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Comment

On What Matters for Obligations to Refugees

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Abstract: Rindermann et al.'s article concludes that certain refugees may have a lower IQ and as a result may not provide as significant an economic contribution to host states compared to the average citizen, and so may be an economic cost. This commentary first casts doubt on this conclusion. It then, and most importantly, demonstrates that even if this conclusion were true, it would be irrelevant insofar as it would have no moral or legal significance in mitigating or defeating obligations towards refugees. The commentary shows that any normative view that IQ and economic contributions can mitigate or defeat obligations to provide protection has unacceptable implications. The commentary then demonstrates that legal and moral obligations to refugees are in no part contingent on IQ and economic contributions and to suppose otherwise would simply represent a fundamental misunderstanding of the nature, grounds, and weight of obligations towards refugees. Hence, supposed IQ or economic contributions are entirely irrelevant to, and cannot undermine the strength of, refugees' claims to protection nor states' obligations to provide it.

Keywords: refugees; obligations to refugees; iq; economic costs; international refugee law; human rights

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In 'Intelligence of Refugees in Germany: Levels, Differences and Possible Determinants' the authors, Heiner Rinderman, Bruno Klauk, and James Thompson, present studies that purport to demonstrate certain conclusions. One of these conclusions is that the IQ (Intelligence Quotient) levels of recently arrived refugees into Germany are 12–15 points lower than the national average. It follows, the authors claim, that since IQ levels are essential to success in job performance and productivity, these refugees will not be as economically productive or provide as great an economic contribution to the host state as existing citizens. Hence, rather than providing a significant economic contribution, such refugees may be an economic cost.

This commentary will first cast doubt on whether this conclusion is in fact successfully established, but will also, most importantly, assess the moral and legal implications, if any,

of this conclusion, even if it is successfully established. I will argue that even if it were true that refugees are an economic cost to host states, this would have no significant implications in mitigating or defeating the strength of moral and legal obligations towards them. In fact, a principle that obligations to protect and assist persons are contingent on their IQ and economic contributions has unacceptable and repugnant implications. Instead, I will demonstrate that the obligations of states in the Global North towards refugees stem from positive duties owed to refugees to protect and assist them from severe threats to their lives, human rights, and basic needs, as well as negative obligations owed to refugees who have been wrongfully harmed by state policies and practices. Since IQ levels and economic contributions are irrelevant to the strength of either of these duties, they are not relevant to the strength of obligations towards refugees. I will then demonstrate that economic interests are insufficiently significant to outweigh such obligations towards refugees. Hence, even if were true that refugees have a lower IQ and for that reason are less likely to provide a net economic contribution, this is irrelevant to obligations towards them. Indeed, I will instead argue that to suppose that the economic costs of refugees mitigate legal and moral obligations towards them would be a fundamental misunderstanding of the nature, grounds, and weight of legal and moral obligations towards refugees in international law and normative political theory.

Section One outlines Rinderman et al.'s claims and conclusion in more detail. Section Two casts doubt on whether these claims and conclusion are established. Section Three argues that even if the conclusion were established, economic costs would not reduce the strength of obligations towards persons because the claim that it would has unacceptable implications. Section Four outlines the sources of obligations towards refugees (in international law and normative political theory) to demonstrate that IQ and economic productivity are irrelevant. Section Five assesses the moral significance of economic interests relative to refugees' claims to protection.

Section One: IQ and Refugees

One important conclusion that Rinderman et al.'s article purports to demonstrate is that the results of three studies that measure IQ test-scores of newly arrived refugees in Germany with a total sample size of around 1080 show that refugees on average 'have 12–15 IQ points below the German average'. This matters, the authors suggest, because IQ (or 'cognitive ability', the authors sometimes use these concepts interchangeably) is 'the best predictor and the most important causal factor in job performance, innovation, and breakthrough ideas'. Such IQ or cognitive ability is essential for 'success' in schools, training, and the labour market, especially given the complex job requirements of the 'modern age'. The concern is, therefore, that such refugees will be less able to be economically productive or make as significant an economic contribution to the host state as the average citizen. As the authors suggest, the IQs of refugees are 'certainly too low [for those refugees' inclusion in the economy] to form the basis of a second German economic miracle' and 'there is no evidence that the new immigrant groups – at least the majority of them – will contribute to such a development', presumably meaning economic development or GDP. Moreover, the authors claim that IQ is also relevant for successful contribution to social welfare systems, and accordingly emphasise the economic costs of hosting refugees. They cite estimates that predict public liabilities in Germany would increase by around 9% as a result of the immigration wave of 2015–2016, and that in the Netherlands, the 'average costs for non-Western immigrants [is] almost €275,000 (over a lifetime)', presumably per person. And, in Germany, the costs of supporting an

