



Critical Review of International Social and Political Philosophy

ISSN: (Print) (Online) Journal homepage: <https://www.tandfonline.com/loi/fcri20>

The open borders debate, migration as settlement, and the right to travel

Ugur Altundal

To cite this article: Ugur Altundal (16 Feb 2022): The open borders debate, migration as settlement, and the right to travel, Critical Review of International Social and Political Philosophy, DOI: [10.1080/13698230.2022.2040202](https://doi.org/10.1080/13698230.2022.2040202)

To link to this article: <https://doi.org/10.1080/13698230.2022.2040202>



Published online: 16 Feb 2022.



Submit your article to this journal [↗](#)



Article views: 592



View related articles [↗](#)



View Crossmark data [↗](#)



The open borders debate, migration as settlement, and the right to travel

Ugur Altundal 

Political Science, Syracuse University, Syracuse, NY, United States

ABSTRACT

The philosophical debate on the freedom of movement focuses almost exclusively on long-term migration, what I call, migration as settlement. The normative justifications defending border controls assume that the movement of people across political borders, independent of its purpose and the length of stay, refers to migration as settlement. “Global mobility,” “international movement,” and “immigration” are often used interchangeably. However, global mobility also refers to the movements of people across international borders for a short length of time such as travel, short-term and circular migration. While most scholarly attention has focused on long-term migration, the vast majority of cross-border movement of people (approximately 85% of all cross-border movements in 2019) is short-term. The existing literature offers normative arguments for border controls, which are grounded on states’ right to self-determination, the freedom of (dis)association, the welfare state, the duty to compatriots, and brain drain. In this paper, I argue that these arguments do not justify excluding travelers, short-term and circular migrants from the territory.

KEYWORDS The right to travel; migration as settlement; short-term and circular migration; the overstay objection; open borders

Introduction

Sumaya Farooqi, along with other five members of the Afghan girls robotics team, qualified to participate the Robotics World Championship in the US in 2017. Only a generation ago, during the rule of the Islamic fundamentalist Taliban in the late 1990s, girls weren’t allowed to go to school. In 2017, it was a great achievement that Afghan women could represent their country in a prestigious international competition, and an important opportunity for them to show their talents.¹ It took them several months to prepare for the competition. They also spent a lot of time for their visa application to the US, collected all required documents, and paid their fees. However, their visa application had been rejected twice without any reasonable justification. Their application was not to migrate and settle

CONTACT Ugur Altundal  ualtunda@sy.edu

© 2022 Informa UK Limited, trading as Taylor & Francis Group

in the US, they were only planning to visit the US for a legitimate reason. Sumaya and her team members were disappointed. They thought it was unfair, it was not right.²

International travel restrictions based on citizenship undermine global equality of opportunity. If one is an Afghan citizen, there are a couple countries (e.g. Dominica, Haiti) where they can travel without applying for a visa, and none of them are neighboring countries. Since there is no direct flight to these countries, a transit visa from other countries is required, which is mostly denied to Afghans. Hence, an ordinary Afghan citizen does not have even a *de facto* right to exit. Unsurprisingly, Afghans are not alone. Most people in the Global South countries go through similar experiences and have been restricted to travel abroad. Visa refusal rates are very high, which discourages people from applying for a visa even though they might have a legitimate reason to visit a foreign country.

The philosophical debate on open borders and the freedom of movement focuses almost exclusively on *migration as settlement*. The normative justifications defending border controls assume that the movement of people across political borders, independent of its purpose and the length of stay, refers to *migration as settlement*. 'International movement,' 'global mobility,' and 'immigration' are often used interchangeably. However, global mobility also refers to the movements of people across international borders for a short length of time such as travel, short-term and circular migration. Sojourn, religious pilgrimage, medical travel (including abortion travel), short-term and seasonal work, education, international political advocacy, international sports events, family visits (including weddings and funerals), civil marriage and divorce, and many other significant interests motivate and force people to travel across political borders for a short length of time. While most scholarly attention has focused on long-term migration, the vast majority of cross-border movement of people is short-term (approximately 85% of all cross-border movements in 2019).

The existing literature offers normative arguments against a human right to migrate but not necessarily against a right to travel. Would the reasons - such as the ones concerning about states' right to self-determination, the freedom of (dis)association, the welfare state, the duty to compatriots, and brain drain- morally justify excluding Sumaya and her friends from the U.S. borders? In this paper, I argue that these arguments aim to justify excluding non-citizens who seek to settle within the country for a number of reasons, but they do not justify excluding travelers and short-term migrants from the territory. I assert that the freedom to travel internationally (without having the right to settle) does not necessarily conflict with these reasons. In other words, these arguments do not provide strong justification against international travel (as they arguably do against *migration as settlement*).

This paper proceeds as follows. In the first part, I clarify why we should distinguish *travel* from *migration as settlement*. In the second part, I defend the right to travel beyond political borders and explain why the right to travel should be considered as a human right. In the third part, I examine the main arguments against open borders (e.g. states' right to self-determination and the freedom of (dis)association, the welfare state and the duty to compatriots, and brain drain) in terms of short-term international travel, and I demonstrate why these justifications restricting the right to immigrate do not justify a limit for travel, short-term and circular migration. In the fourth part, I delve into the main objection to the distinction between short-term and long-term, which I call, *the overstay objection*. In the fifth part, I discuss potential reasons to restrict short-term mobility. In the final part, I conclude.

Traveling versus migration-as-settlement

According to the World Tourism Organization (UNWTO), the number of international tourist arrivals in 2019 was 1.5 billion, which represents approximately 85% of cross-border movements.³ It includes travel for leisure, business and to visit friends and relatives as well as most of the short-term and circular migration. The number of migrants who live in another country for more than a year in 2019 is estimated as 272 million.⁴ Even though each of them requires the freedom of movement across national borders, *traveling* and *migration as settlement* are different in various aspects such as the purpose and the length of stay, the types of visa requirement, and the consequences they might have. The distinction between *traveling* and *migration as settlement* is not only conceptual and empirical; it also follows a normative distinction that the right to travel internationally and the right to immigrate should be constructed separately in the open borders debate.⁵

Scholars have long examined the causes and consequences of migration and offered normative arguments regarding the inclusion and exclusion of immigrants. However, the research on travel has mostly been reduced to tourism (e.g. the determinants and economic benefits of tourism) without any substantive normative consideration. The causes and consequences of international travel and migration (e.g. economic or forced migration) are not necessarily the same. Scholars have proposed various theories of migration considering push and pull factors, economic reasoning as well as the role of previous colonial ties, diaspora communities, social networks, families, relationships, culture, language in migration decision; and their economic, social, cultural and political consequences (Goldin et al., 2012; Haas et al., 2020; Massey et al., 1999). However, it is questionable whether these theories can fully explain travel, short-term and circular migration. The purpose and the consequences of international travel and short-term migration are different from those of long-term and permanent migration. Furthermore, *migration as*

settlement raise further considerations regarding integration in the destination country, which most empirical and normative scholars dwell on when they argue against open borders.

*The right to travel*⁶ is also a crucial issue for migrants who have been (or later may be) granted refugee status, temporary protected status, temporary worker status, or for undocumented already living in the recipient country and their transnational families.⁷ Certainly, the duties travel and settlement impose and the consequences they might lead to are not identical. *The right to travel* imposes mostly a negative duty on receiving states and societies, which is generally a duty of non-intervention. However, *the right to migration* and/or citizenship acquisition impose positive duties on receiving states and societies, assuming that migrants will claim membership rights (e.g. social welfare rights, political rights).⁸ The duties of travelers and settlers do not necessarily overlap. Travelers have negative duties such as nonintervention and obeying the laws of the receiving society, while settlers in liberal democracies might have further positive (egalitarian) duties to the state and society such as fiscal (e.g. taxes, welfare) duties and the duty of political participation.

