

## Redistribution and moral consistency: arguments for granting automatic citizenship to refugees

Article (Accepted Version)

Shahvisi, Arianne (2020) Redistribution and moral consistency: arguments for granting automatic citizenship to refugees. *Journal of Global Ethics*. ISSN 1744-9626

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## **Redistribution and moral consistency: arguments for granting automatic citizenship to refugees**

### **Abstract**

Infants born to those resident in a particular state are generally granted automatic citizenship, which in most Global North states confers a range of privileges, and may therefore be seen as the untaxed inheritance of lifelong access to valuable resources. In this article I contend, via two arguments, that all refugees should also be granted automatic citizenship within Global North states, where “refugee” is broadly defined to include all those seeking asylum, whether from persecution, poverty, natural disaster, or environmental degradation. First, I argue that granting refugees citizenship within Global North states may serve as a form of distributive justice. Second, I show that the same moral reasoning that motivates automatic citizenship for newborns compels the automatic citizenship of refugees, and that resources should not be effectively held in reserve for the future children of residents while existing refugees stand in need. Finally, some counterarguments are anticipated and tackled.

**Word count:** 10526

**Keywords:** asylum seekers, refugees, borders, migration, Global South, global inequality.

### **Introduction**

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Birth within a particular state is a major determinant of a person’s life course: their life expectancy, health possibilities, income, level of education, employment opportunities, and the safety and security of their physical, social, and political environment. Global North states are generally able to provide their citizens with an acceptable standard of living along these dimensions; Global South states invariably cannot. This disparity tracks global inequality, which is the outcome of a long history of extraction and subjugation, in which disparities introduced under colonialism have been fossilised in a global economic system that favour the interests of Global North states and institutions (Bruhn & Gallego 2012; Tusalem 2016; Wade 2004). Unsurprisingly, many Global South citizens seek entry into Global North states, and emigration is generally from Global South states, while immigration is generally into Global North states (Pison 2019).

“Global South” is not intended as a static geographical term but as a dynamic political and economic signifier which “references an entire history of colonialism, neo-imperialism, and differential economic and social change through which large inequalities in living standard, life expectancy, and access to resources are maintained” (Dados & Connell 2012, p. 13). Specifically, the term is used to denote world regions in which a significant proportion of people live with severe economic and political insecurity. While some Global South states have large and growing economies and an affluent middle-class, this does not translate into a decent standard of living for the average citizen. So while it is important not to generalise over Global South states, referring to the proportion of people living in poverty is a good proxy for the birth-right privileges conferred on an average

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citizen of that state. Consider that while India has the seventh largest economy in the world (World Bank 2018a), 87% of its people live in poverty (World Bank 2019).

In this article I argue that all refugees should have their asylum claims granted and their basic needs met in Global North states, because (a) doing so may contribute to combatting global inequality, and (b) moral consistency demands it. In most states, infants born to those ordinarily resident are granted automatic citizenship, which, in wealthy states confers a range of privileges. Following Carens (2013) and Shachar (2009), I contend that citizenship should be seen as a valuable resource whose near-exclusive birth-right inheritance is morally dubious. I argue that redistributing access to Global North resources through granting automatic citizenship to Global South refugees presents an opportunity to offset global inequality. Further, I show that consistency demands that we do so, since refugees are new entrants with needs that can and ought to be met and are, therefore, similar in morally important ways to the newborns upon whom citizenship is (generally) automatically bestowed. Finally, some counterarguments are anticipated and tackled.

I take the United Kingdom (UK) as my case study, since it is an affluent state that is a desirable destination for migrants (Gallup Inc. 2017), and whose welfare system is extensive, covering education, health, housing, and living costs. I nonetheless intend for my analysis and recommendations to apply across the Global North. This article may be seen as a contribution to the literature arguing in

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favour of open borders,<sup>1</sup> though I will not examine the broader case, in favour of focussing on constructing the specific argument just outlined.

The terminology used in this paper requires some explanation. In international law, a refugee is a person who:

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (United Nations 1951)

Economic motivations are generally seen as impermissible grounds for seeking asylum, and *ipso facto*, for being classified as a refugee (Yazdani 2016).<sup>2</sup> Indeed, in popular discourse, the idea that a person may be attempting to migrate for economic reasons is often deemed to render their claims bogus, as though poverty is not a substantial determinant of risks to a person’s safety and freedom (Gabrielatos & Baker 2008).<sup>3</sup> Further, those escaping the current or imminent effects of climate change, environmental destruction, or natural disaster cannot claim the same protections as those fleeing persecution (Höing & Razzaque 2012; Westra 2009). I favour a broader reading of the term “refugee” since I consider it no less reasonable to seek membership elsewhere in order to escape poverty or

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<sup>1</sup> See e.g. Hayter (2001) for a detailed set of arguments in favour of open borders.

<sup>2</sup> Note that in the UK, the term, “asylum seeker” refers to a person currently seeking refuge in another state, and only those to whom asylum is granted are thereafter known as refugees.

<sup>3</sup> Consider that three-quarters of the 38,000 Nigerians who travelled to Libya to cross the Mediterranean in 2016 were “economic migrants” (Wintour 2017). Nigeria is home to more people living in extreme poverty than any other country, with 87 million people living on less than two dollars per day (Adebayo 2018).

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environmental harms than to escape persecution.<sup>4</sup> For this reason, I endorse the definition offered by Matthew Gibney:

those people who require a new state of residence, either temporarily or permanently, because if forced to return or stay at home they would, as a result of either the inadequacy or brutality of their state, be persecuted or seriously jeopardize their *physical security or vital subsistence needs* (1999, pp. 170–1, my italics)

or that of Andrew Shacknove:

persons whose *basic needs* are unprotected by their country of origin, who have no remaining recourse other than to seek international restitution of their needs, and who are so situated that international assistance is possible. (1985, p. 277, my italics)

I will be arguing that refugees (so defined) should be afforded automatic citizenship within Global North states, should they desire it.<sup>5</sup> By citizenship I mean: access to public services such as healthcare, education, housing, and welfare; the right to work;<sup>6</sup> the right to remain in the state without fear of being returned, and to be readmitted, should one travel abroad; the right to vote and stand for office. In other words, those rights and entitlements that most of those born within Global North states acquire at birth.

