligations (Blake 2020). It is not about encouraging immigration or imposing duties of assistance towards potential migrants (positive obligations), but about states not coercively interfering with people's attempts at crossing borders (negative obligations) either by physically blocking their passage or putting a prohibitive price on visas. After all, freedom of religion does not command states to build houses of worship; freedom of association does not include the right to free land for my golf club; nor does freedom of expression compel anyone to finance the publication of my book. By the same token, freedom of movement between countries does not entail the public provision of the means to migrate (for example, through the subsidy of plane tickets) or an immediate entitlement to social benefits in the country of destination. Freedom of movement 'is basically a negative liberty that puts political authorities under an obligation of non-interference with individuals exercising their right to free movement' (Bauböck 2009, 10).

### If the goal of justice is reducing global inequality, unrestricted migration is not the solution

Marieta Valdivia-**Lefort**, graduate from University College London, **2018**

“MIGRATION, FREEDOM OF MOVEMENT, AND SOCIAL JUSTICE: “DOES THE ‘BRAIN DRAIN’ EFFECT JUSTIFY RESTRICTIONS ON IMMIGRATION?,” *IPPR*, Vol. 13, <https://ippr-journal.com/wp-content/uploads/2019/09/MarietaValdiviaLefort.pdf>

Following the previous idea, restrictions on immigration based on the massive loss in human capital and, therefore, limited development, growth, and empowerment of the poorest countries, can find their roots in the moral duty associated to the decrease of poverty and injustices in the world, which means that the ‘brain drain’ justification to restrict immigration might be highly justified in a humanitarian sense.

## **Border control is not the cause of global inequality**

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

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The first of these premises seems difficult to rebut. As Thomas Nagel (2005, 113) says, “[t]his may be the least controversial claim one could make in political theory.’ The fight against poverty is one of the biggest challenges of humanity. The idea of open borders is suggested by some theorists of global justice as a remedy to poverty (Carens 2013; Velasco 2016a, 2016b). The solution lies, we are told, in lifting restrictions on immigration and allowing free movement across borders. But to reach this conclusion we have to assume the second premise, namely, that the border regime is the source of the problems, and additionally, that poverty is at the root of international migration. Indeed, it is often argued that in a just world immigration would no longer be an issue (e.g. Rawls 1999, 9; Shachar 2009, 5).

## **Open borders does not solve the issue of inequality**

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

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An alternative and more promising reply is that only then would freedom of movement really make sense as a principle rather than as a mere strategy, so there would ‘be no more reason to constrain free movement across borders’ (Bauböck 2009, 4). But even in this ideal scenario immigration would keep altering the balance of wealth among countries, so that full equality could never be achieved. And as long as global justice cares about inequality, open borders would act as a mere counterweight to an imbalance that would never end. So, after all, freedom of movement as an ideal would be a mirage, an unreachable horizon.

## A2 – Freedom of Movement Requires Open Borders

### Freedom of movement and open borders are not the same thing

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

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When we talk about open borders, we do not merely imply the relaxation of immigration controls, but an unrestricted freedom of movement between countries. In turn, lifting all restrictions does not only entail the absence of direct coercion on the subjects, but also the absence of all conditionality on the right to move (Ypi 2008). Note, however, that this is not exactly what the advocates of global justice suggest. In addition to the state not interfering with the attempt of individuals to cross the border, they demand that they be granted the full panoply of rights enjoyed by citizens, including access to social welfare programmes (Carens 2013). In other words, what is being demanded here is not just freedom of movement (understood as a negative duty of non-interference), but a right to immigrate (with the corresponding positive duties of assistance by the state).<sup>8</sup>

### Freedom of movement as a principle can be affirmed without believing its necessary for justice

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

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If we consider freedom of movement as a basic freedom essential to human autonomy and flourishing, it should not be sacrificed for the sake of greater distributive justice, however legitimate it may be. Otherwise, we run the risk not only of devaluing freedom of movement, but of ‘releasing’ states from their responsibilities once they have somehow discharged their distributive duties. The implications of this right become clearer when we compare it to other human rights such as freedom of expression, conscience or association. If we consider freedom of movement (both internal and external) as a fundamental right, once the threshold of subsistence has been met, no one should force a healthcare provider to remain in her country of origin, nor should a state prohibit the entry of foreign labour to ‘protect’ its citizens from external competition. This section presents a deontic case for free human mobility, advocating for the institution of a widespread right to both internal and external freedom of movement.<sup>16</sup> Note that we are talking about a right to freedom of movement, not about a right to immigration.