While permanent residency in a political community morally requires membership, as Carens (2013) puts it, 'Clearly, a general right to move across borders does not rest on any link to an already established membership'(Carens, 2013, p. 257). In other words, a right to travel is not a membership specific right. A right to reside, however, has further implications regarding the social welfare system and citizenship, which could be membership specific.⁹ While membership specific rights can exclude non-members, the right to travel is owed to everyone, independent of their membership.

The normative distinction between traveling and migration as settlement can be found in Kant's work following the cosmopolitan right to hospitality (*Besuchsrecht*) and the idea of a universal right to reside (*Gastrecht*). A philosophical defense of international travel can be built on Kant's works straightforwardly, while it is disputable whether it implies the right to reside.¹⁰ In *Perpetual Peace*, Kant states:

"Hospitality means the right of a stranger not to be treated as an enemy when he arrives in the land of another. One may refuse to receive him when this can be done without causing his destruction; but, so long as he peacefully occupies his place, one may not treat him with hostility. It is not the right to be a permanent visitor that one may demand. A special beneficent agreement would be needed in order to give an outsider a right to become a fellow inhabitant for a certain length of time. It is only a right of temporary sojourn, a right to associate, which all men have. They have it by virtue of their common possession of the surface of the earth, where, as a globe, they cannot infinitely disperse and hence must finally tolerate the presence of each other. Originally, no one had more right than another to a particular part of the earth" (Kant, 1991, p. 284).

Accordingly, travelers cannot be harmed or coerced even when the host society does not want them within their territory. As long as they are peaceful, travelers have the right to hospitality.¹¹ Kant grounds the justification on the 'common possession of the surface of the earth' which can also be based on the human capacity to interact and associate (Benhabib, 2004, p. 36). However, this right does not justify a moral right to migrate and settle in the host society. Permanent residency and naturalization require a further contract with the host society (Benhabib, 2004, p. 66). In other words, international travel is a right while permanent residency and citizenship acquisition in a country of choice would be a privilege (Benhabib, 2004, p. 38).

The right to travel

The right to travel is can be constructed as an intrinsic and an instrumental right (Bauböck, 2009, p. 7). However, an international right to travel has not fully been reflected in international human rights documents. The first part of Article 13 of the Universal Declaration of Human Rights states, '(1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country.'¹² Although it is widely recognized, the scope of the right to freedom of movement is limited within the nation state borders. *The right to leave* does not grant *the right to enter* into a country of choice. In several cases, such as Sumaya from Afghanistan, *the right to leave* does not exist because it is practically impossible to enter into any other country.¹³

Scholars have offered moral justification for the international freedom of movement or against unilateral border controls (See, Hosein, 2019 for an overview), laying emphasis on global distributive justice (Bader, 1997; Pogge, 1994; Risse, 2008), global equality of opportunity (Carens, 2013; Carens, 1987; Sager, 2020), democratic theory (Abizadeh, 2008), basic liberties (Freiman & Hidalgo, 2016; Kukathas, 2005, 2021), and human right to immigrate (Oberman, 2011, 2016). In most cases, scholars constructed the free international movement as an instrument to settle, while the goal is to justify the right to immigration. They generally considered that the freedom of movement includes both *travel* and *settlement*. They either focused on *settlement*, or they did not distinguish between the two.¹⁴

Rather than taking them together, I propose a *prima facie* right to international travel that allows cross-border mobility without residency privileges. By doing so, I aim to undermine counter arguments that oppose the right to international travel but fail to consider *travel* independent of *migration as settlement*.

The domestic free movement and the right to leave are recognized in the Universal Declaration of Human Rights. One of the ways to propose a right to international freedom of movement is through a cantilever argument by

arguing that international freedom of movement is a logical extension of the internal freedom of movement. As Carens (2013) asserts, 'If it is so important for people to have the right to move freely within a state, isn't it equally important for them to have the right to move across state borders?' (Carens, 2013, p. 239). The idea that we need additional justification for international travel is a mobility bias (sedentarism), which is a very common assumption in normative debates (For a review, see, Sager, 2018). Mobility bias presupposes that a movement between nation states is 'abnormal,' an exception to the rule, while immobility is 'normal' (Sager, 2018, p. 3; Schewel, 2020, p. 331). Many scholars suppose that in an ideal situation people would not move across international borders (e.g. Shachar, 2009, p. 5).

As a result, mobility is seen as a tool that might help correct an undesirable situation other than mobility itself. However, this is not the only way to frame mobility and the ethics of cross-border movements. If the right to travel is grounded on global justice, it means the purpose of the right is to eliminate or alleviate global inequalities. In other words, by granting 'the least well off' the access to the Global North countries with their comparatively better economic opportunities, mobility rights are justified as an instrument, and they lose their intrinsic value. In this sense, alternative solutions to eliminate global inequalities (e.g. global citizenship tax) would undermine the importance of mobility rights. Or, in an ideal peaceful world that economic resources are distributed equally, this approach would not justify global mobility rights at all. One may ask, 'Why and who would need a right to travel if there's global equality of opportunity in place?' This sedentary approach is a form of mobility bias, which assumes that mobility is an anomaly while immobility is the *status quo*. Mobility justice requires, as Sheller (2018) states, an 'attention on the politics of unequal capabilities for movement,' which I believe is beyond global distributive justice concerns (Sheller, 2018, p. 1). In order to separate the global justice debate from mobility rights, I suggest taking mobility not as a tool but as the norm, especially with regards to travel, short-term and circular mobility.

Travel, short-term and circular migration have their own value independent of permanent migration and its benefits. For some people, short-term mobility is an essential part of daily life, domestic or international. Sociologically, the distinction between domestic and international travel might not even exist for transnational families, or people living in border zones. Short-term and circular migration is a way of life that enable temporary employment abroad and connects people with their transnational families. People have reasons to travel internationally not only to sojourn but also for religious pilgrimage. They may want to travel to certain countries for health reasons. Some women travel to certain liberal democratic states in order to exercise their right to abortion because their home states deny them the right to abortion. Some countries do not permit marriage of couples who have

different religious beliefs; many other states do not allow same-sex marriage and non-religious marriage. Yet, they recognize civil marriages registered in other countries. Consequently, some are required to travel to certain liberal states in order to claim and exercise their right to marry. Students and professors travel internationally for educational purposes. Some do internships; some participate in vocational training; some teach their expertise to others; some attend to sports events and international competitions around the world. There are international advocacy groups that require people to travel internationally in order to disseminate and diffuse their ideas. Some churches require missionary activities abroad. Many people have families and friends in other countries; they want to travel abroad not only for vacation but also for other commitments such as family visits, weddings, and funerals. There are surely many other significant and legitimate reasons that motivate and force people to travel across political borders peacefully. In fact, we cannot rank the deservingness of people to travel based on their motivations nor can we ask the reason why they travel. Rather, we should take mobility as the normal, the *status quo*, and assume that human beings are essentially mobile. After we understand a presumption of mobility rights to be the norm, we can turn to carving out exceptions in which immobility is justifiable.¹⁵

