Sorting Through Humanitarian Clashes In Immigration Policy

by Roy Beck

The issues of immigration often are couched in considerable discussion about humanitarianism. An appeal to set policy based on humane grounds carries with it intrinsic ethical clashes. An action that is humane to one category of persons deemed deserving of compassion can harm another category also deserving of compassion. Thus, there are ethical dilemmas that must be confronted in establishing a humane immigration policy.

A humane policy would consider four primary classes of people:

(1) those seeking to immigrate,
(2) needful people left behind in the sending country,
(3) disadvantaged citizens of the receiving country, and
(4) the general citizenry of the receiving country.

Interests of those four classes inevitably will clash, and so will interests of sub-groups within each class. The effort to create an ethically humane policy requires decisionmakers to assign different moral weight to the needs of each of those classes and sub-groups so that priorities can be set.

Writing immigration policy is an act of favoring one group over another. Which group wins? Which loses? How does a country maximize benefits and minimize harm? Those are the questions that any immigration policy must answer.

I usually ask my audiences to go through several exercises that point up the ethical dilemmas in devising immigration policy. First, however, I have them look at three philosophies of immigration. Many of the values that guide one through the later exercises are exposed in this discussion.

I. Open-immigration Philosophy

The first ethical issue of immigration is whether any community — especially a nation or country —has a right to place the needs of its own residents ahead of the needs of people outside the community. Open-immigration advocates answer in the negative. They essentially are globalists who see people more as citizens of the world than as members of more localized communities in which they enjoy special rights from and bear special responsibilities for the other members of their own community.

In the United States, most advocates of the open-immigration philosophy can be found in two groups:

Free-market Libertarians

Their emphasis on the individual suggests that everybody in the world should have the opportunity to rise as high as their talents and energy allow, without the restriction of borders.

It is not right to deny consumers the opportunity for lower-cost goods that might arise from the free flow of lower-cost goods and labor from other countries. Neither is it right to restrict the owners of capital from the additional profits that might be gained from cross-border movements of goods and labor. And, thus, it is not right to protect the workers of one country from wage and job losses due to competition of foreign workers through either trade or immigration barriers. Restricting the access of the lower-wage foreign worker from jobs in this country not only would deny that worker the right to upward economic mobility, it would deny American owners the right to further upward mobility for themselves.

Religious and Secular Globalists on the Left

In general, these believe that the needs of people in the Third World have priority over the needs of people in more advanced nations when it comes to questions of whether migrants should

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cross borders. Underlying this is the assessment that most would-be immigrants come from conditions that are worse than those for the Americans who may be hurt by their entry.

Unlike the libertarians, these people often favor open borders only for immigrants, not for goods. Hence, the name, "open-border philosophy," is not an accurate one for everybody who adheres to the open-immigration philosophy. The globalists on the left tend to believe in protecting American workers from unfair competition from goods produced by low-wage labor in foreign countries, but they do not favor protecting American workers from low-wage foreign workers entering the country and competing with them directly at their workplace.

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The open-immigration philosophy challenges — but doesn't necessarily call for the elimination of — the nation-state and its borders. Except among purely utopian thinkers, most open-immigration advocates concede the appropriateness of some controls at the border for factors such as disease, crime and certainly military intervention. Most will also concede that there probably are some upper limits to how many immigrants could enter a country each year without creating debilitating anarchy. But that limit is thought to be so far above present limits as to make it a rather abstract issue.

Powerful appeals for a version of open borders have come in recent years from some high-profile religious leaders who say that although a country has a right to control its borders, workers without jobs have a higher right to cross the borders in search of work. That would qualify hundreds of millions of people around the world to immigrate. A similar view espoused by many secular and religious philosophers contends that countries with low birth rates and lower population pressures on their natural resources have an obligation to take the excess population of the most congested and impoverished countries with high birth rates.

Many open-immigration globalists contend that borders and communities are barriers to a just world; any person anywhere in the world should be allowed to go anywhere else in the world if that will advance that person's well-being — even if it creates a decline of the well-being of residents of the receiving community. The justice of this is based primarily on the assumption that migrants would not move into a community unless the conditions there were better. Therefore, residents of that community can lose some of their standard of living and still not be worse off than the arriving migrant. Global egalitarianism appears to be the goal.

Open-immigration advocates point to the universalist appeals of various religions in their discussions of the brotherhood and sisterhood of all humankind.