## **If freedom of movement is a value to be defended, it cannot be done by appealing to justice**

Borja Niño **Arnaiz**, professor of political science in Spain, 26 May 2022

“Should we open borders? Yes, but not in the name of global justice,” *Ethics and Global Politics*, Vol. 15, <https://www.tandfonline.com/doi/full/10.1080/16544951.2022.2081398>

One might criticize this conception of justice for being too narrow. But no conception of justice, not even the most ambitious one, could plausibly demand an unrestricted freedom of movement, nor does it include the right to choose one's country of preference (Blake 2020). One can have access to a sufficient range of means to develop an autonomous life without having free rein to move all over the globe, so it is difficult to derive the principle of freedom of movement from the requirements of global justice. If freedom of movement is to be defended, it cannot be done by appeal to global justice. In conclusion, the remedial or instrumental argument fails at justifying unrestricted migratory rights for everyone, especially for those who already have access to an adequate set of opportunities. What is more, as we will argue in the next section, global justice may run counter to the very idea of open borders.

## **Freedom of movement across borders doesn't solve inequality, interventionist redistribution of wealth does**

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The idea of open borders seems deeply at odds with the principles of global distributive justice. The opening of borders is nothing but the removal of barriers to free transit, so that individuals can freely decide which country to live and work in, and with whom to cooperate and associate voluntarily. Distributive justice, by contrast, requires the intervention of the state (or other type of public authority) to 'fairly' allocate the benefits and burdens of social cooperation, usually through the exaction of taxes and the coercive transfer of resources from the richest to the poorest segments of the population. But how might distributive justice look like in the context of migration?

## A2 – Open Borders Benefits the Economy

### Open borders for mass immigration hurts the economy

Alex Johnson, December 2014

“US Border: Open or Closed?,” Worcester State University, [http://wsu.tonahangen.com/citizen/?page\\_id=51](http://wsu.tonahangen.com/citizen/?page_id=51)

If the United States made it so there was no other way into the country besides coming legally, it could help solve some of the issues we see today. For instance, there are many occasions where an illegal immigrant has committed multiple crimes because every time they were deported, it was easy enough to get back into the United States. If we made it nearly impossible to sneak into the United States illegally, we could save money used to incarcerate illegal immigrants. Another major issue we see is illegal immigrants using emergency rooms even if they have no health insurance or can't pay. In turn, this makes the costs of health care go up. If we secured America's borders and made sure no illegal immigrants come in, we may end up saving money in health care costs. It is estimated that 6 to 10 billion dollars per year goes towards providing healthcare for undocumented immigrants. There are many problems within our own country alone that involved our own citizens that we should worry about before allowing certain people into this country.

### A country needs to support its own citizens before it can help non-citizens

Alex Johnson, December 2014

“US Border: Open or Closed?,” Worcester State University, [http://wsu.tonahangen.com/citizen/?page\\_id=51](http://wsu.tonahangen.com/citizen/?page_id=51)

Over the last few years, we have seen an increase of illegal immigrants coming into the United States through the southern border. Many of these immigrants are women and young children, fleeing their home countries because of violence and corrupt governments. A lot of the time, they come over to the United States and end up getting caught, holding them in facilities for months and months. There were many politicians who wanted to allow illegal children to come into the United States, and stay in government funded homes and facilities so that they did not have to go back to their home country. While we are a nation built on immigration, this has become a problem, especially in the financial situation we are in today. The federal government has struggled to provide the basic needs to some of our own citizens in the United States, never mind illegal immigrants who are swarming the southern border.