The right to travel is unevenly distributed among people for various reasons (e.g. physical, geographical, legal, economic, and perceptible barriers; Sager, 2018, pp. 2–3; Sheller, 2018). Depending on the country of citizenship and the citizenship status, some people are legally restricted from traveling; others have additional economic hardships and other obstacles. Legal barriers regarding visas lead to additional concerns restricting global equality of opportunity. For instance, The Passport Index demonstrates that the citizens of Western democracies such as the U.S. and Germany can travel to more than 170 countries without even applying for a visa (Henley Passport Index 2019). However, citizens of poorer countries do not have visa free access to wealthy Western democracies. They can travel only to a number of countries without holding a visa, and with the exception of a privileged group, very small minority of people manage to travel internationally. Visa requirements, visa fees, and bureaucratic processes vary based on the country of citizenship. Administrative burdens are costly, and they discourage people even to consider applying for a visa. Obtaining a travel visa typically requires paying a visit to the consulate for an interview, providing detailed documentation about your travel plans, information about your finances (e.g. proof of employment, summary of bank accounts), proof of health insurance, along with a sometimes-hefty application fee (Lawson & Lemke, 2012, p. 18), and thus leads to cumbersome and costly application procedures and lengthy processing times (Ng & Whalley, 2008). These burdens are targeted towards certain nationalities than others. Moreover, visa applications are easily denied.¹⁶ In other words, citizens of wealthy Western democracies enjoy

the freedom to travel internationally while poorer societies have various restrictions on their mobility. Furthermore, Western democracies open their borders to citizens of other wealthy democracies, while they discriminate against people from less wealthy countries. This is not only discrimination, but it also leads to global inequality of opportunity, which is inconsistent with liberal democratic values.

Short-term access across international borders should also be grounded on the value of the freedom of movement. But such a right should not give rise to significant costs. In other words, the right to travel is not absolute. It is rather a *prima facie* right. There are considerations that trump the right to travel even in domestic case (e.g. traffic rules, private property, imprisonment, medical quarantines). Similar considerations could also apply to international travel, which I discuss in section five. However, a number of scholars have questioned and opposed the cantilever strategy and attempted to demonstrate the negative consequences that the extension (from internal to international freedom of movement) brings about. These negative consequences include the infringement of other human rights and interests of the receiving political community. Yet, as I point out, they discuss potential negative consequences of *migration as settlement* rather than *traveling*. In the next section, I examine whether these justifications against migration can be used against international travel.

Examining the arguments against open borders in the context of traveling

The main deontological and consequentialist arguments against open borders are concerned with states' right to self-determination and freedom of association, the welfare state and the duty to compatriots, and brain drain. I show that they provide strong reasons to exclude non-citizens who seek to settle within the country, but they do not justify excluding travelers, short-term and circular migrants from the territory. I argue that the freedom to travel internationally (without residency privileges) does not necessarily conflict with these reasons. In other words, these arguments do not provide strong justification against international travel (as they arguably do against *migration as settlement*).

States' right to self-determination and freedom of association

The main argument to justify unilateral border controls and exclude non-citizens from the territory is the right to self-determination.¹⁷ As Kollar defines, '[s]elf-determination is an important form of collective freedom and nations should be held responsible for its outcomes, even if some are worse off as a result. It is not that we cannot compare, but that we should

not compare opportunities across borders'(Kollar, 2017, p. 729). It also means that citizens, through the state, have the right to design policies of their choice, and the immigration policy is one of them (Pevnick, 2011, p. 11). According to Song (2018), "members of the political community can define who the collective self is and determine its future course"(song, 2018, p. 398).

The freedom of association argument as a form of self-determination has also been used against open borders. The freedom of association is based on mutual voluntary consent. It can also function to disassociate from certain individuals. Christopher Wellman extends the freedom of association from individuals to states (Wellman, 2008; Wellman, 2016; Wellman & Cole, 2011). He appeals to the freedom of association to exclude immigrants on the basis of a state's right to control immigration over its territorial borders and to exclude non-citizens. The main assumption of this argument is that states have a presumptive right to self-determination independent of its citizens. Wellman's account does not require any further moral justification. Simply not seeking association to certain people justifies excluding non-citizens from entrance without any further consideration. Accordingly, states have the right to control membership within its jurisdiction (Wellman, 2016, p. 81).

Van der Vossen (2015) argues that self-determination does not have to do with the membership of a political society. He challenges the following argument:

- (1) The right to self-determination of states gives them the right to choose with whom they wish to associate.
- (2) Immigrants associate with the state.
- (3) Therefore, states with a right to self-determination have a right to choose whether or not to allow immigration (Van der Vossen, 2015, pp. 275–276).

By distinguishing individualist self-determination from collective self-determination, he argues that either the premise 1 or 2 is false (Van der Vossen, 2015, p. 276). Many would disagree.¹⁸ The link between self-determination and political membership is very strong. Rather than defending that, my argument would be the following:

- (1) The right to self-determination of states may give them the right to choose with whom they wish to associate.
- (2) Association with the state is limited to membership issues.
- (3) States have a right to select their prospective citizens.
- (4) Travelers, short-term and circular migrants do not necessarily associate with the state.

- (5) Therefore, states with a right to self-determination do not have a right to exclude travelers, short-term and circular migrants from the territory, but they have the right to exclude them from membership.

Travelers do not seek an association with the state in the sense that the act of movement does not require an application for membership. The self-determination argument has exclusively been used against *migration as settlement*.¹⁹ Accordingly, the state and its citizens should decide the criteria for naturalization and who should be part of the *demos*. Immigrants pose a problem in democratic theory when they are not considered as a part of the *demos*. However, travelers and short-term migrants are not a part of the *demos* question.²⁰ In fact, many theorists who defend border controls admit that states are not justified in excluding travelers because travelers do not make 'positive claims' on citizens (Ferracioli, 2015, p. 103). Ferracioli states, 'self-determination is not a freestanding reason for a state's right to exclude visitors when granting them short-term access to the territory would not give rise to significant costs. But self-determination is a sufficient reason for barring prospective immigrants from permanently joining the territory because rights to territory are similarly grounded on the value of self-determination' (Ferracioli, 2015, p. 103 footnote). Similarly, Yong (2017), while justifying border restrictions against immigrants, thinks that traveling or 'bodily locomotion' requires the duty to non-interference (Yong, 2017, p. 466).

Furthermore, if we assume that states have a right to freedom of association, it would mean that states can select their future *citizens*, which is limited to political membership, and exclude others from *political and social rights*.²¹ Furthermore, as Sarah Fine asserts, states cannot have a right to exclude without a territorial justification (Fine, 2010). A state's right to freedom of association does not ground a territorial justification and in most cases, it violates individuals' right to freedom of association.²²

To sum up, while the self-determination and the freedom of association arguments apply mainly against long-term and permanent migrants who are prospective political members, they do not justify excluding international travelers, short-term and circular migrants from the territory. Considering all these aspects, they do not propose a strong justification against visitors.²³

The welfare state and the duty to compatriots

Another main argument for border controls concerns about the welfare state and the duty to compatriots. The welfare state is one of the main distributive functions of an egalitarian society. Walzer (1983) thinks that distributive justice requires a bounded society (Walzer, 1983). David Miller's liberal

nationalist position is also similar (Miller, 1995, 2015, 2016). For the sake of distributive justice within a society, these ideas have been interpreted both empirically and normatively against inclusive immigration policies.