unaccompanied refugee child in particular are around '€273,750'. These considerations, the authors suggest, challenge beliefs 'that this kind of immigration would be good for the host country'.

Though the authors do not explicitly make any further normative claims on the basis of their conclusion that refugees may be an economic cost, the implication is presumably that since states have an interest in avoiding such economic costs, this therefore defeats or at least mitigates state obligations to protect refugees. Therefore, states may be permitted to refuse protection and entrance to refugees in order to avoid the economic costs associated with accommodating them. This would mirror concerns in public and political discourse that states and their citizens have important economic interests in controlling admissions into the domestic economy in order to facilitate functioning taxation, redistribution, and welfare systems, to protect jobs and regulate labour markets, and to avoid potential expenditure associated with supporting an intake of outsiders. Hence, there are concerns that processing the asylum claims of refugees, providing initial support and integration services, access to the labour market, healthcare and social welfare and so on will be economically costly for states. As a result, states may refuse protection and entrance to refugees to avoid such economic costs.

Section Two will assess whether the authors successfully establish their claims and conclusion, and whether it is sound more broadly that refugees may not sufficiently contribute and may instead be an economic cost to host states. Following this, and most importantly, we will assess what legal and moral implications, if any, would follow from this even if the conclusion were true.

Section Two: Refugees and Economic Costs

Specifically, the authors claim that refugees' IQ points are 12–15 points lower than the national average in Germany, and IQ levels determine cognitive abilities, which in turn determine 'human capital', which in turn determines economic productivity and economic contributions to the state. Therefore, refugees will be less economically productive and make a less significant economic contribution to the host state. Let us assess these claims.

First, we might question whether the sample is sufficient to establish these claims. The total sample across three separate studies is 1080 participants. The first study, found within a bachelor's thesis, included 29 asylum seekers in Chemnitz in 2015. The second, carried out by a private company, included 552 refugees seeking work and supported by an employment agency between 2015 and 2017. The third included 499 immigrant participants who were undertaking language courses between 2017 and 2018. The mean across these studies is 88 (or 85) IQ points for participants which is 12 (or 15) points lower than the national average of 100.

It is unclear whether the participants in these studies are representative of the average for refugees more broadly. For instance, those seeking work and/or enrolled in language courses, which represent the majority of the sample, may not include, for example, the majority of refugees (64%) who arrived in Germany 2015 who are already in employment and working,[1] or those who have intermediate, average, or advanced

[1] IAB, "Erwerbstätigenquoten von Geflüchteten Liegen Acht Jahre Nach Dem Zuzug Bei 68 Prozent."; euronews, "Majority of Germany's 'open Door' Refugees Have Entered the Labour Force".

language proficiency, or those already employed in roles that require intermediate, average, or advanced language proficiency.

Moreover, notwithstanding the ethics of IQ testing on vulnerable groups (such as refugees who experience trauma through displacement), the studies do not sufficiently consider the potential impact of the disruption of the extent, quality, and duration of schooling as well as experience of trauma on refugees' performance in IQ tests. The authors accept that schooling directly affects IQ levels (with one more year of schooling corresponding to around two additional IQ points); and that trauma, for example, caused by experiences of war, persecution, mistreatment, or stress can directly reduce IQ levels. Hence, even it were shown that certain refugees' IQ test scores were lower than the German average, this might not be surprising given the massive disruptive effects of war, persecution, and displacement on schooling (or training, employment, or further education) as well as the profound trauma experienced by refugees who have been forced to flee because of extensive and severe human rights violations prior to and during the causes of their displacement, as well as whilst they are displaced, risking their lives on perilous journeys to reach safety in the Global North. (I provide more detail on the contemporary circumstances of refugee movements in Section Four.)