No government in the world today practices an open-immigration philosophy. Support for open borders among the American public in general is almost non-existent, according to polls. Yet, the United States and several other of the world's newest countries had virtually open borders into the beginning of the 20th century. The primary rationale then was to use immigration to help settle the relatively open lands that at the time were marginally controlled by the indigenous peoples, to establish a nation across the continent, and — in a purpose still reflected by today's free-market libertarians — to assist the owners of industry.

II. Closed-immigration Philosophy

Most nations today essentially bar all immigration except for emergency refugee movements and persons considered to be "returning home." The philosophy is gaining adherents in the United States. Polls show that up to 20 percent of Americans favor stopping all immigration, at least for a few years.

Although critics often call these people "closed-border types," many advocate vigorous international trade. And most would not close borders to the millions of foreigners who come each year for

business, education and tourism. They would close the borders only to permanent re-location.

The ethics of closed-immigration are based primarily on the belief that a country's ethical priority is to its own citizens. To the extent it has ethical obligations to other people, a country should help those people where they reside, not by bringing them into the country and posing harm to its own citizens.

Closed-immigration advocates note that the same religions with teachings about the brotherhood and sisterhood of all humankind also include teachings about the creation of just societies based on mutually held responsibilities within the family, tribe or nation. Supporters of closed borders point to what they see as substantial agreement among history's philosophers that a person's moral obligations are greatest for those persons who are closest to them, and to their own descendants. Vanderbilt University philosopher John Lachs has noted that, "Throughout history, acting in self-interest for one's own people generally has not been considered morally selfish."

A sampling of history's philosophers finds:

(Roman: Cicero) *The union and fellowship of men will be best preserved if each receives from us the more kindness in proportion as he is more closely connected with us. ... Nature produces a special love of offspring...To live according to Nature is the supreme good.*

(Greek: Homer) *...every good man, who is right-minded, loves and cherishes his own.*

(Christian: Paul) *If any provide not for his own, and specially for those of his own house, he hath denied the faith.*

(Jewish: Teachings from the Middle Ages) *The general rule is that the poor of your town come before the poor of any other town.... As between relatives and poor strangers, relatives come first.*

(Hindu: Janet) *For him who fails to honour them (father and mother), every work of piety is in vain. This is the first duty.*

(Socialism: Pierre-Joseph Proudhon) *If all the world is my brother, then I have no brother.*

That last quote may be as important as any in the minds of the ethical advocates of closed borders. Certainly, there may be incredible need in the rest of the world, but any attempt to meet all that need would mean worthless tiny gestures to each individual. So a person or a country must limit beneficence to a small enough number of people so they can actually benefit. Since that is the case, why not direct all of one's resources first toward the needy who are closest? In the U.S., for example, why bring more needy people into the country when there already are millions of Americans who are ill-fed and unable to secure decent housing, tens of millions of children growing up in poverty and overcrowded schools, and even larger numbers of adults who are illiterate?

Environmentalists who hold this closed-immigration philosophy place heavy emphasis on the protection of environmental resources for the future inhabitants of a land. Because immigration can cause enormous population growth — as is the case in the United States today — they see immigration as an environmental threat. Their opponents suggest that this is a clash between the needs of the non-human environment and the needs of today's would-be — and very human — immigrants. But the clash could just as easily be seen as one between the needs of today's humans and tomorrow's humans. Many environmentalists do not believe that the occupants of a land have the ethical right to destroy the environmental resources for the future generations who will occupy the land.

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As with proponents of the open-immigration philosophy, the closed-immigration advocates usually do not take absolutist positions. Most would allow the entrance of some refugees and close members of the nuclear families of people already residing inside the country. A 1996 Roper poll found that about 30 percent of Americans supported such

a policy that would restrict immigration to under 100,000 a year, but more than zero. Added to the advocates of a zero level, that suggests that the closed-immigration philosophy may be approaching majority status among the public.

III. Restricted-immigration Philosophy

Restricted-immigration has been the standard for the United States since 1924 and guides the policies of Australia, New Zealand, Canada and the few other countries that still allow a significant flow of new immigrants. Polls suggest that the majority of Americans hold to this philosophy. A great deal of the most heated debate in this country occurs between people who share this same viewpoint but disagree on whether one million or something more like 200,000 to 500,000 best fulfills their criteria.