According to the empirical argument, homogeneous societies are more likely to have a high level of trust and loyalty between their citizens as well as towards their institutions. A welfare state is more likely in countries where citizens, sharing a common culture, trust their fellow citizens. Heterogeneity, on the other hand, would make redistribution less likely because people are less likely to share and help people from other cultures.²⁴ This line of argument has also support from disputable public perceptions on migrants such as migrants are free riding, misusing the welfare system, not paying taxes, and so forth.²⁵ Moreover, when a country admits migrants from other countries that do not share similar values and so forth, it is less likely to preserve the welfare state. Open migration might destroy the capacity of a welfare state to function properly.²⁶ Notwithstanding such arguments regarding migration, these empirical claims do not target short-term migration and travel.

In many democratic countries, travelers and short-term migrants are (and can justifiably be) excluded from the welfare system. While it is true that they can benefit from the public good, which is non-excludable (e.g. public roads), their short-term status does not grant them welfare benefits (maybe with the exception of emergency rooms). Visitors are owed basic human rights that may still bring about costs to the receiving society. Yet, international travel is less likely to impose great costs that undermine the welfare system. On the contrary, most categories of short-term visitors from pilgrims to medical travelers and other visitors contribute to the market; they increase the need for employment in various sectors. In addition to their impact on employment, according to the World Travel and Tourism Council (WTTC), international travelers are important contributors of the GDP of the host country (2019).

Another argument that concerns about the welfare state is the idea that people have special duties to their compatriots (Mason, 1997). Philosophers distinguish general duties and special duties such that general duties apply to everyone while special duties are a result of a certain relationship or an agreement (Bertram, 2018, p. 89). States can have membership specific rights for their own citizens and non-members can be excluded from certain types of privileges (Carens, 2013, pp. 97–98). In global justice debates, some scholars describe this as a moral division of labor that requires everyone to pay special attention to her family and relatives as well as fellow citizens.²⁷ This idea suggests that states and their existing members do not owe special (positive) duties to help immigrants and grant them welfare rights as long as their human rights are not at stake. However, “the would-be immigrant who wants to cross into a given jurisdiction acts to impose a set of obligations

upon that jurisdiction's current residents" (Blake, 2013, pp. 119–120). Needless to say, existing citizens have general (negative) duties to everyone, including those who are citizens of other countries.

When migrants settle and work in a country, they should be included in the welfare system. Migrants may claim both general and special rights (i.e. civil, social, and political) once they reside in a country for the long run (e.g. Lenard, 2012, 2015). The host state and society, then, would have positive duties towards them. The host society can 'refuse to allow immigrants to come in, because the residents of those states have the right to refuse to become obligated to those would-be immigrants' (Blake, 2013, p. 120). In other words, the host society has the right to choose to exclude would-be migrants from special membership rights and fulfill their special duties to existing members of the society. This is actually a very strong argument that justifies excluding would-be migrants. However, it does not apply against travelers, short-term and circular migrants because they do not claim membership specific rights that are owed to citizens and residents. Temporal statuses would not extinguish general duties of non-intervention that are grounded in membership or residency. If we look at the kind of rights claims and their corresponding duties, we can say that travelers mostly claim negative rights (e.g. civil rights, right to hospitality). The host state and society have negative duties (non-intervention) towards travelers. As a result, as long as travelers do not claim special duties from the host state and society, the argument grounded on the welfare state and the special duties to compatriots do not justify excluding them from the territory.

Overall, although it is disputed whether long-term migrants undermine the welfare system in an open migration regime, we can presume that travelers and short-term migrants are not the main beneficiaries of the welfare system. They do not even claim to be a member of the host society or ask for welfare rights.²⁸ If distributive justice requires political boundaries, travelers and short-term migrants can be excluded from the welfare system, not from the territory. Special duties to compatriots do not conflict with negative duties (i.e. non-interference) to travelers.

Brain drain

Another justification for border controls employs the idea of brain drain. Brain drain is a phenomenon that takes place when the large-scale migration of skilled workers from poor to rich states negatively affects the poor states, undermining global justice. For instance, more than 60% of university graduates from Gambia, Guyana, Jamaica, Morocco, and Tunisia have moved to developed countries (Goldin et al., 2012, p. 179). There is a significant negative impact of skilled emigration on certain developing countries. Developing nations lose their human capital in critical sectors (e.g. health care,

technology) which would be very helpful in the origin country otherwise. I should also note that there are two main critiques to this view. The first one emphasizes the benefits of remittances to the origin society. Secondly, as Goldin et al. (2012) state, 'most brain drain originates in developing countries with high rates of unemployment, and the evidence suggests that many graduates leave because they would otherwise be unproductive at home' (Goldin et al., 2012, p. 181).

Some scholars think that in some cases, a restriction on mobility is justifiable if it leads to brain drain (Brock & Blake, 2015; Ferracioli, 2015). Border controls can be accomplished in two ways: the receiving state can exclude skilled workers, or the country of origin can prevent residents from leaving the country. In other words, it is either a prohibition on international freedom of movement or restriction on the freedom to leave one's country.

According to Brock, 'A poor, legitimate developing state may defensibly regulate emigration of skilled workers – directly or indirectly – when certain conditions obtain' (Brock & Blake, 2015, p. 101). However, Blake argues against her by stating, 'all humans have a basic right to leave any country, including their own, and to form new political relationships with consenting other states. This basic proposition makes any attempt by a state to forcibly prevent people from leaving that state – to coercively insist upon allegiance and obligation, against the wishes of the would-be emigrant – fundamentally unjust, and a violation of the most basic norms of human rights' (Brock & Blake, 2015, p. 111). According to Oberman (2013), only a small minority of cases can justify border controls on the basis of brain drain. In fact, he claims, it would require a justification to impose justice in another country. However, Ferracioli (2015) responds to his argument by distinguishing 'imposing justice' and 'contributing to a causal chain that foreseeably contributes to harm abroad' (Ferracioli, 2015, p. 110). She thinks that states have a negative duty to exclude individuals on the grounds of preventing brain drain. Overall, the debate evolves into a dichotomy between individual interests/rights and collective interests/rights.

Whether and to what extent brain drain justifies restricting the freedom of movement is disputable in the context of *migration as settlement*. However, travel, short term and circular migration would rarely lead to brain drain in this respect. These are very rare cases of brain drain that temporary migration could bring about. For instance, one can imagine that if all the best students of a country leave their universities for training for a semester, there might be a form of brain drain in a temporal sense. Or imagine all researchers in a particular field temporally move abroad. There might be long-term effects on the future of these fields in the origin society. Another example would be that if all talented seasonal farm workers from Central American countries move to the US, it might undermine the long-term quality of agriculture production in Central American countries. Having said that, these cases are

highly unlikely. Under normal circumstances, travel, short-term and circular migration mostly have positive impacts on the country of origin because they enable the transfer of science, development, and education from developed societies to the poorer ones. There is also democratizing aspect of international travel, which contributes as social remittances of democratic ideas, attitudes and norms (Levitt, 1998). As Pearce (1989) states, 'Values may be transformed through the bringing together of different groups of people, even if at times only very briefly' (Pearce, 1989, p. 221). International travel can expose individuals to diverse perspectives, values and behaviors through inter-personal interaction (Elkins & Simmons, 2005). As a result, travelers can support liberty and democracy in their country of origin (Altundal & Zarpli, 2020).

Since brain drain in certain cases leads to some significant negative consequences, restrictive migration policies might be justified for targeted fields. However, the case that international travel might lead to brain drain can only be an exception. For the most part, short-term mobility contributes to the economy and the society of the country of origin. As a result, it is not justifiable to restrict the freedom of movement of those who do not migrate and settle in another country on the grounds of brain drain.