To be sure, the authors seek to disprove that lower IQ levels relative to the national average in Germany could result from the trauma experienced by refugees by claiming that arrived refugees' IQ levels are in fact higher than the pre-war average of the population in their states of origin and hence, lower IQs cannot be attributed to the trauma experienced by refugees during their journeys. However, first, it is not clear that the studies they cite in fact support this claim. For instance, the cited Angrist et al. study appears to cover the years 2007–2017, a time period that includes many years of events that caused the displacement of peoples, such as the conflict in Syria from 2011 to the present, and the conflict in Afghanistan from 2001 to the present. And the cited Lim et al. study similarly appears to cover years between 1990 and 2016, and thus would also include years of those conflicts and causes of displacement. Hence, it is not clear that these studies do give 'pre-war' averages. Second, and importantly, the disruption to the extent and quality of schooling as well as trauma do not only affect refugees once they are displaced and during their journeys. These factors will affect refugees *before* their eventual displacement and journeys, as well as during the immediate causes of their displacement, and will also affect people more broadly before full war or conflict triggers further displacement, including those who remain in the state of origin and who may be internally displaced. For example, long-standing Syrian state repression, persecution, forced disappearances, and killings will have negatively affected education and experience of trauma for the population before the eventual outbreak of full civil war in 2011, and such repression and then civil war itself will also affect the education and trauma of refugees before they are displaced and begin their journeys, as well as those who are not able to flee the state but remain within.[2] For another example, Taliban repression and persecution, and generalised violence in Afghanistan negatively affected the extent and quality of schooling, as well as experiences of trauma, particularly for Afghan women and girls, and affected the population more broadly far prior to the outbreak of full conflict.[3] Therefore, the authors have not demonstrated that disruption of education and/or trauma has not affected refugees' abilities to perform on IQ tests, and have thus

[2] See Chatty, *Syria* for more detail.
[3] Refworld, "Human Rights Watch World Report 2000 – Afghanistan."

failed to sufficiently take into account how severe trauma and disrupted education might contribute to lower scores. Therefore, even if were shown that the average score of refugees is lower than that of the average citizen in Germany, this could plausibly be attributed to the extremity of the disruption of education and the psychological trauma refugees have experienced before, during, and after their displacement. I wonder how well any of us would perform on IQ tests after undergoing comparable experiences.

Last, the studies only purport to demonstrate *IQ levels* which does not by itself demonstrate *cognitive ability* (which the authors accept includes not only IQ but also knowledge and its intelligent use). And IQ and cognitive ability do not themselves demonstrate *human capital*, which the authors also accept and define as including everything within a person that helps them to be economically productive and which includes not only cognitive abilities, but also personality and characteristics, health, and physical abilities. Therefore, showing IQ alone will not necessarily demonstrate the economic productivity and contributions of refugees, which also depend on factors including their personality traits, characteristics, work ethic, age, and physical abilities.

Indeed, the empirical debate on the economic contributions of refugees is ongoing.[4] However, though there are certainly costs to states in terms of processing asylum claims and providing initial support, macroeconomic evidence demonstrates that an intake of refugees can provide a significant long-term net economic benefit to states (particularly advanced capitalist economies with an ageing population).[5] Providing refugees are granted a right to work, they can and do contribute to the labour force, provide needed skills and resources, and establish businesses and employment for citizens.[6] Moreover, contributions to the labour force or economy are not necessarily dependent on IQ or involvement in skilled jobs. As Rinderman et al. accept, refugees may find success in the less complex service sector. And many economies (especially those with an ageing labour force and population generally) will have acute labour needs in such sectors, particularly in care sectors for instance, which face increasing demand for workers. And refugees (as with immigrants more broadly) can complement the labour force of existing citizens by performing different functions in the division of labour, which can also allow citizens to specialise and become more productive and boost their own wages.[7]

Further, simply in virtue of being active participants and consumers in the economy, refugees also increase demand for certain goods and services, and can thereby increase demand for labour and thus jobs for citizens.[8] Moreover, refugees contribute to the national economy through tax revenue. For example, 64% of refugees are in employment in Germany.[9] And studies from the German Institute for Economic Research (funded by the German Federal Ministry of Labour and Social Affairs) show that supporting more refugees to integrate into the labour force would increase government revenue (outweighing costs of initial support and integrative programmes).[10] Further studies,

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4 For a discussion of this debate, see Arar and Fitzgerald *The Refugee System*, 189.