The restricted-immigration philosophy usually is characterized by four beliefs:

• A country has an ethical obligation to open its borders to at least some of the world's most needy migrants, especially those who may face death if not given refuge. Although there is no recognized international obligation of a country to accept migrants who want to better their lives economically, immigration restrictionists believe many countries' traditions and religious foundations suggest an ethical obligation to use immigration to help some. And the international community has agreements that in essence condemn closed-immigration governments as unethical if they refuse the entry of migrants who have a well-founded fear of individualized persecution in their home country.

• The needs of a country's own citizens usually have moral priority over the needs of others.

• At low enough flows, it is possible to help migrants by letting them in without harming a country's own citizens.

• The majority of migrants who might want to come into a country must be barred because their en-trance would lead to great injustices to a country's own citizens. In terms of the numbers allowed to enter, policies of restrictive immigration are far closer to closed-border than to open-border policies.

Listening to American debates can be confusing because many of the people in it are not clear about their underlying immigration philosophy. Many of the people who argue for the current level of immigration — which is more than triple the country's average level historically — criticize those who argue for reductions as being selfish for putting their own fellow citizens ahead of foreign citizens who wish to enter. But most people who make those criticisms do not hold the open-immigration philosophy. That is, they advocate not the free entry of all who would like to come but the maintenance of the present level; or an increase to, at most, twice the present level. Even at those high levels, immigration policy rejects most of the people in the world who would like to immigrate. What is the reason for taking a million a year instead of five million, 25 million or 50 million? Supporters of the status quo justify not going to those levels because they would bring too much harm to the country. Thus, they clearly operate out of a restricted-immigration philosophy that recognizes the moral rationale for restraining immigration for the benefit of the people already inside a country's borders.

Nonetheless, adherents of the restricted-immigration philosophy tend to view the closed-immigration adherents as tipping the scales too far in favor of a country's own inhabitants. In varying degrees, they believe a country should take enough immigration to hurt — at least a little bit.

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Like adherents of the closed-immigration philosophy, though, those who hold to the restricted-immigration philosophy believe in the nation-state as a superior way of organizing people and of creating incentives for behavior that will benefit the most people. For example, the people of Nation A may have small families and accept numerous sacrifices in order to protect their natural resources. Nation B might have a high fertility rate that contributes to the overuse of its natural resources. If Nation B is allowed to export its

overpopulation to Nation A, the citizens of Nation A will be denied the benefits of their environmentally ethical decisions. With little incentive to make those ethical environmental decisions, the citizens of Nation A are likely to behave in a much different manner in the future. And the citizens of Nation B will be relieved of some of the pressure that might have caused its citizens to adopt a more responsible fertility and a system of environmental laws.

"I have found that most people have never systematically looked through the competing claims for immigration slots to think about the fact that some have more moral weight than others…"

Restrictive-immigration advocates see the open-immigration philosophy as a rejection of the idea that a community, people or nation has a right to self-determination. Mass migrations of people into a democratic society shift the power of deciding the future to the people coming from outside the borders. And once the migrants are settled, they too lose their ability to determine the culture, politics, laws, economics and quality of life of their adopted home upon the arrival of the next wave of migrants. The sense of nationhood that causes individuals to provide complex social systems to their own "people" cannot continue when the population of a country no longer seems to be "us," as Australian sociologist Katharine Betts has pointed out. In the view of the restricted-immigration philosophy, mass immigration has the power to do what open-border supporters say it will do: reduce disparities among nations. But the growing equality does not come by greatly improving the conditions of the poor countries. Henry Simons, a pioneer advocate of free-market economics at the University of Chicago, argued that free trade among nations would raise living standards in all participating nations. But he said that major cross-border movements of workers would level standards everywhere, perhaps without raising them anywhere.

Another noted pioneer free-market economist, Melvin Reder, in 1963 advised President Kennedy that free immigration would cause per capita incomes between nations to equalize (the goal of open-border globalists), mainly by leveling the incomes of workers in industrialized countries down toward the low wages in the Third World. (Kennedy backed immigration numbers that were approximately one-third of today's.)

The dilemma for those who endorse restricted immigration is (1) to find what level of immigration is low enough not to hurt the citizens of a country, (2) to determine under what circumstances there is an ethical obligation to cause some domestic harm by bringing in a higher level of migrants, and (3) to decide to whom the immigration slots should be allotted.

IV. Using Exercises to Put Specifics Where One's General Philosophy Is

I have found that most people have never systematically looked through the competing claims for immigration slots to think about the fact that some have more moral weight than others — nor have most considered that meeting the needs of one group of people can have the effect of denying the needs of another group. That is why when I present this material to any audience I go on to present three worksheets for an exercise in ethical decision-making.