Overall, these normative arguments for border controls provide strong reasons for states to control membership and residency in their jurisdiction. However, they fail to provide strong reasons to control travel and short-term migration. Now, I want to turn to the main objection to the distinction between *travel* and *migration as settlement*, which I call, *the overstay objection*. Then, in the following section, I will suggest potential normative reasons that could justify restricting short-term mobility under certain circumstances.

The overstay objection

The main objection to my proposal is *the overstay objection*, which would question the validity of the distinction between *travel* and *migration as settlement* when people travel and *de facto* migrate in the host country by simply overstaying there.

'Overstayers' are those who were lawfully admitted to the host country for an authorized period but stayed in the country beyond their authorized visiting period (DHS, 2020). According to Mau et al. (2012), p. 80% of 'illegal' immigrants in Europe and 40% in the US have arrived with a legal tourist visa (Mau et al., 2012). And once they arrived, they overstayed their visa. Based on this empirical information, the proponents of *the overstay objection* would argue that it is reasonable to exclude travelers from entrance if there is strong evidence that they would overstay. I have four responses to this objection.

First of all, I argued that *the right to travel* and *migration as settlement* are normatively distinct; *settlement* without a normative justification does not reduce the value of *the right to travel*, which would be analogous to the relationship between the right to free speech and hate speech. One may argue that free speech enables hate speech and hate crimes, yet banning free speech in order to prevent hate speech would not be compelling. Rather, we try to prevent hate speech and hate crimes. Similarly, a collective group of people could misuse their right to travel to invade a territory of interest (e.g. settler colonialism²⁹). If a person or a community misuses their right to travel for the purposes of settlement in the country without any justification, we should focus on the settlement and find practical ways to prevent it without infringing on the right to travel.

We can find practical ways to prevent unjustified migration without limiting the right to travel. For instance, in the U.S., overstayers are barred from reentry from three to ten years.³⁰ Overstayers who have not been caught yet are also suffering the consequences. They live in a country lacking most citizenship rights; and they are immobilized within a country. It does not look like an easy situation at all. The motivations behind people who overstay their visas should be complicated, but I suppose many of them could be eligible for asylum, which I discuss below. Studies also show that there are overstay instances among the Global North countries that have visa free policies. Crockford's ethnographic fieldwork, for instance, investigates Canadian and British citizens who overstayed their visas in the U.S. (Crockford, 2017). Alternative policy practices, such as collecting \$500 refundable deposits from visitors to be used in the event of overstay, could be suggested for preventing unjustified migration.

Secondly, we would expect full compliance in ideal theory conditions. Yet, once we consider unfavorable global conditions such as the one we live in, partial compliance or non-compliance could be inevitable. Therefore, I acknowledge *the overstay objection*. Some travelers, once entered, would assert a right to stay and settle on other grounds. This could happen in two ways; both can be legitimate.

(1) The visitor can decide to stay *after the arrival*. Suppose Person A was originally planning to visit a country. After traveling to country B, they decided to stay for various reasons that were unexpected. The host country may have legitimate immigration policies that set the criteria for employment, residency, and citizenship acquisition. As long as these criteria are legitimate, I would argue that people should follow the conditions to stay. States might give priority to admit migrants who are in need (e.g. forced migrants due to economic, environmental, or political conditions). Yet, if the immigration law is illegitimate, then, it would lead to a further discussion on *migration as settlement* on whether there is a duty to obey unjust immigration law (Cohen, 2020; Hidalgo, 2016). Another example of overstay after arrival

would be because the visitor cannot return to their home country for other reasons (e.g. a civil war has begun in their home country, which can make them eligible for asylum).

(2) The visitor can have the intention to migrate and settle into the destination country *before the arrival*. But suppose they do not have a right to migrate, they would claim the right to travel to enter into a country, and then seek opportunities for residency. I believe that as long as they are eligible to stay on a ground based on the host countries' immigration law (e.g. family, employment) or based on international law (e.g. asylum), they should be able to stay.

The critical issue here is the practice of international law on forced migration.³¹ There are existing problems in global refugee management. Some countries are hosting much more refugees than their fair share partly because of their geographical location. Since the principle of non-refoulement is relatively institutionalized, most Global North countries implement border policies that prevent the entrance of asylum seekers.³² The main concern is that visa free travel regime would increase the number of asylum applicants. This is true in most cases. For instance, after Albanians have visa-free access to the Schengen area since 2010, there is a significant increase in the number of Albanian asylum applications in the EU. As a result, some EU countries suggest reviewing the visa-free access of Albanian nationals.

Most normative theorist, even those who are against open borders, agree that forced migrants should be admitted. Theoretically, if overstayers are eligible for asylum and claim protection on that ground, then, they should be able to stay. Yet, in practice if all asylum seekers migrate to a country of their choice, there might be concerns on the fair share of refugees. I would suggest a global resettlement program that could enforce fair share of refugees within Global North countries. Once refugees are resettled mostly in Global North countries, the likelihood that they overstay should decrease. I should note that currently around eighty percent of refugees are located in Global South countries (FitzGerald, 2019, p. 3).

Thirdly, overstay, at least partially, stems from the visa requirements. Visas are costly, and they are generally granted for a very short length of time and for a single entry. While the US grants visitor visas for 6 months to 10 years, the EU countries generally limit the length of stay for the purpose of travel with a single entry. Visitors must pay the fees and provide documents in order to apply for visas each time before they want to travel. Many people overstay because they believe that they cannot get another visa for a variety of reasons (e.g. administrative burden, economic reasons). This would also apply to other forms of undocumented migrants. Visa denials incentivize people to cross international borders without authorization and settle permanently in the receiving country even though they would go back to their country of origin if they had the right to travel.

European enlargement and visa-waiver agreements can be shown as an example. After having access to European Union, the form of migration from Eastern European countries such as Poland, Hungary and the Czech and Slovak Republics to Western European countries have been short-term and circulatory (Wallace, 2002). Furthermore, many of the South American countries that have relatively lower GDP per capita have access to the EU. However, this visa free border policy does not lead to migration flows to Europe.

Finally, I argue that it is disputable to prevent travelers from entrance on the basis of overstay risk, because it would lead to discrimination against lower- and middle-income individuals and families of certain nationals. States mostly require visitors to provide evidence that they will economically be self-sufficient while they are visiting the country, which is believed to reduce the overstay risk. Furthermore, the criteria of being economically self-sufficient generally require evidence of property ownership and enormous amount of money in bank accounts. Such requirements disproportionately target low-income individuals and families. The requirement to provide proof of financial support for accommodation and travel expenses should not be followed by further wealth and property ownership, which make international travel a privilege for rich people.

For the most part, I tried to demonstrate that the existing justifications for border controls target migrants who settle, and they fail to provide a strong reason to restrict travel and short-term migration. In the next part, I propose some provisional arguments for restricting short-term mobility.

Justifiable restrictions on travel

Many of the justifications for exclusion discussed in the previous part are based on, what I called, *migration as settlement*. As a result, they do not even discuss the exclusion of travelers and short-term migrants who do not settle in the receiving country. The reasons to restrict international travel are separate from those to control migration. Similarly, the normative justifications to exclude travelers might not necessarily apply to migrants. Having proposed a *prima facie* right to travel, I also want to offer some provisional thoughts and briefly discuss under what conditions restrictions on travel could be justifiable.