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<sup>4</sup> There are other ways to acknowledge the breadth of reasons a person might have for needing to migrate. Sarah Song instead adopts the term “necessitous migrant” to include refugees (traditionally conceived) as well as those escaping the other harms mentioned above. Song deems it important to preserve the limited definition of “refugee,” since it refers to those who are “defined by their need for membership itself, which can only be granted by taking them in,” while she argues that different solutions may be more appropriate for other “necessitous migrants” (Song 2018, pp. 119–120).

<sup>5</sup> Of course, not every refugee desires citizenship: many intend to return to their home states at some point, and some do not wish to relinquish their extant citizenship. I am suggesting merely that citizenship be offered, not enforced, and there are ways to access most of the benefits of membership within a state without being a citizen, i.e. in the UK one can be “ordinarily resident.” De Schutter & Ypi have made a compelling case for mandatory citizenship for long-term immigrants (2015).

<sup>6</sup> Which is important to many asylum seekers (Mayblin 2016), and would provide the opportunity to contribute to the services membership grants access to.

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This paper is organised as follows. In section 1, I describe birth-right citizenship as untaxed inheritance of lifelong access to valuable resources and argue that granting automatic membership to refugees can be used as a vehicle for redistributive justice. In section 2, I show that while automatic citizenship for newborns is morally appropriate, the same reasoning compels the automatic citizenship of refugees. In section 3, I anticipate and combat some counterarguments. Section 4 concludes.

### **1. Redistributing citizenship privilege**

Citizenship is generally acquired by descent (under *jus sanguinis* laws), through birth on the territory in question (under *jus soli* laws), or through naturalisation. Most states use a combination of all three, ensuring that citizens’ children born abroad, and children of settled non-citizens, are able to claim citizenship, while others are offered the opportunity to acquire citizenship, generally through a particular period of residence and/or demonstrating certain competencies (e.g. in relation to host language or culture).

As such, without yet making any normative claim, one kind of citizenship is unearned, while the other must be earned. It is easy to see why Carens finds birth-right citizenship anomalous, given that “contemporary democracies emerged historically as a challenge to social orders based on inherited status” (2013, p. 21). Patently, newborns have not demonstrated their commitment to the polity or

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knowledge of its language or culture. Their claim to citizenship is through nothing other than parentage or birth-place, both of which are highly contingent.

The inheritance of valuable citizenships invites comparisons to wealth, which is also earned or inherited. An importance difference is that inherited wealth is generally taxed. Accordingly, Shachar has described birth-right citizenship as an extreme form of untaxed, inherited property, which has an uncanny resemblance to the “entail” regimes of medieval English common law (2009, pp. 38–43). Under such laws, property was inherited by aristocrats in an uninterrupted chain of descendants. Each heir could make use of the property, but could not sell it or elect to pass it on to others outside of its intended line of descent. Since the possession of property (then as now) conferred political influence as well as wealth, heirs also acquired social status and its associated privileges. By attaching property to certain lines of descent, entail laws enclosed resources and reduced opportunities for others, whose birth situation rendered them locked out of property ownership and its associated benefits. So too is citizenship a right to particular resources, which citizens can only pass on to their descendants and from which others remain almost entirely excluded.

Carens contends that the pressing moral issue with birth-right citizenship is not its endowment at birth, but that people are “not free to change that citizenship later by moving to another state and taking up its citizenship if they wish to do so” (2016, p. 205). In most cases, there is no basis for a person’s citizenship in a particular state beyond being in the right place (there) at the right time (generally birth). Many

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arguments given in defence of exclusive membership or the right to exclude are circular: they operate by emphasising the importance of the membership of those who are already members, most of whose membership was acquired arbitrarily at birth. It seems that a person can earn her right to membership only if she has the chance to be a member. As Cole points out “the distribution of membership and the right to membership coincide” (Wellman & Cole 2011, p. 190).

If citizenship is a resource, then like other resources its redistribution may contribute to addressing global inequality. In a geographically general sense, the lottery of birth could be combatted by admitting Global South refugees in Global North states, thereby granting them access to the associated resources (Bader 1997). This is morally apt since Global North states are responsible for designing and maintaining the global financial institutions which protect their own wealth and interests while impoverishing the Global South (Risse 2005; Wade 2004). As Sarah Song puts it, Global North states “use their power to establish terms of trade, lending, and conventions about the permissible use of military force in ways that favor their interests at the expense of those of developing countries” (Song 2018, p. 83). Consider that Global South states make debt repayments of around \$600 billion to Global North states every year (World Bank 2018b) and lose around \$1 trillion in illicit capital flight, largely via the tax avoidance of Global North-based multinational corporations (Global Financial Integrity 2014). In return, they receive just \$146.6 billion in aid for development (OECD 2018). In other words, the Global South serves as a net creditor to the rest of the world (Global Financial Integrity 2016), which is a major driver of growing global wealth inequality

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(Zucman 2019). Given that Global North wealth is thereby inextricably linked to Global South poverty, and that the resources which make citizenship in Global North states so attractive are accrued by diminishing the resources available to Global South citizens, it seems reasonable to suggest that refugees should be afforded citizenship in Global North states. After all, the global economy is so arranged that their states effectively develop Global North states (Boyce and Ndikumana 2001), which looks a lot like a transnational tax contribution to the resources Global North citizenship would grant them. Granting citizenship to Global South refugees might be seen as their legitimate “cashing in” of an ever-growing debt.