In the first exercise, I ask people to design an immigration policy that would only answer international needs — to think only of the sending countries and the conditions of their citizens. Canada uses a point system to prioritize applicants for admission to that nation. Suppose we were to do the same and were to rank applicants on the basis of humanitarian factors?

The exercise lists over 30 types of applicant including those who have an income below an international poverty line; those who have advanced degrees and are seeking a way to use them to a full potential; those who are seeking to escape from a dictatorship, from evironmental devastation, from persecution as a homosexual or as a member of a minority religion or an opposition party; those who have a medical condition that can be helped best in the U.S.; those who have a family member who migrated here earlier.

The ranking should also include negative marks for the professional skill or political opposition that would be lost in the sending country by that person's leaving.

Exercise 2 asks participants to consider the various Americans who would be positively or negatively impacted by immigrants: people leaving welfare and seeking jobs, businesses seeking cheaper labor, citizens trying to preserve small city and rural ways of life, the chronically unemployed, descendants of U.S. slaves, industries seeking skilled labor, children in crowded schools, and many more.

"What are the trade-offs? What happens when helping a group on one list hurts a group on the other?"

Exercise 3 tries to foster thinking about a design for U.S. immigration policy. What are the trade-offs? What happens when helping a group on one list hurts a group on the other? *International* humanitarianism might value bringing in poor people with few skills. But those immigrants would compete most directly in the job market with lower-skilled and poor Americans who may be ranked high in terms of *domestic* humanitarian concerns.

If we bring in people with high skills, we may work against the interests of the poor of the Third World by depriving them of their brightest citizens who might have made life better there.

Individuals who face discrimination or persecution because of their political activities may rank high on our international lists. But allowing them to immigrate from a badly run country removes agents-for-change who might have eventually worked with others to pressure for improvement for the masses left behind.

V. Squaring Results with Current Policy

Once the priorities and rankings are worked out, it is an eye-opening experience to compare them with actualities. It turns out that U.S. policy does not primarily bring in the poorest, most persecuted, most helpless, sickest and most desperate people of the world for whom a truly humanitarian policy would be designed. Rather, our policy dips liberally from the most energetic, educated, skilled and healthiest and from the richest countries of the underdeveloped world such as Mexico and Russia. Some 25 percent of adult immigrants have college degrees.

Indeed, U.S. immigration policy primarily showers its humanitarianism on the following types of people:

• Foreign citizens who manage to marry a U.S. citizen. Many of these are illegal aliens at the time they meet their future citizen spouse; marriage legalizes their status. Many others meet their future spouse while in America legally on stu-dent, business or tourist visa. Still others are in their home coun-tries and are courted by pre-vious immigrants after they achieve U.S. citizenship and return home looking for a spouse. And there are those who, in their home country, meet native-born Americans who are visiting there while in the military, or as students or international business workers.

• Spouses and minor children of immigrants who are not U.S. citizens. Many of those immigrants previously were illegal aliens but were granted amnesty by Congress. Now that they are legal, they can send for nuclear family members they left behind. In many cases, though, the spouses and minor children are themselves illegal aliens already living in the United States.

• Foreign citizens whose brother, sister, parent or adult child left them behind years ago and now has become a U.S. citizen.

• Foreign workers who get the attention of U.S. businesses. Businesses having any trouble finding American workers in their locale at a low enough price are able to add tens of thousands of foreign workers each year to be nurses, farm workers, teachers, doctors, engineers, scientists, nannies, gardeners, housekeepers, etc. Businesses work to get many of these people admitted as permanent immigrants because they already are in the locale as illegal aliens or foreign students.

• People (primarily white) who live in countries from which there have been few immigrants in recent years. There is very little chance for making ethical choices in this category as people are chosen totally without regard to their circumstances through a lottery. This category was begun in the 1990s and is

of special benefit to a small class of Americans: immigration lawyers who helped process the 59,000 lottery winners last year.

• People facing discrimination but not persecution in foreign countries. These people come in through refugee categories, but the State Department says the majority of "refugees" entering this country are not internationally recognized as refugees. They are people living in their home countries without the threat of persecution from the government. Congress has ordered that they be admitted as refugees anyway because they live in cultures that are inhospitable to their religion (primarily Jews and Pentecostals in the former Soviet Union) or in countries with communist governments (especially Cuba).