These conditions would consider the cases when travel might violate the rights of others, or they might have negative consequences that outweigh the interests of the travelers and short-term migrants. *Infrastructural feasibility, environmental and animal welfare concerns, public health concerns, and security* are some conditions that restricting short-term mobility could be provisionally justifiable.

First of all, when the destination country does not have resources to accommodate the number of international visitors, restrictions might be justified on *infrastructural feasibility* grounds. A recent case starkly illustrates

this point. Santorini is a small, beautiful, and historical Greek Island with an area of approximately 73 km² and a population of 15,231.³³ The number of tourists in 2017 was more than 2 million. Meanwhile, Santorinians are becoming increasingly frustrated by the growing traveler traffic because the existing infrastructure of the Island is insufficient and due to the high demand, the prices are astronomic. Let us assume that they want to limit the number of visitors on the infrastructural feasibility ground. We can question whether Santorinians – Greece in this case- is justified to exclude tourists. It looks to me that in these cases, restrictions and quotas can be justified.

Secondly, an anti-anthropocentric argument justifying restrictions on travel can be made based on *animal welfare and environmental concerns*. The limits of right to travel should be constructed in a way that considers animals and common environmental sustainability interests. Restricting human mobility in order to (1) protect places where certain animals live and (2) reduce climate impacts from aviation emissions could be justifiable (For an overview, see, Sheller, 2018, pp. 137–158).

Public health concerns can also justify restrictions on travel (Carens, 2013, pp. 178–179). Recently, we have been experiencing such restrictions due to the Covid-19 pandemic. Travel is believed to accelerate the spread of diseases. Travelers, especially those coming from countries or cities that are heavily infected, have been viewed with suspicion during times of health emergencies. Historically, both local and federal governments have used quarantine, exclusion, and surveillance to restrict the movements of those carried any risk of spreading a publicly concerning disease such as the plague, cholera, HIV/AIDS, and SARS. In fact, controlling the spread of epidemics was an important underlying reason for borders and passports in the League of Nations conference in 1920 (Salter, 2003, p. 78). Although temporary travel restrictions on public health grounds seem compelling, it should not lead to double standards based on country of citizenship.

Another justification of border restrictions against international short-term visitors would be on *security* grounds. One may argue that short-term migrants and travelers cannot be trusted because many terrorists such as those organized the September 11 attacks have been issued temporary student or visitor visas (See, e.g. Nowrasteh, 2019). Furthermore, public discourse that disputably correlates being non-citizen with crime rates support this line of argument. However, it does not follow an arbitrary exclusion of certain nationals from temporary visits, such as the one issued by the former U.S. President Donald Trump barring entry to citizens of predominantly Muslim countries into the US.

Domestic mobility can also be restricted in situations regarding ‘private property, imprisonment and parole for criminal offenses, medical quarantines, prohibitions on settling on indigenous lands, traffic regulations’(Carens, 2013, p. 247). If a criminal, or a significant security threat is crossing political

borders, it is reasonable to consider restrictions on their right to travel. As Carens (2013) puts, 'No state is obliged to admit terrorists or enemy agents'(Carens, 2013, p. 175). However, the current international implementations are problematic because the threshold and measure of security threat is vague.

Whether restrictions on travel are morally justifiable on these provisional grounds should further be discussed and detailed, which is beyond the scope of this paper. But I believe that when restrictions are justifiable, they should treat people equally. In other words, normative justifications of any border restrictions against travelers should be based on principled reasons that do not discriminate on gender, race, religion, economic status, nationality, and so forth.³⁴

Conclusion

In conclusion, normative approaches to migration and borders focus exclusively on *migration as settlement*. By making a distinction between *travel* and *migration as settlement*, I suggested that we should consider mobility not only as a path to migration, but also as a phenomenon itself. When we separate *the right to travel* from *migration as settlement*, the concerns about integration, membership, and distributive justice are set aside. I argued that the existing normative justifications for border controls, which are grounded on states' right to self-determination, the welfare state, and brain drain, fail to justify border restrictions against travelers, short-term and circular migrants. I also discussed *the overstay objection*, and finally offered provisional reasons that could morally justify restricting short-term mobility. I suggest future research should explore and expand on empirical and normative aspects of short-term mobility and engage with democratic membership in a mobile world.

Notes

1. After the triumph of Taliban, it is a question whether women will have the same rights and opportunities. <https://edition.cnn.com/2021/12/03/asia/afghanistan-taliban-decree-womens-rights-intl/index.html>
2. After various attempts from international community, Sumaya and her team members were allowed to enter the US. This was an exceptional permit that gave them temporary status because of an emergency, humanitarian purpose, or public good. See: <https://www.aljazeera.com/news/2017/7/13/afghan-girls-robotics-team-given-us-visa-after-outrage>
3. This figure excludes international travel by land, which should be a significant number considering the crossborder mobility between neighboring countries. See the World Tourism Organization (UNWTO) Barometer (Vol 18, Issue 2, January 2020): https://webunwto.s3.eu-west-1.amazonaws.com/s3fs-public/2020-01/UNWTO_Barom20_01_January_excerpt_0.pdf

4. See The World Migration Report 2020: https://www.un.org/sites/un2.un.org/files/wmr_2020.pdf
5. I do not argue that the right to travel is more important than the right to migrate. My point is that normative considerations in the open borders debate are exclusively on migration, which has not considered temporary movements. We should consider the moral reasons (for and against) international travel, separately.
6. I use *the right to travel* and *the freedom of movement* interchangeably. However, I prefer to use *the right to travel* because *the freedom of movement* often implies both movement and settlement.
7. While undocumented migrants are essentially immobilized; for refugees, temporary statuses and permanent residents, too, travel outside of the state comes with certain restrictions.
8. At this point, I should state that I am talking about receiving states as opposed to sending states; some scholars think that 'issuing passports' is a positive duty of the sending states. See, for instance, (Bauböck, 2009, p. 12).
9. I will later discuss this point. Being member of a society might generate special egalitarian duties to its fellow members, while it excludes such egalitarian duties to non-members. These egalitarian duties concern with distributive justice. International travel, if considered without residence, does not necessarily impose such membership specific obligations.
10. Some scholars find the right to travel insufficient and reinterpret Kant's works in a way to justify the right to migrate (e.g. Benhabib, 2004 Chapter 1; Brown, 2010).
11. Several scholars follow this interpretation (e.g. Benhabib, 2004; Brown, 2010; Cavallar, 2017). Brown (2010), for instance, states, "the right to *peaceful* travel cannot be denied" (321). Cavallar (2017) similarly, thinks that Kant 'grants foreigners a right to visit' as long as they are not inhospitable (360-361). However, I should note that according to Kleingeld (2011)'s interpretation, the right to hospitality does not grant a right to foreign territory, but only a "right to request interaction;" as a result, states can exclude visitors without being hostile (Kleingeld, 2011, p. 73).
12. UN General Assembly, 1948
13. For a detailed discussion on the right to leave and the right to enter, see (Chapters 2-5 in Fine & Ypi, 2016)
14. Matthew Longo, for instance, points out the distinction between wide and narrow definitions of movement. But he focuses on the wide meaning that includes both movement and settlement (Longo, 2013, p. 43). The distinction also challenged open border arguments. James (2019), for example, argues that Oberman (2016) fails to justify the right to immigrate in terms of residence and employment, but only justifies a right to travel (James, 2019).
15. For instance, if there is a justification to restrict one's movement, the burden of proof is on the agency that will enforce the restriction (i.e. the state).
16. The US visa refusal rate for the citizens of Afghanistan, for instance, is over 70% in 2018. <https://travel.state.gov/content/dam/visas/Statistics/Non-Immigrant-Statistics/RefusalRates/FY18.pdf>
17. I should note that there are exceptions such as particularity claimants and refugees in certain circumstances that cannot be morally denied (Wellman (2008), Miller (2015)).