5 See d'Albis, Boubtane, and Coulibaly, "Macroeconomic Evidence Suggests That Asylum Seekers Are Not a 'Burden' for Western European Countries."; Centre for Global Development "Welcoming Refugees from Afghanistan and Ukraine Is Also an Economic Investment."

6 Ibid.

7 See the studies and discussion in Hidalgo, *Unjust Borders*, 65.

8 Ibid.

9 IAB, "Erwerbstätigenquoten von Geflüchteten Liegen Acht Jahre Nach Dem Zuzug Bei 68 Prozent."; euronews, Majority of Germany's 'open Door' Refugees Have Entered the Labour Force."

10 DIW Berlin, "Refugee Integration: A Worthwhile Investment."; see also Centre for Global Development, "Five Years Later, One Million Refugees Are Thriving in Germany."

based in the US, find that refugees contribute substantially more in taxes than they receive in assistance,[11] and that, as a result of this and other contributions, resettling 10% more refugees would in fact increase US GDP by $1.4 billion.[12] And macroeconomic studies show that in the UK, asylum seekers, if allowed to work and participate in the economy, would contribute £1.6 billion to GDP per year.[13] Further, economic gains (as with immigration more broadly) are more greatly realised over the longer term, with second generations being among the strongest economic contributors,[14] as refugees are predisposed to encourage their children to contribute and succeed through the enhanced economic opportunities within their state of sanctuary. Moreover, purported negative impacts on certain economic sectors or certain economic groups can be mitigated through domestic policies of impact funds that (re)distribute a portion of the net economic gains of an intake of refugees. In sum, though the economic costs and benefits may differently impact different sectors of the economy, and across different timescales, research shows that, overall, refugees' economic contributions, through work, filling labour shortages, tax revenue, and consumption demand, substantially outweigh the costs of processing asylum claims and initial support.[15]

In sum, not all refugees will be geniuses like Albert Einstein or Sigmund Freud or provide as an exceptional economic contribution as Steve Jobs or Alec Issigonis (though these were of course refugees or direct descendants of refugees). But refugees can and do contribute significantly to host economies in myriad ways not dependent on their IQ; and, importantly, as will be shown in detail later, their claims to protection are not contingent on their IQ or any prospective economic rewards that may come from protecting them.

Section Three: The Moral Irrelevance of IQ

We have seen there is good reason to doubt that refugees have a lower IQ and will not be economically productive or provide a significant economic contribution to host states, and so may instead be an economic cost. But let us suppose this is indeed true. What implications, if any, would this have for obligations to provide protection to them? We might be tempted to infer that IQ, economic productivity, and economic contributions are morally relevant factors in determining the strength of obligations towards persons. But does a lower IQ or lower economic productivity entail that the person themselves is less deserving of moral consideration or protection? It has been long- and well-established that all persons have equal moral worth,[16] and that variances in IQ are irrelevant to whether

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[11] Evans and Fitzgerald, "The Economic and Social Outcomes of Refugees in the United States."

[12] Centre for Global Development, "Welcoming Refugees from Afghanistan and Ukraine Is also an Economic Investment."

[13] Blackall, "Allowing Asylum Seekers to Work in UK Would Grow Economy by £1bn Every Year," which cites the NIESR study "The Economic and Social Impacts of Lifting Work Restrictions on People Seeking Asylum."

[14] Blau and Mackie, *The Economic and Fiscal Consequences of Immigration*.

[15] d'Albis, Boubtane, and Coulibaly, "Macroeconomic Evidence Suggests That Asylum Seekers Are Not a 'Burden' for Western European Countries." See further case studies in "UNHCR - Global Trends 2019," 52. Another study also shows that resettled refugees each contribute on average $30,392 to US GDP, such that restrictions on refugee resettlement actually cost the US $9.1 billion each year in lost income between 2016 and 2021. See Centre for Global Development, "What Did America Lose from Trump's Mass Exclusion of Refugees?"