In a geographically specific sense, it is important to note that the majority of those seeking membership in European states have fled the conflict-torn states of e.g. Syria, Afghanistan, Somalia, Sudan, South Sudan, Democratic Republic of Congo, Central African Republic, and Eritrea. It is instructive to consider the histories of European colonialism in these states,<sup>7</sup> and the influence of European powers on the geographical borders and social divisions which still cause so much unrest. It is widely accepted that conflict, weak economies, and repressive governance are common effects of colonialism or imperial intervention (Bruhn & Gallego 2012; Tusalem 2016). Accordingly, McKeown (2011) reasons that former colonisers have “reparative duties” to the states they occupied and extracted resources from; Ypi et al. (2009) argue similarly in favour of resulting “associative duties.” More

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<sup>7</sup> See e.g. (Shahvisi 2016).

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specifically, Souter has argued for using asylum as reparation for past injustices, which can be applied in the case of colonialism to ground the special obligations of particular states to the citizens of their former colonies (2014). The top five countries of origin of refugees in the UK are Iran, Pakistan, Iraq, Bangladesh, and Sudan, all of which have been influenced by British colonialism and military intervention. One could therefore argue that it is morally appropriate for the UK to offer citizenship to all refugees from states in which its actions have led to the push factors that cause people to leave.

As Cole notes, the point is not simply that Global North states should atone for colonialism and its attendant contribution to global inequality by offering citizenship to those whose needs have been determined by it (Wellman & Cole, 2011 pp. 220–223), since there may be other ways to address global inequality. Rather, he stresses that the current system of inclusion and exclusion, and its objective—of concentrating wealth in particular regions—is precisely a repetition of the concentration of wealth and power under colonialism. Granting refugees citizenship is a way of destabilising the ideological assumptions as well as the political realisers of global inequality. After all

we are talking about a block of powerful liberal capitalist states [...] preventing the entry of the poor and the unskilled, while at the same time seeking those it considers economically valuable from the “outside,” and maintaining more or less free movement between themselves. (Wellman & Cole 2011, p. 222)

If redistribution is the correct response to the moral issues raised by birth-right citizenship and global inequality, there is already a compelling proposal on the

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table which does not require migration. I will outline this proposal and argue that a migration-based solution is preferable. The counterarguments presented here will likely also present worries for other non-migration-based schemes.

Emphasising the idea of birth-right citizenship as untaxed wealth, Ayelet Shachar recommends a levy on birth-right privilege in Global North nations, which is remitted to Global South nations (2009). Under her scheme, a fee is levied for the birth of each Global North citizen, which is used to fund the development or improvement of essential infrastructure in Global South regions, thereby contributing to a long-term effort to close the divide between rich and poor states. Shachar’s proposal mirrors the “Tobin Tax”—the levy on currency-conversion devised by James Tobin (1978), and the “brain-drain tax”—the enforced remittance required of high-skilled migrants suggested by Jagdish Bhagwati (1976). The idea in all three cases is that privileged parties should pay a privilege-offsetting charge.

While I find Shachar’s birth-right privilege levy compelling, it faces several shortcomings which recommend against its implementation as the *sole* means of redistribution. First, offsetting privilege does not eliminate it. The birth-right privilege levy is a very particular, population-indexed form of aid, and I have already noted that aid is a negligible and inappropriate way of responding to global wealth inequality, which is colossal, dynamic, and structural. Cash payments to Global South states or regional development funds could not plausibly counterbalance the aforementioned enormous sums lost through debt repayments

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and illicit capital flight. Further, while the poverty of particular states is linked to the wealth of other states, multinational companies and global financial institutions play an increasingly determinative role in the patterns of global wealth distribution, and they would be immune to any birth-right levy, since they do not issue citizenship. Poor states are likely to stay poor, even with a birth-right privilege levy, which means that people from Global South states are likely to continue to migrate, so an adjunct migration-based solution would still be necessary.<sup>8</sup>

Yet one could equivalently argue that poor states are likely to stay poor even with a migration-based form of redistribution such as that being proposed here. One cannot predict how many people would seek Global North citizenship under my proposal, nor how uneven and mixed the effects of increased migration might be, therefore it also seems an uncertain route to redistribution. Sarah Song shares Shachar’s concerns about migration-based solutions to global inequality, and expresses several worries that may pose problems for my proposal: (a) relatively advantaged Global South citizens are most likely to migrate and access Global North benefits; (b) those with sought-after skills are more likely to migrate, leaving their compatriots worse off, and exacerbating the unequal distribution of resources, especially since remittances are unreliable, and do not benefit everybody; (c) Global South migrants tend to have low social status in Global North contexts and limited access to good employment, such that inequality is simply reproduced

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<sup>8</sup> Shachar does suggest that states could admit greater number of immigrants in order to receive a concession on the levy, so there is room for the accommodation of migration-based solutions within her scheme (2009, p. 103).

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elsewhere; and (d) there is a category error: inequalities in the wealth of states will not be resolved by improvements to the lives of individuals.

I’ll briefly address each of these. Point (a) draws on the observation that migrants in the current regime tend to be advantaged relative to those who remain in the state of origin. Migration requires knowledge and capital, those with greater access to these have a better chance of migrating, and some have no chance at all (Kapur et al. 2006). Yet the current data reflects a global border regime whose discourse is one of suspicion, rejection, and criminality, which accordingly favours those with the greatest determination, material resources, and social networks to combat this hostility. The system I am proposing is one that is facilitative and welcoming, and that proactively seeks out and assists those most in need of the Global North citizenships on offer. This may encourage a different cohort of migrants.

Point (b) pertains to the problem of “brain drain”: the migration of significant numbers of workers with particular training and skills from under-resourced regions to well-resourced regions. Brain drain is morally problematic because this particular kind of migration constitutes an obvious extraction of value—of both the cost of training and of the skilled personnel themselves—generally from the Global South to the Global North. Migration-based solutions may exacerbate this issue.<sup>9</sup> I wish to offer two responses. First, as in the previous point, brain drain is an idiosyncrasy of the current migration regime, in which those deemed to be “highly-

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<sup>9</sup> See (Brock and Blake 2014) for a detailed discussion of this issue.