18. The argument that a collective body can enter into an association with another collective body, not with an individual is not convincing (US, Canada example on p. 276). Another argument, joining to a state, does not require an association seems dubious.
19. Several authors challenged self-determination arguments in favor of migration (e.g. Kukathas, 2012).
20. This is a descriptive statement. Whether travelers or temporary migrants should be part of the demos can be disputed (e.g. Ottonelli & Torresi, 2012).
21. When we consider migration as settlement, a state's right to freedom of disassociation poses a democratic problem because it can exclude migrants from political membership even though they live in the society permanently and are subjected to the laws.
22. There might be exceptions (e.g. foreigners can be prevented entering certain state buildings for a reason). For additional discussion on territorial rights and the right to exclude, see, (Moore, 2015 Ch.9; Nine, 2019).
23. At a conference in 2017, Wellman himself admitted that his argument proposes migration control but does not target travelers. He said people should be free to travel and stay up to two years. Debate: Is Immigration a Basic Human Right? 16 March 2017. Link: <https://www.youtube.com/watch?v=h23HikfziSY>
24. I should note that these arguments are disputable. For an overview, see, (Pevnick, 2009).
25. These arguments have been refuted by research. Scholars demonstrated the benefits of migration on the fiscal system, economic growth, wages, employment, and innovation. e.g. (Goldin et al., 2012)
26. One can imagine that in an open migration regime people could live in low tax states when they are young and working, and once they retire, they could migrate to generous welfare states. As a result, generous welfare states would collapse. Abizadeh (2010) further discusses such arguments (Abizadeh, 2010, pp. 152–156).
27. (Miller, 2016, pp. 23–25), Note that Miller does not agree with this argument.
28. The place of travelers in the demos question -whether they are affected or coerced by the decisions of another state – is another discussion that is beyond the scope of this paper.
29. Moore, for instance, explains how settler colonialism led to the destruction of indigenous way of life and control over the land (Moore, 2019, p. 88).
30. If one overstays for 180 days but for less than one year, they will be barred from re-entry to the United States for three years. If they stay unlawfully in the US for more than one year, they will be deemed inadmissible and barred from re-entry for 10 years. If they stay for over a year and have to be forcibly removed by immigration services, they can be barred from the country for life, with no chance of re-entry.
31. I would like to thank the anonymous reviewers for bringing up this point.
32. See, (FitzGerald, 2019) for a discussion on 'externalization' and 'remote control.'
33. Census 2011.
34. Carens (2013) asserts that it is morally impermissible to discriminate on the basis of race, ethnicity, religion, and sexual orientation (Carens, 2013, pp. 174–175). Sager (2020) includes the place of birth into this list (p. 2). I add the level of income and this list could be extended.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Notes on contributor

Ugur Altundal is a predoctoral research fellow in the Political Theory Project at Brown University and a Ph.D. Candidate in Political Science at the Maxwell School of Citizenship and Public Affairs at Syracuse University.

ORCID

Ugur Altundal  <http://orcid.org/0000-0001-8764-1094>

References

- Abizadeh, A. (2008). Democratic theory and border coercion: No right to unilaterally control your own borders. *Political Theory*, 36(1), 37–65. <https://doi.org/10.1177/0090591707310090>
- Abizadeh, A. (2010). Closed borders, human rights, and democratic legitimation. David, Hollenbach. In *Driven from home: Human rights and the new realities of forced migration* (pp. 147–166). Georgetown University Press.
- Altundal, U., & Zarpli, O. (2020). *Transnational diffusion of democracy: The effect of visa-waiver agreements. American Political Science Association Annual Meeting 2020.* 9/13-September, 2020.
- Bader, V. (1997). *Citizenship and exclusion*. Springer.
- Bauböck, R. (2009). Global justice, freedom of movement and democratic citizenship. *European Journal of Sociology*, 50(1), 1–31. <https://doi.org/10.1017/S000397560900040X>
- Benhabib, S. (2004). *The rights of others: Aliens, residents, and citizens*. Cambridge University Press.
- Bertram, C. (2018). *Do states have the right to exclude immigrants?*. John Wiley & Sons.
- Blake, M. (2013). Immigration, jurisdiction, and exclusion. *Philosophy & Public Affairs*, 41(2), 103–130. <https://doi.org/10.1111/papa.12012>
- Brock, G., & Blake, M. (2015). *Debating brain drain: May governments restrict emigration?* Oxford University Press.
- Brown, G. W. (2010). The laws of hospitality, asylum seekers and cosmopolitan right: A Kantian response to Jacques Derrida. *European Journal of Political Theory*, 9(3), 308–327. <https://doi.org/10.1177/1474885110363983>
- Carens, J. H. (1987). Aliens and citizens: The case for open borders. *The Review of Politics*, 49(2), 251–273. <https://doi.org/10.1017/S0034670500033817>
- Carens, J. (2013). *The ethics of immigration*. Oxford University Press.
- Cavallar, G. (2017). *The rights of strangers: Theories of international hospitality, the global community and political justice since vitoria*. Routledge.
- Cohen, E. F. (2020). *Illegal: How America's lawless immigration regime threatens us all*. New York: Basic Books. 13: 9781541699847 .

- Crockford, S. (2017). *Visa overstayers in Northern Arizona reveal complex motivation behind undocumented migration*. London School of Economics and Political Science. *USApp-American Politics and Policy Blog*
- DHS. (2020). *Fiscal year 2019 entry/exit overstay report*.
- Elkins, Z., & Simmons, B. (2005). On waves, clusters, and diffusion: A conceptual framework. *The Annals of the American Academy of Political and Social Science*, 598(1), 51. <https://doi.org/10.1177/0002716204272516>
- Ferracioli, L. (2015). Immigration, self-determination, and the brain drain. *Review of International Studies*, 41(1), 99–115. <https://doi.org/10.1017/S0260210514000084>
- Fine, S. (2010). Freedom of association is not the answer. *Ethics*, 120(2), 338–356. <https://doi.org/10.1086/649626>
- Fine, S., & Ypi, L. (Eds.). (2016). *Migration in political theory: The ethics of movement and membership* (First ed.). Oxford University Press.
- FitzGerald, D. (2019). *Refuge beyond reach: How rich democracies repel asylum seekers*. Oxford University Press.
- Freiman, C., & Hidalgo, J. (2016). Liberalism or immigration restrictions, but not both. *Journal of Ethics, Social and Philosophy*, 10(1), 1–22. <https://doi.org/10.26556/jesp.v10i2.99>
- Goldin, I., Cameron, G., & Balarajan, M. (2012). *Exceptional people: How migration shaped our world and will define our future*. Princeton University Press.
- Haas, H., M, M. J., & Castles, S. (2020). *The age of migration: International population movements in the modern world*. Red Globe Press.
- Hidalgo, J. S. (2016). The duty to disobey immigration law. *Moral Philosophy and Politics*, 3(2), 165–186. <https://doi.org/10.1515/mopp-2015-0031>
- Hosein, A. (2019). *The ethics of migration: An introduction*. Routledge.
- James, M. R. (2019). Can the right to internal movement, residence, and employment ground a right to immigrate?. *Ethics & Global Politics*, 12(2), 1–18. <https://doi.org/10.1080/16544951.2019.1571359>
- Kant, I. (1991). *A perpetual peace: A philosophical sketch*. Continuum. L. W. B. In *Political Writings* (1795), Trans.
- Kleingeld, P. (2011). *Kant and cosmopolitanism: The philosophical ideal of world citizenship*. Cambridge University Press.
- Kollar, E. (2017). Global equality of opportunity and self-determination in the context of immigration. *Critical Review of International Social and Political Philosophy*, 20(6), 726–735. <https://doi.org/10.1080/13698230.2016.1231753>
- Kukathas, C. (2005). The case for open borders. Andrew, I. Cohen, and Christopher, Heath. Eds. In *Contemporary debates in applied ethics*. Wellman Blackwell Publishing. 207–220.
- Kukathas, C. (2012). Why open borders. *Ethical Perspectives*, 19(4), 649–675. doi:10.2143/EP.19.4.2182830.
- Kukathas, C. (2021). *Immigration and freedom*. Princeton University Press.
- Lawson, R. A., & Lemke, J. S. (2012). Travel visas. *Public Choice*, 153(1), 17–36. <https://doi.org/10.1007/s11127-011-9771-5>
- Lenard, P. T. (2012). Democratic self-determination and non-citizen residents. *Comparative Sociology*, 11(5), 649–669. <https://doi.org/10.1163/15691330-12341239>
- Lenard, P. T. (2015). Residence and the right to vote. *Journal of International Migration and Integration*, 16(1), 119–132. <https://doi.org/10.1007/s12134-014-0328-6>