[16] For two paradigms see Kant, *Groundwork for the Metaphysics of Morals* §6: 434–35; and Sidgwick, *The Methods of Ethics*, 382,

and the extent to which persons themselves and their interests matter morally.[17] Some persons have a higher IQ, some have a lower, some are more economically productive than others. This has no bearing on whether or to what extent they themselves matter morally or are worthy of moral consideration, or whether their interests count more or less than those of others. Equally, persons vary in physical strength, but we do not think this has any bearing whatsoever on whether those with greater strength count more morally, or whether their interests are more important than others. Hence, variances in IQ and economic productivity are irrelevant to whether persons or their interests are worthy of (more or less) moral consideration.

Moreover, suppose we infer that because refugees will not be as economically productive and will be an economic cost that they and their interests matter less and this therefore defeats or at least mitigates the strength of obligations to protect and support them, and thus justifies refusing them protection and support. Should we accept a principle that if members of a certain group are not as economically productive as the average population and instead are an economic cost to states and their citizens, then they and their interests matter less and this defeats (or at least mitigates the strength of) obligations to support and protect them, and justifies refusing protection and support? Perhaps there is something to be said for this principle. After all, why should a state and its citizens who work hard to contribute to the production and maintenance of state institutions and public goods (that are only realised because of such efforts) be burdened with the costs of protecting and supporting those who do not contribute, or do not contribute as much as they do?

However, we should be deeply cautious about accepting such a principle since it entails repugnant implications. In 1920, two professors, Karl Binding and Alfred Hoche published research that claimed that one earned the right to exist and live in a society only by being a useful economic contributor to that society.[18] The research specifically focused on those with severe cognitive disabilities whose only societal function was deemed to be the consumption of economic resources. In the professors' terms, these individuals were 'useless eaters' and 'ballast lives' who disrupted the economic stability of the state. These authors emphasised the economic costs to the state of supporting such individuals including 'massive capital in the form of foodstuffs, clothing and heating, which is being subtracted from the national product for entirely unproductive purposes'.[19] Such claims were then invoked as the foundation for certain policies and practices that characterised the Third Reich's treatment of persons with severe disabilities. This included the Law for the Prevention of Offspring with Hereditary Diseases enacted in July 1933, which mandated the sterilisation of individuals with certain disabilities, effectively seeking to prevent the entrance into the population of further individuals whose protection and support would be a further economic cost to the state.[20]

These claims also underpinned propaganda. The Racial Policy Office issued posters and publications displaying images and text contrasting the average healthy, capable, and productive citizen with the image of the unproductive sick and disabled citizens who had less 'economic value' and who burdened the community as 'ballast existences'.[21]

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[17] On the irrelevance of IQ to moral worth and/or moral weight of interests specifically see Singer, "All Animals Are Equal;" McMahan, *The Ethics of Killing,* 235, 242–43.

[18] Discussed in Mostert, "Useless Eaters: Disability as Genocidal Marker in Nazi Germany," 159.

[19] Ibid. See also Burleigh, *Death and Deliverance,* 19.

[20] Mostert, "Useless Eaters," 161; Hesse, *Topography of Terror*, 242–43.

[21] Hesse, *Topography of Terror*, 242–43; Mostert, "Useless Eaters," 161.

One poster issued circa 1938 picturing an individual with severe disabilities read 'This hereditary defective costs the Volk community 60 000 RM [Reichsmarks] over his lifetime. That is your money'.[22] More broadly, any who were deemed not to be as economically productive, including the disabled, as well as the 'workshy', beggars, and vagabonds, were similarly portrayed as 'useless eaters' and 'ballast existences'.[23] Of course, the eventual result of such policies and practices is well-known: the denial of protection and support for individuals with severe disabilities, and the culminating 1939 T4 Action that saw the deaths of over 70,000 individuals (either through allowing them to die or through direct killings).[24] That figure of 70,000, moreover, was no accident. Statisticians had estimated that for every 1000 persons, ten would need some support for their disability, five would require intensive care, and one with the most severe conditions would require the most support.[25] Using this 1000:10:5:1 formula for the population of around 70 million, 'they had calculated *a priori* that around 70 000 persons with disabilities needed to die'.[26] Statisticians also recorded the economic impacts of the intervention. The 70,273 deaths had 'saved the country 885,439,980 RMs including 13,490,440 RMs saved on meat and sausage, 708,350 RMs on jam, 1,054,080 RMs on cheese, and 20,857,026 RMs on bread'.[27]