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skilled”<sup>10</sup> are more able to migrate. Under the proposed scheme, a person’s ability to claim citizenship would not be contingent on their utility to the destination state. Second, no matter how morally troubling brain drain may be, blaming migrants, or attempting to restrict their freedom of movement, misses the more determinative lever: global inequality of income and opportunity.<sup>11</sup> Finally, there are other ways to tackle brain drain, e.g. by requiring that Global North states repay the training costs of workers poached from abroad or otherwise compensate the states in which workers were trained (Shahvisi 2018). Unlike remittances, such payments would contribute directly to the national budget.

Point (c) is indisputable and troubling, but note that an aid-based solution will likely leave the current global social order, in which Global South people of colour occupy the lowest social status, intact. Global North financial assistance in Global South settings often occurs within a discourse of superiority and Othering,<sup>12</sup> while the power of proximity to disrupt such dynamics may be seen as an advantage of migration-based forms of redistribution. The inclusion of Global South citizens within Global North societies allows for the inculcation of a more robust sense of empathy (rather than sympathy) and solidarity (rather than charity), which may be helpful in underwriting more radical efforts towards addressing inequality (Kotzur et al. 2019). Diverting funds would not as effectively achieve the important goal of bringing the voices and concerns of the South, which are so often ignored or treated

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<sup>10</sup> A framing which is morally problematic in its own right. See e.g. (Lim 2017).

<sup>11</sup> See Stiliz (2016) for an alternative perspective on the “right to exit.”

<sup>12</sup> See e.g. Balaji, 2011, and consider the “white saviour” phenomenon.

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as marginal, to the North. Refugees' interactions with autochthonic members may destabilise existing discourses on other values and cultures, and encourage an interrogation of British history and foreign policy. Saner has discussed the importance of viewing migrants as important contributors to the moral and political development of the host community, which troubles the dominant narrative of the Global North educating the Global South (Saner 2018).

Finally, the challenge in (d) is the claim that there is a discrepancy in the "unit of analysis," that the migration of individuals does not address the inequalities between states. Yet even though global inequality is structural, and occurs at the level of states and regions, it is not abstract: it is reified in the experiences of individuals and communities as suffering and hopelessness. Any measure which addresses those harms goes some way towards redistribution. Further, many states do not adequately serve their citizens, so that justice for a state does not guarantee justice for its people, and it may be better to offer large numbers of people independent ways to address their suffering. Consider Pritchett's question: "How long must *only* Bolivia figure on the international agenda and *not* Bolivians?" (2003, p. 38). People and their needs are what animates this debate, and one of the central features of this paper (to be taken up in section 2) is to compare Global North newborns to Global South refugees and evaluate their needs independently of the states they are arbitrarily associated with.

Most importantly, redistribution is not merely a question of reallocating economic capital, it is also concerned with access to derivative or associated forms of capital:

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social, cultural, human, epistemic. Were a state to receive levy payments, it could take decades before the infrastructure required for a decent standard of living began to materialise, and no such outcome could be guaranteed. Consider the time it takes to develop high-quality mental health services, city planning, elderly care, or environmental protections, or, indeed, to reform the rigged global economic system. Migration allows those in need to access resources *now*, just as Global North citizens do. In an efficient system, a newly arrived refugee might enjoy their new citizenship without delay. As Kapur *et al.* put it “if you cannot bring good institutions to the poor, allow the poor to move to good institutions” (2006, p. 138). Making a person wait for their needs to be met is morally troubling and may be self-defeating, depending on their level of need. Global North states can meet those needs now.

Finally, I am not (in this paper) seeking a single-handed solution to global poverty, but rather a move towards redistribution and moral consistency. As I will show in the next section, that citizenship can so readily be extended to infants indicates that we do not have an urgent problem of scarcity with respect to the resources that citizenship draws upon. Rather, the question of who receives citizenship within a state is arbitrary, reflecting the demands of convenience and ideology rather than reason.

## **2. Automatic citizenship as morally consistent**

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There were 731,213 live births in the UK in 2018, a figure which has remained steady over the last five years even as the total fertility rate declines (Office for National Statistics 2019). Almost all of these newborns were granted citizenship at birth.<sup>13</sup> The UK has no history of population control,<sup>14</sup> and there are currently no policy proposals nor serious public discussion on the matter (Sigle 2016). The same is true across the Global North. It is therefore reasonable to infer that the UK government intends to comfortably cater for the needs of around 8 million additional members in the coming decade.

In 2017, 123,400 people were naturalised in the UK (The Migration Observatory 2018) and in the year ending June 2018, 14,308 asylum seekers, of 27,044 applicants, were granted refugee status (Home Office 2018). In member states of the European Union (EU), 650,000 people applied for asylum in 2017, of whom 538,000 were granted refugee status. In other words, there were fewer asylum applications to the EU as a whole than newborns in the UK alone.<sup>15</sup> If there is a problem of scarcity constraining the budget for meeting the needs of additional members, the major contributing factor is currently from within, not without.

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<sup>13</sup> The rules around the acquisition of British citizenship are complicated, but children of citizens or those with indefinite leave to remain in the UK gain automatic citizenship (see: UK Government 2014).

<sup>14</sup> Though it does have a history of eugenics, and undoubtedly exercises biopower with regard to who is encouraged to procreate, and who is discouraged. Consider the undertones of the two-child limit on welfare payments that was introduced in 2017. See (UK Government 2019).

<sup>15</sup> Note that the cost to the UK government, per child (and excluding healthcare) is £10,000 per year (Kelly et al. 2018), lasting for 18 years. The government spends £9,350 on each adult each year (Brien 2018), and councils are given £20,520 to host a refugee for their first five years (Rutter 2016). Over an eighteen-year period, a child costs the government £180,000, while a refugee costs £188,820, but bear in mind that refugees are permitted to work, therefore many pay taxes throughout that period.