• Internationally recognized "special needs refugees." The international refugee-care community recommends that most refugees be served near the borders of the home country they fled so that they can be repatriated as soon as conditions improve. Experts recommend resettlement of refugees into wealthy nations primarily as a last resort and for "special needs refugees" who have little chance of ever being allowed to go back to their home country. The U.S. often takes up to half of special needs refugees who are resettled each year.

On the domestic front, according to a number of studies, including a much-publicized report by the National Academy of Sciences this year, the ethical basis of the current U.S. immigration policy would appear to be to help:

• consumers to benefit from lower prices,

• business owners to restrain the growth in wages and to more easily fill job openings,

• families — primarily upper income — to obtain the services of nannies, gardeners and housekeepers,

• the owners of capital to make larger profits (immigration is a key ingredient in the rising income disparity in the nation).

And immigration, according to those studies, currently harms:

• lower-skilled workers, especially the foreign-born,

• poor Americans trying to leave welfare and join the labor force,

• students in crowded schools, especially racial minorities in core cities,

• middle-class taxpayers in high-immigration states who subsidize the average immigrant by $1,500 to $4,000 each,

• hunters, anglers, boaters and outdoor recreation enthusiasts of all types who suffer extra congestion from population growth caused primarily by immigration,

- breathers of air in cities that do not meet clean air standards because of population growth,
- users of the 40 percent of the nation's lakes and streams that still do not meet clean water standards,
- all who value the wildlife, natural habitat, eco-systems and bio-diversity that are reduced each year by the pressures from population growth,
- traffic-weary motorists and residents of small cities, towns and rural areas trying to preserve their culture of living.

Because the effect of current immigration numbers is so drastic on the rate of population growth, people who place a high ethical value on clean air and water, protecting eco-systems, resisting congestion and sprawl, and preserving community cultures will have to consider great reductions in the overall numbers as they create an ethically ideal immigration policy.

VI. Wrestling with the Numbers

Before deciding what our ethical position dictates in terms of "how many?" we should consider that the U.S. Census Bureau projects that under the current rate of immigration the 1970 population of 203 million will nearly double to 394 million by the year 2050.

A country can eventually stabilize a population by moving to replacement-level fertility and replacement-level immigration. American women have met the fertility goal every year since 1973. But Congress each year moves America farther from the immigration goal.

For comparison purposes: the average annual legal immigration for the first two U.S. centuries (1776-1976) was 236,000. After Congress declared the end of an open-border philosophy in 1924, the annual average was 178,000 from 1925 until major changes in the law in 1965. The post-World War II average from 1945 to the first Earth Day in 1970 was 255,000.

The Census Bureau states that replacement-level immigration currently is 225,000. So illegal immigration would have to be stopped entirely, and legal immigration reduced from 915,000 in 1996 to 225,000 to allow the U.S. population (267 million in 1997) to stabilize soon after 2050 at around 320 million. If we don't want to add another 50 million people to the country, we will have to choose an immigration level below 200,000.

The box on this page shows the figures for current U.S. immigration policy. Except for spouses and minor children of citizens, there are quotas that restrict all the categories, thus creating long waiting lists. What changes would you make to design a more ethical or humanitarian immigration policy? It becomes your choice whether to eliminate a waiting list by eliminating a category or to create a new waiting list by creating a new category. Fill in the blanks with numbers that you think would create a more ethical policy in weighing the humanitarian considerations of all.

My hope is that average Americans will let go of abstractions and deal with hard choices: if there are to be limits, where will the cuts occur; if Congressional policy stays where it is, what are the tradeoffs? **TSC**

[*Editor's note: The worksheets and exercises used in Roy Beck's "ethics of immigration" presentations would be useful for reform activists as they speak to groups of interested citizens. Contact Beck at his Washington office for copies*.]

CATEGORY	1996 ACTUAL	YOU CHOOSE
TOTAL LEGAL IMMIGRATION	915,900	
Spouses and minor children of citizens (unlimited)	235,391	
Spouses and minor children of non-citizen immigrants	182,834	
Refugees and asylees (around 25,000 typically are "special needs refugees")	128,565	
Workers specifically requested by businesses or private households	117,499	
Parents of citizen immigrants	66,699	
Lottery	58,790	
Adult children of citizen immigrants	46,699	
Other	14,782	
Your new category #1	—	
Your new category #2	—	
Your new category #3	—	