From this appalling and extreme example, we can learn that it was a grotesque and dangerous moral error to assume that economic productivity was a measure of the worth of persons and that, if some persons provided lesser economic contributions and were instead an economic cost, they were worth less and hence their interests in protection and support could be given less (or no) weight, and so could be denied protection and support. This grotesque moral error is one we must be committed to never repeating again.

To be clear, I am no way suggesting that any who claim that certain groups have less economic productivity and so are a net economic cost to states would in any way endorse or want to endorse the further claim that those groups have less social or moral value or that this mitigates or defeats obligations to protect and support them. What I am suggesting is that we can all agree that we should be extremely vigilant against and so reject and oppose any such further claim. We can all recognise that the view that *does* infer that because certain groups make a lower economic contribution, they *therefore* have less social or moral value, or that this defeats or mitigates obligations to provide protection and support to them, is untrue and repugnant and so must be strongly resisted. Hence, we can affirm that even if certain groups do constitute an economic cost this fact has no moral significance insofar as it does not defeat or diminish their moral value, their worthiness of moral consideration, or the strength of obligations to provide protection and support to them. And, therefore, even if it if is true that refugees do contribute less economically and may be an economic cost, this is morally insignificant insofar as it in no way defeats or mitigates their moral value, their worthiness of moral consideration, or the strength of obligations to provide protection and support to them.

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22 Hesse, *Topography of Terror*, 242–43.
23 Ibid.
24 Ibid.; Mostert, "Useless Eaters," 164–65.
25 Mostert, 167.
26 Ibid., citing Proctor, *Racial Hygiene*.
27 Mostert, "Useless Eaters," 167. See also Burleigh, *Death and Deliverance*.

Section Four: The Nature, Grounds, and Weight of Obligations to Refugees

If levels of IQ and economic productivity cannot mitigate or defeat obligations to refugees, what then are the grounds, nature, and weight of such obligations? In order to understand obligations towards refugees, it is essential to pay close attention to and understand who refugees are, as well as their distinctive circumstances.

Often the question of obligations to refugees is tangled up with debates on immigration more broadly. But whether states have a right to control immigration and whether states have obligations to refugees are distinct, though related, questions. One can believe that states have a right to control immigration, yet still agree that they have strong obligations to protect and aid refugees. Refugees *are* migrants but only insofar as they have fled their own state of origin; the vast majority migrate no further. The distinguishing feature of a refugee is that they have been *forcibly displaced* (forced to flee) from their own state and are unable to return to it because their own state is unable or unwilling to adequately protect them from serious threats to their lives, human rights, and/or basic needs.[28] This fact distinguishes refugees from migrants more generally who may not be forcibly displaced and unable to return, but who voluntarily migrate for other reasons.[29] Thus, refugees have particularly urgent moral claims to admission as is necessary to protect their lives, human rights, and basic needs (as we shall see in more detail), and hence are persons to whom states have more stringent obligations than towards immigrants in general.[30]

There are currently over 43 million refugees worldwide. The majority (under the UNHCR's mandate) are from Afghanistan, Syria, Venezuela, Ukraine, and South Sudan.[31] In those states, refugees have been subjected to and/or are fleeing extensive and severe human rights violations, variously including war and conflict involving targeted bombing and attacks on civilian populations, arbitrary detention, forced disappearance, extrajudicial executions, persecution, cruel and degrading treatment, physical abuse and violence, rape and gender-based violence, torture, enslavement, mass murder, ethnic cleansing, and potential genocide.[32]

Having fled these threats, such refugees have by no means found adequate safety (with the exception of most Ukrainian refugees, a point I return to in the Conclusion). Instead, the vast majority of the world's refugees (75%) are displaced into a situation without adequate state protection in lower- and middle-income states in the Global South that neighbour their states of origin.[33] There, refugees effectively face three options: a life in refugee camps, a precarious existence in urban areas, or perilous journeys to reach safety in the Global North.[34]

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[28] Shacknove, "Who Is a Refugee?"; Gibney, *The Ethics and Politics of Asylum*, 7; Carens, *The Ethics of Immigration*, 201; Miller, *Strangers in Our Midst*, 83; Hillier-Smith, *The Ethics of State Responses to Refugees*, 6–7; UNHCR "Refugees."