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Of course, the values of these numbers is contingent: they are determined by the current political and legal context, and must not be taken to indicate any fixed, inherent reality. That is, there might be many more potential migrants than births were it not for the existing border regime, therefore any conclusions must be tentative. However, their values tell us something about the context from which this analysis begins, as well as refuting claims of scarcity in the current regime. At the very least, we can say that even where the number of births vastly outstrips the number of immigrants, the second is problematized and seen as a threat to scarce resources, while the first is not.

Despite the moral issues raised by the inheritance of citizenship as a form of privilege akin to untaxed wealth, automatic citizenship for the children of those resident in a particular state is morally defensible. Not only does the Universal Declaration of Human Rights enshrine the right to nationality, the world is organised so that it is strongly in a person’s interests to belong to a state, for they would otherwise struggle to realise many other human rights. While human rights are in principle universal and inalienable, in practice many are realised through state infrastructure, such that, as Hannah Arendt put it: a stateless person may essentially lack the “right to have rights” (1973). It is therefore necessary for each new person to be assigned a state, and it is programmatic to reason that the state in question should be the home of her likely caregivers, since she will otherwise be stateless and may not have her basic needs met. Newborns are automatic, inevitable members of relational networks, and an infant’s place of birth is therefore of great significance, even if the associated privileges are not fairly distributed.

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In other words, newborns should be granted automatic membership because:

- (a) they have urgent needs;
- (b) their needs can easily be met by the state they have just entered;
- (c) the state they have just entered is a morally appropriate place for their needs to be met.

Criterion (a) is trivially true in the case of newborns; (b) can be inferred by virtue of the aforementioned lack of a population control discourse, let alone a policy proposal. Criterion (c) is less obvious, and in the case of newborns has two parts. First, newborns usually enter the community as a result of the actions of members of the state, therefore they should be permitted to join *that* state, rather than burdening any other, i.e. states should take responsibility for burdens resulting from the actions of their members. Second, since their likely caregivers are usually resident in the state they have just entered, their needs will be met most effectively there.

Yet very similar arguments can be made of another set of new entrants, viz. refugees. Criterion (a) is again trivially true in the case of refugees, because that is how the category was defined in the introduction to this article. Likewise, criterion (b) also applies in this case by virtue of the fact that there are no population control measures; if the UK intends to accommodate many more newborns in the coming years, then we can infer that there are sufficient resources to meet the needs of numbers of refugees of the same order of magnitude.

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Last, (c)—that the destination state is the most morally appropriate place for the refugee’s needs to be met—is more complicated. Consider the arguments made in section 1, i.e. Global North states’ wealth has been accrued via a rigged economic system that has concomitantly made other states poor, and Global North states are implicated in particular refugees’ needs having not been met in their home states via histories of colonialism. (Compare with the contention in the last paragraph that “states should take responsibility for burdens resulting from the actions of their members.”) But also note that many people intend to claim asylum in a particular country precisely because they were formerly colonised by that country, and may already speak the language, have some familiarity with the culture and way of life and-or have an existing network there (Neumayer 2004), which again renders the state more likely to meet their needs effectively.<sup>16</sup>

None of the 750,000 or so infants who will be born in the UK in 2022 have yet been conceived. Many will not yet be conceived *of* or planned for, and some will be entirely unexpected. Almost all of those newborns will automatically be granted

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<sup>16</sup> Migrants’ reasons for favouring particular states are multiple and complex, and many have limited knowledge of migration policies and entitlements within destination states. As well as colonial ties and social networks, the availability of work, and perceptions of rights and freedoms play a role in decision-making. Many decisions are multifactorial, dynamic, and ad hoc, and are made in response to changing information, often provided by other migrants (Crawley & Hagen-Zanker 2019). This leads to an important counterargument: a refugee might seek entry into a state which is not the most (morally) appropriate place for their needs to be met. Such a situation could arise in a number of ways. It might be that a refugee’s information was inaccurate, and the life they were hoping for is not possible within the destination state. It might be that the state in question is over/disproportionately-burdened (as some regions of Greece are at the time of writing), and is therefore not able to meet additional refugees’ needs, while another state would be. It may therefore be most morally appropriate in some cases to work with refugees to determine the best fit from the perspective of (a) meeting their needs and expectations while (b) being attentive to inter-state justice. If all parties act in good faith, then (b) should be informed chiefly by the ability to meet requirement (a), such that the best interests of the refugee and her social network would be paramount in these cases.

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UK citizenship. Of the tens of thousands of people who will apply for asylum in the UK in 2020, around two thirds will be refused, generally leading to voluntary return, detainment and deportation, or irregular status. While the children of 2022 will have urgent needs when they arrive, the refugees of 2020 have urgent needs *now*. Knowing we have sufficient resources, what justification can be given for refusing to make them available to those who need them *now*, knowing that in due course we will readily grant them to others who do not yet exist?

To summarise, both refugees and newborns are new entrants with urgent needs that can easily be met in the place in which their claim is made. There are several points of disanalogy which must be noted. First, many refugees’ needs *could* be met elsewhere, in another Global North state, while the needs of newborns are clearly best met in the state in which their caregivers reside (assuming this is the state in which they are born). This suggests that it is morally justifiable to grant a refugee citizenship in another Global North state if her needs are better met there.<sup>17</sup> However, note that some refugees are joining family, friends, or an established community, and may therefore similarly be best placed within an existing support network. Second, that newborns have urgent needs is presumed by virtue of what it means to be a newborn. While I have claimed that the urgent needs of a refugee follow from my revised definition, it might be objected that a person’s self-definition as a refugee must be taken on trust, and some people may be motivated to falsely self-define. I do not have space here for a full rebuttal, but will simply

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<sup>17</sup> See footnote 19.