- Levitt, P. (1998). Social remittances: Migration driven local-level forms of cultural diffusion. *International Migration Review*, 32(4), 926–948. <https://doi.org/10.1177/019791839803200404>
- Longo, M. (2013). Right of way? Defining freedom of movement within democratic societies Willem , Maas. In *Democratic citizenship and the free movement of people*. Brill Nijhoff. 31–56. doi:10.1163/9789004243286_005.
- Mason, A. (1997). Special obligations to compatriots. *Ethics*, 107(3), 427–447. <https://doi.org/10.1086/233743>
- Massey, D. S., Arango, J., Hugo, G., Kouaouci, A., & Pellegrino, A. (1999). *Worlds in motion: Understanding international migration at the end of the millennium*. Clarendon Press.
- Mau, S., Brabandt, H., Laube, L., & Roos, C. (2012). *Liberal states and the freedom of movement: Selective borders, unequal mobility*. Springer.
- Miller, D. (1995). *On nationality*. Clarendon Press.
- Miller, D. (2015). Justice in immigration. *European Journal of Political Theory*, 14(4), 408. <https://doi.org/10.1177/1474885115584833>
- Miller, D. (2016). *Strangers in our midst: The political philosophy of immigration*. Harvard University Press.
- Moore, M. (2015). *A political theory of territory*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780190222246.001.0001>
- Moore, M. (2019). The taking of territory and the wrongs of colonialism. *Journal of Political Philosophy*, 27(1), 87–106. <https://doi.org/10.1111/jopp.12156>
- Ng, E. C. Y., & Whalley, J. (2008). Visas and work permits: Possible global negotiating initiatives. *The Review of International Organizations*, 3(3), 259–285. <https://doi.org/10.1007/s11558-008-9033-6>
- Nine, C. (2019). Do territorial rights include the right to exclude? *Politics, Philosophy & Economics*, 18(4), 307–322. <https://doi.org/10.1177/1470594X18788345>
- Nowrasteh, A. (2019). *Terrorists by immigration status and nationality: A risk analysis 1975–2017* (SSRN Scholarly Paper ID 3502557). Social Science Research Network. <https://papers.ssrn.com/abstract=3502557>
- Oberman, K. (2011). Immigration, global poverty and the right to stay. *Political Studies*, 59(2), 253–268. <https://doi.org/10.1111/j.1467-9248.2011.00889.x>
- Oberman, K. (2013). Can brain drain justify immigration restrictions?. *Ethics*, 123(3), 427–455. [10.1086/669567](https://doi.org/10.1086/669567)
- Oberman, K., Fine, S, and Ypi, L. (2016). Immigration as a human right. *Migration in Political Theory: The Ethics of Movement and Membership*, 109(32). doi:10.1093/acprof:oso/9780199676606.003.0003.
- Ottonelli, V., & Torresi, T. (2012). Inclusivist egalitarian liberalism and temporary migration: A dilemma. *Journal of Political Philosophy*, 20(2), 202–224. <https://doi.org/10.1111/j.1467-9760.2010.00380.x>
- Pearce, D. G. (1989). *Tourist development* (2nd ed.). Longman Scientific Technical; Wiley.
- Pevnick, R. (2009). Social trust and the ethics of immigration policy. *Journal of Political Philosophy*, 17(2), 146–167. <https://doi.org/10.1111/j.1467-9760.2007.00296.x>
- Pevnick, R. (2011). *Immigration and the constraints of justice: Between open borders and absolute sovereignty*. Cambridge University Press.
- Pogge, T. W. (1994). An egalitarian law of peoples. *Philosophy & Public Affairs*, 23(3), 224. <https://doi.org/10.1111/j.1088-4963.1994.tb00011.x>
- Risse, M. (2008). On the morality of immigration. *Ethics & International Affairs*, 22(1), 33. <https://doi.org/10.1111/j.1747-7093.2008.00127.x>

- Sager, A. (2018). *Toward a cosmopolitan ethics of mobility: The migrant's-eye view of the world*. Springer.
- Sager, A. (2020). *Against borders: Why the world needs free movement of people*. Rowman & Littlefield Publishers.
- Salter, M. B. (2003). *Rights of passage: The passport in international relations*. Lynne Rienner Publishers.
- Schewel, K. (2020). Understanding immobility: Moving beyond the mobility bias in migration studies. *International Migration Review*, 54(2), 328–355. <https://doi.org/10.1177/0197918319831952>
- Shachar, A. (2009). *The birthright lottery: Citizenship and global inequality*. Harvard University Press.
- Sheller, M. (2018). *Mobility justice: The politics of movement in the age of extremes*. Verso.
- Song, S. (2018). Political theories of migration. *Annual Review of Political Science*, 21 (385), 402. <https://doi.org/10.1146/annurev-polisci-082317-093019>
- Van der Vossen, B. (2015). Immigration and self-determination. *Politics, Philosophy & Economics*, 14(3), 270–290. <https://doi.org/10.1177/1470594X14533167>
- Wallace, C. (2002). Opening and closing borders: Migration and mobility in East-Central Europe. *Journal of Ethnic and Migration Studies*, 28(4), 603–625. <https://doi.org/10.1080/1369183021000032227>
- Walzer, M. (1983). *Spheres of justice: A defense of pluralism and equality*. Basic books.
- Wellman, C. H. (2008). Immigration and freedom of association. *Ethics*, 119(1), 109–141. <https://doi.org/10.1086/592311>
- Wellman, C. (2016). Fine, S., and Ypi, L., Eds. *Migration in Political Theory: The Ethics of Movement and Membership*. Oxford University Press. 80–104. doi:10.1093/acprof:oso/9780199676606.003.0005.
- Wellman, C. H., & Cole, P. (2011). *Debating the ethics of immigration: Is there a right to exclude?*. Oxford University Press.
- Yong, C. (2017). Immigration rights and the justification of immigration restrictions. *Journal of Social Philosophy*, 4(1), 461–480. <https://doi.org/10.1111/josp.12212>