[29] Of course, the distinction between refugees and other migrants is by no means sharp or clear. In many cases there will be migrants escaping severe economic deprivation and will have particularly strong moral claims to admission into states in the Global North, but will not be definitionally categorised as refugees. See Kukathas, "Are Refugees Special?" for a sustained critique of the distinction.

[30] Miller, *Strangers in Our Midst*, 78.

[31] UNHCR, "Figures at a Glance."; UNHCR, "Global Trends Report 2023." Six million Palestinian refugees are under UNRWA's mandate.

[32] See state-specific analyses within Human Rights Watch, *World Report 2024*.

[33] UNHCR, "Refugees."; UNHCR "Figures at a Glance."

[34] Parekh, *No Refuge*.

In camps, refugees endure 'a sense of captivity as well as the denial of freedom, autonomy and basic human rights […] for prolonged periods of time,' often years, decades, or sometimes generations.[35] Human rights violations are pervasive in such camps. As Serena Parekh notes, 'Because refugees in camps are so vulnerable, basic human rights are routinely violated both by other refugees and by the state and NGOs, and refugees lack the ability to claim their rights or have violations redressed'.[36] Empirical studies find the *full catalogue* of human rights violations in certain camps.[37] Among the worst and most pervasive violations is sexual violence. As Parekh notes, 'domestic violence, sexual exploitation, and various kinds of sexual torture occur at extremely high rates'. This 'is known to occur globally in all camp settings'.[38]

The alternative to camps is urban areas. Refugees in urban areas are rarely guaranteed Refugee Convention rights, and, in not being granted citizenship, adequate human rights protection, equality before the law, or formal recognition, such refugees have a sub-citizen status.[39] Consequently, urban refugees face abuse, violence, harassment, discrimination, restricted or no access to the labour market, extreme poverty, destitution, exploitation, and homelessness.[40] Women face physical and sexual abuse, and are known to be exploited into sexual slavery; and children have little to no access to education, and also face risk of sexual and other forms of abuse and exploitation.[41] Urban refugees face these extensive human rights abuses without recourse to, or protection from, domestic law or authorities. In many countries 'protection for urban refugees is virtually non-existent'.[42] Moreover, urban refugees are often difficult to reach and thus do not receive international or UNHCR assistance; hence, 'many refugees in cities find themselves without aid and facing destitution'.[43]

The final alternative is to embark on journeys to reach adequate safety in states in the Global North (hereafter Northern states). The only way to claim asylum in Northern states is to physically set foot on those territories. A small minority of refugees are able or willing to make such journeys, which are fraught with risk. On these journeys, refugees face extensive human rights violations, including violence, torture, rape, forced labour, and exploitation, from traffickers, criminal gangs, state police and/or border officials; and unaccompanied refugee children are at particular risk of abuse, exploitation, and kidnapping.[44] And, nearly 20,000 refugees (and other migrants) drowned trying to reach the EU between 2014 and 2019.[45]

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35 Parekh, *Refugees and the Ethics of Forced Displacement*, 5, and 3.

36 Ibid. 31.

37 Verdirame et al., *Rights in Exile*. See also Parekh, *Refugees and the Ethics of Forced Displacement*, 31.

38 Parekh, *Refugees and the Ethics of Forced Displacement*, 34.

39 See Parekh, *No Refuge*, 117.

40 International Rescue Committee, "Urban Refugees."

41 See Haysom, "Sanctuary in the City?"; International Rescue Committee, "Urban Refugees"; Cole, "Global Displacement in the Twenty-First Century," 139–45.

42 Betts and Collier, *Refuge*, 141–42.

43 See Parekh, *No Refuge* 117; Betts and Collier, *Refuge* 8, 55.

44 See for example the UNHCR report: "On This Journey, No One Cares If You Live or Die.' Abuse, Protection, and Justice along Routes between East and West Africa and Africa's Mediterranean Coast."