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say that having left one life behind in search of another is such an atypical human behaviour as to furnish its own justification. As Sarah Fine says:

Immigrating is a very difficult, costly business, usually involving social and cultural upheaval, leaving family and friends, learning new rules, languages, mores. Most people do not do it. We must assume that those who do it have good reasons for taking on the various challenges (Fine 2013, p. 263).

While my aim is not to pit refugees against newborns, I am gesturing towards an important parallel: just as the moral grounds for granting automatic membership to newborns is widely recognised, so too should we recognise the analogous moral case for extending automatic membership to refugees. Or, to put it another way, it is inconsistent, *in the absence of other arguments*, to refuse to meet the needs of refugees while intending to cater for the needs of other future entrants. In the next section, I explore some of the other arguments that might be made to motivate the extension of automatic membership to some entrants (newborns) and not others (refugees).

Not only do Global North states often fail to meet refugees’ needs, they *actively* and sometimes forcibly attempt to prevent refugees from entering to seek asylum, or remove them when they are within reach of the help they need. This is morally significant because it is an intentional effort to prevent a person from proactively helping herself by moving to a place where her needs may be met. As such, the harm consists not just of a passive refusal to help, but of actively preventing a person from “taking a course of action that they otherwise would undertake and that would in fact succeed in enabling them to meet their needs” (Huemer 2010, p.

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5) This also highlights another important point of *disanalogy* between newborns and refugees. Newborns are inherently vulnerable: their urgent needs can only be met by the actions of others. Refugees—unless they are children—are not *inherently* vulnerable, rather, they are *made* vulnerable, both by the events which cause them to migrate and the border regimes which scupper their attempts to help themselves.

### **3. Counterarguments**

I have argued that granting refugees citizenship within Global North states serves as a form of redistributive justice, and that the same reasoning that motivates automatic citizenship for newborns compels the automatic membership of refugees. I intend for these arguments to be taken in tandem to ground the contention that we should extend Global North citizenship to refugees from the Global South. In this section I anticipate and tackle some objections.

I foresee many more objections that I have space to field, so will prioritise three counterarguments that directly challenge the specific arguments I make here, rather than the very many that object to “open borders” positions more generally. I will therefore not consider arguments which express concerns about the preservation of cultures or communities. The literature on nationalism and cohesion is vast and complex—see e.g. (Miller 2016; Nussbaum 2019)—but my focus here is distributive justice, and I take it as axiomatic that the right of our political or cultural community to protect its integrity is outweighed by the moral demands of

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a global inequality that is produced and perpetuated by borders (Bader 1997; Tan 2004). States whose wealth was founded on the invasion and extraction of resources from other world regions are not in a strong moral position to argue for the primacy of the integrity of *their* communities and their subsequent right to exclude others from accessing their hoard.

### ***3.1 Harming current citizens***

A major consequentialist counterargument refers to the threat of scarcity and over-population. If Global North states grant membership to refugees, this may place additional pressures on the economy and public services, harming current citizens.

First, is doubtful that the resettlement of large numbers of migrants would have this effect. Economic arguments have been made from both sides: some argue that “unskilled”<sup>18</sup> local workers suffer as migrants compete for employment (Pécoud & De Guchteneire 2005), elsewhere, it has been shown that immigration does not affect job opportunities in the receiving state (Card 2005), and the influx of large numbers of migrants boost economies, from which everyone benefits. So much is at stake politically that the truth is difficult to establish,<sup>19</sup> but there are relevant precedents, e.g. when the EU expanded in 2004, large numbers of migrants from European states entered the UK, and were absorbed without any detrimental economic impact (Sumption & Somerville 2010). What is unequivocal is that freedom of movement has positive economic impacts globally. The free movement

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<sup>18</sup> See footnote 11.

<sup>19</sup> Kapur et al. present and adjudicate the data supporting both sides of this deadlock (2006).

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of workers allows migrants to fill gaps in the labour market of the host state, and send remittances to their states of origin, boosting both economies (Caplan and Naik 2015; Clemens 2011).

One must also consider Europe’s “demographic crisis,” as low birth-rates and an ageing population threaten economies across the continent (Kassam et al. 2015). In spite of this, European nations are engaging in an unabashed “race to the bottom” to deter refugees and economic migrants from entering their borders by fostering unwelcoming environments (Lowe 2016). That European nations are so urgently in need of additional working-age people, yet are reluctant to admit those who are desperate to enter (while in some cases devising schemes which urge citizens to procreate<sup>20</sup>) indicates the largely unquestioned preference for some racial or ethnic groups over others. Paul Bou-Habib shows that in utilitarian terms, it is rational for states to choose replacement migration over pronatalism as a way of addressing their demographic crises (2018). Yet Global North states desire the “right” kind of citizen. When discussing the possibility that immigration, rather than procreation, may tackle the demographic crisis, newspapers in the UK have claimed that there will be a loss of “original identity,” that this strategy will “eventually displace the original population from its majority position” (quoted in Brown and Ferree 2005, p. 11).

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<sup>20</sup> (See e.g. Weaver 2007; Weller 2017).

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For welfare states such as the UK, there is the more specific worry that under increased demand, states will no longer be able to guarantee the same entitlements to existing citizens, and that those most in need will suffer. Yet there is little evidence that mass migration does affect welfare in this way. Immigration to the UK currently has a limited effect on the economy—within 1% of GDP (Vargas-Silva 2015). Whilst one may argue that this stability is due to conservative immigration controls, data shows that migrants to the UK contribute more in tax and national insurance contributions than they receive in child benefits and tax credits, representing a net contribution to the national budget (Vargas-Silva 2015).<sup>21</sup> Further, across the last decade, migrants made a positive net contribution to the UK economy of £25 billion, while autochthonic citizens made a *negative* contribution of £617 million (Dustmann & Frattini 2014). Indeed, if the economy is made stronger by migration, there ought to be a larger welfare budget for everyone. As Cole points out, austerity measures as a result of a weak economy or a collapsed private sector are a much bigger threat to welfare than immigration is (Wellman & Cole 2011, p. 267).

Even if the economic effect of extending membership to refugees *was* likely to be negative, would that be enough to preclude reform? Can a version of the precautionary principle be applied? Not straightforwardly. There would still be a critical dependence on the strength of the moral arguments in favour of assisting

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<sup>21</sup> The same trend is observed elsewhere. A 2017 study shows that in the United States, despite the initial cost of resettlement, over a period of two decades refugees contributed more in taxes than they received in welfare payments (Evans & Fitzgerald 2017).

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those in urgent need. In Caplan’s words: “Immigration restrictions are not a minor inconvenience we impose on the rest of the world for our peace of mind. Immigration restrictions literally ruin many millions of lives” (2012, p. 19). While current members may worry about rising taxes or longer waiting times for healthcare, refugees may worry about imprisonment, starvation, or failure to access essential medicines if they are returned to their countries of origin. Whatever the stakes for Global North citizens, the stakes will always be higher for refugees: it is this fact that grounds migration trends in the first place, and motivates such perilous, uncertain journeys. As Arash Abizadeh argues, in order to limit immigration on the basis of its deleterious effect on the domestic poor, one would have to demonstrate that the state had reached its capacity to meet *both* sets of needs (Abizadeh 2016).

The numbers outlined in section 2 suggest there is the capacity to meet both sets of needs for some years into the future, and the economic considerations outlined in this subsection suggest that migration may help to produce the economic surplus needed to provide for greater numbers of citizens. Yet what if important limitations have been overlooked, or if my expansive definition of “refugee” resulted in such a rapid influx of people that the available resources would be exhausted much more quickly than the rate at which the economic surplus would emerge, so that a state genuinely could not meet the needs of its citizens and its new arrivals? There are several options: revert to something more like the current, restrictive, discriminating system; consider requiring or incentivising UK citizens to have fewer children; accept that the standard of living of all people in the UK would fall,

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and that once below a certain level, there would be less compelling “pull” factors for migration; or invest seriously in infrastructure elsewhere, in the hope of reducing the force of “push” factors. Adjudicating between these options leads back to this paper’s central question: on what grounds could one justify preferring current citizens and their future newborns to existing refugees?

### *3.2 Harming future citizens*

One might argue, in a similar vein to the last point, that *future* generations of UK citizens will be harmed by extending membership to refugees. While there may not be a shortage of resources now, there might be at some point in the future, and granting membership to refugees now might contribute to, or indeed cause, that shortage, depriving the descendants of current citizens.

Yet consider Derek Parfit’s “non-identity problem”: there is a difficulty in making moral decisions concerning future people when those decisions affect *which* future people will exist. One cannot then claim that *those* people were harmed by that decision (Parfit 1984). If we decide to grant membership to migrants and thereby extend resources to meet their needs, the future children of citizens cannot be said to be harmed by that decision. (Indeed, some of the future children of citizens would be the descendants of once-refugees, and one could not claim that they were harmed by their forbears’ admittance.)

After all, the newborns of 2022 are not yet persons. They are not actual, existing people with concrete needs, they are future, possible people with abstract needs,

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however predictable those needs may be. We do not have duties to specific future people, because we do not know if *they* will exist and what their *particular* needs may be; they are “merely possible people” (Hare 1988). There is uncertainty about the details of the future, and this includes *who* will be born. The state might introduce population control measures, a pollutant might cause a mass sterilisation event, or procreation might continue to go out of fashion. While none of these is likely, the existence of future newborns is contingent on what happens now.

Yet states clearly do have some duties towards future citizens in general, and should avoid policies that will harm them (see e.g. Caney 2010). For example, they should not deplete or pollute resources which are essential for human flourishing, or destroy the environment. There may not be duties towards specific unborn people, but there are duties towards future people whoever they may be, and despite uncertainty about which individuals will exist, we can reliably predict what the basic needs of future people will be, and that we can harm them by making decisions which cause their wellbeing to fall below a particular threshold (Meyer 2017). Even so, concerns about conservation of resources for future people cannot trump the urgent needs of people *now*, otherwise they’d be self-defeating, i.e. precisely who is the world being saved for? Accordingly, the duty not to harm future generations must be weighed against the needs of refugees *now*. If accepting greater numbers of refugees harms future citizens, it remains to be shown that these harms outweigh the tremendous benefits to refugees themselves, and *their* future children, whose wellbeing would very likely fall below any acceptable threshold were they to be refused membership.

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One might further argue that conserving citizenship resources for the descendants of current citizens is likely to be a policy for which future generations will be grateful and is, therefore, more democratic across generations. But consider that: (a) as an empirical matter it is very likely that the economy will be stronger if we admit more members, and (b) given the way in which values shift, it might instead be the case that future generations will be appalled that we turned away people in need, and would deeply regret the state’s actions. Consider the shame in the UK now at having turned away Jews fleeing Nazi occupation (Karpf 2002).

Arguments from population increase and scarcity rely on a questionable framing. If we grant membership to all refugees, the population will increase; if we give membership to newborns, the population will increase. Arguing that granting membership to refugees is problematic because it will leave fewer resources for existing citizens and their future children can easily be countered: granting citizenship to newborns will leave fewer resources for existing citizens and future refugees. There is a tie. Responding that there are special obligations to those who will be related to current citizens equivocates on calculations of need. As Huemer contends:

One’s special duties to one’s offspring imply that, if one must choose between giving food to one’s own child and giving food to a non-family member, one should generally give the food to one’s own child. But they do not imply that one may use force to stop non-family members from obtaining food, in order to procure modest economic advantages for one’s own children. (2010, p. 10)

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It seems reasonable to assume that the benefits to refugees of having their claims upheld and their needs met outweighs any modest potential detriment to the needs of existing members. Responding that the influx of one can be more easily controlled than the influx of the other raises the chilling question of what is meant by “easily.”

The question of who is more readily excluded is an important one. While I am not recommending the use of population control measures, it is worth comparing the squeamishness that surrounds the biopolitics of limiting reproduction to the widespread ambivalence regarding the biopolitics of border control. In Western liberal states, attempts to control reproductive capacity are seen as more abhorrent than rejecting refugees. Yet those opposing immigration usually draw on an overpopulation and scarcity discourse (regardless of its veracity), to which either might, *prima facie*, seem like a reasonable response. Diane Coole offers an analysis of the “shaming” faced by those who discuss population control, which is widely regarded as an unpalatable policy suggestion (2012). One can imagine a world in which immigration control is viewed in the same light. It is not difficult to argue that restrictions on both population *and* freedom of movement are ethically dubious, and largely for the same reason: they interfere with a person’s self-determination.

### ***3.3 Ancestral rights***

It may be argued that the children of citizens have special rights to citizenship in recognition of their parents’ and other ancestors’ service to the state. This

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counterargument responds directly to the charge, made by Carens (2013) and Shachar (2009), that citizenship is a form of inherited capital. If citizenship is a form of inheritance, maybe some kinds of inheritance are justifiable.

Just as I argued earlier that newborns emerge as members of social networks, one could argue that their citizenship is one of the goods provided by that network, which has been earned by other members and is extended to each new entrant as their ancestral right even before they are personally able to contribute. Ryan Pevnick contends that the creation and maintenance of “state institutions is a historical project that extends across generations and into which individuals are born” (2011, p. 38).

In concrete terms, parents have generally paid taxes, carried out productive work, and exercised their democratic duties. They have a strong interest in their newborn children being granted automatic citizenship and seem to have earned the right to have that interest realised. Yet this merely emphasises the tautology that those who have been excluded from contributing have not contributed. Further, the offspring of those whose service to the state is nominal are still entitled to citizenship, while many make significant contributions but do not procreate. Coupling service to the state with offspring rights requires independent justification.

Even if one accepts that refugees do not have the same “ancestral” link to public services as newborns, recall that citizenship includes the right to work and thereby contribute to the public services to which one is entitled. Many asylum seekers are

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desperate to work (Mayblin 2016), and the current system disallows them, which renders arguments based on their failure to contribute circular. Granting membership in the sense I intend would allow many new members to generate an immediate justification for their (and their dependents’) access to welfare by the lights of those peddling this argument.

Further, arguing that the children of citizens deserve citizenship due to their forbears’ contributions is self-defeating, since the descendants of colonial and neo-colonial peoples must also inherit, for they too have contributed to the prosperity of Global North nations as subjects (if not citizens), some having shouldered a much heavier burden than any European citizen, and much of it non-consensual. Worse, they have not *yet* reaped any of the fruits of their labour, and have borne a greater share of the harms, so *more* may be owed to them as their ancestral due.

To make the last point vivid, consider that 26% of the doctors working in the UK’s celebrated National Health Service (NHS) were trained abroad, generally in Global South settings, their educations subsidised by the taxpayers of states with urgent shortages of healthcare workers (Shahvisi 2018). In effect, the taxpayers of Bangladesh and Ghana, have subsidised health services for UK citizens. Surely the children of these taxpayers should be able to claim something from the UK in return?

#### **4. Conclusion**

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We live in a vastly unequal world, with wealth, resources, opportunities, and security concentrated in particular regions. Membership in Global North states is itself a valuable resource whose current distribution is morally arbitrary. In this paper I have argued that granting refugees—defined as all those seeking asylum, whether from persecution, poverty, natural disaster, or environmental degradation—citizenship within Global North states serves as a form of redistribution, and that the same reasoning that motivates automatic citizenship for newborns obliges the automatic citizenship of refugees.

Compelling arguments are needed as to why extending membership to the future offspring of those living in the UK has such obvious moral currency, while membership is jealously guarded with respect to refugees, whose needs are also urgent. Given that empirical evidence seems to point toward the strengthening of economies with considerable numbers of migrants, and given that many Global North countries are anticipating a demographic crisis as birth-rates fall, we must assume that migrants are considered to be overwhelmingly less desirable than domestic newborns. I have attempted to construct an argument for a regime that redistributes resources and is morally consistent, and have not directly discussed the effect of racism on asylum discourse, but it hardly needs to be said that it plays an alarmingly substantial role in producing the extant moral inconsistencies. Note that polls show that Britons’ grudging preferences for immigrants inversely correlates with racialisation: whiter migrants are preferred (Blinder 2011). Xenophobia and racism are now so determinative of migration debates in Europe that one wonders whether careful philosophical arguments have any currency (Shahvisi 2019).

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While I have attempted to anticipate and counter some of the most obvious counterarguments, it is nonetheless likely that my proposal would lead to a substantial rise in the number of refugees. In itself, this is not an insurmountable problem, any more than being continuously inundated with newborns ever has been. Of course, strategies would need to be employed to ensure that each new member was appropriately settled and connected with the services she needs. A more pressing concern that I have not addressed here is that such a system may incentivise perilous migration journeys. In any given week at the time of writing, hundreds of people are afloat, missing, or drowned in the Mediterranean (Tondo 2019). This could be avoided by also accepting applications from refugees outside the destination country and offering safe passage.

Should Global North governments wish to reduce the demand for citizenship in their states under the proposed system, the most effective and morally legitimate way of doing so would be to undertake radical, vigorous efforts to address the push factors (poverty, conflict, and climate change) which drive migration and in which the Global North is strongly implicated. That is the ultimate hope of this article. Welcoming refugees is a morally defensible stopgap; challenging the global economic order which renders much of the Global South unable to meet its citizens’ needs in their first homes ought still to be the long-term aim.

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