45 Figures collated from International Organization for Migration. "Migrant Drownings Top 3,000 for 4th Straight Year, Despite Reduced Migrant Crossings of Mediterranean"; International Organization for Migration, "Mediterranean Migrant Arrivals Reach 76,558 in 2019; Deaths Reach 1,071"; UNHCR, "Europe Situation." See also *The Guardian*, "It's 34,361 and Rising: How the List Tallies Europe's Migrant Bodycount " for a list of those who have died trying to reach Europe. This list also includes deaths within detention centres, not simply those lost at sea.

The vast majority of refugees, thus, not only endure severe human rights violations within their state of origin, but are then displaced into a situation without adequate state protection, where they face further extensive physical and mental suffering, extreme poverty, a lack of adequate security and subsistence, and further human rights violations, whether in camps, urban areas, or on perilous journeys.

We might think this would be the final extent of the harms endured by refugees. However, certain Northern states are by no means innocent bystanders merely overlooking these harms endured by refugees. Instead, rather than providing sufficient protection, numerous states actively adopt a variety of policies and practices towards refugees that seek to prevent and deter them from arriving on their territories, and which result in extensive mental and physical suffering and human rights violations. These policies and practices include, among others, border violence and violent pushbacks of refugees; forced detention of refugees in dangerous conditions; forced enclosure of refugees into camps that deny free movement and engender pervasive human rights violations; and containment where arrangements block refugees' migratory routes to safety and instead forcibly contain them in regions in the Global South where they face threats to their lives, human rights, and basic needs. One example is the 2017 Memorandum of Understanding between Italy and EU States with Libya. This entails that refugees attempting to cross the Mediterranean to find safety in Europe are intercepted and returned to detention centres on the Libyan coast where they face torture, rape and other sexual violence, and enslavement; and this arrangement further contains refugees in regions in North Africa where they face extreme poverty and severe human rights violations.[46] Another example is the 2016 EU–Turkey deal which saw refugees who had arrived via the Aegean Sea forcibly enclosed into camps where they faced extensive threats, in particular of sexual violence; and, in blocking this migratory route to safety, this arrangement forcibly contains many refugees in Turkey, as well as in Jordan and Lebanon, where they face a lack of adequate security and subsistence and further violations, and denies their escape from such threats.[47] These are only two examples of comparable practices enacted among by numerous Northern states.[48] Therefore, rather than being mere innocent bystanders vis-à-vis the harms that refugees face whilst displaced, certain states in fact actively respond to refugees seeking safety and asking for assistance with policies and practices that harm them.[49]

Paying close attention to and understanding these details of the circumstances of refugees matters because it reveals significant factors that are essential in understanding obligations towards them. First, the severity of refugees' plight is often not fully appreciated. Refugees are unprotected from, and greatly suffer from, extensive and severe human rights violations *both* in the causes of their displacement and also whilst they are displaced. The violations refugees endure involve significant harms in the violations of their autonomy, dignity, and moral worth: their control over their lives and abilities to rebuild and live their lives as they would wish are severely diminished, they endure treatment and conditions below acceptable standards for a dignified existence, and they are continuously subjected to abuses and treated as having inferior moral worth.

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[46] Human Rights Watch, "No Escape from Hell: EU Policies Contribute to Abuse of Migrants in Libya."

[47] Human Rights Watch, "Why the EU-Turkey Deal is No Blueprint."

[48] For more detail on these and other practices, see Parekh, *No Refuge*, 126–41; Hillier-Smith, *The Ethics of State Responses to Refugees*, 31–35; FitzGerald, *Refuge beyond Reach*.

[49] See Hillier-Smith, "Doing and Allowing Harm to Refugees," which demonstrates how such practices constitute instances of doing harm.

Moreover, since refugees' rights against sexual violence, torture, and other extreme harms are persistently violated without protection or recourse, they are unable to enjoy these most basic rights that all persons everywhere are minimally morally entitled to. Refugees are therefore in urgent need of protection and assistance to address the harms they endure in virtue of the violations they are subjected to and to secure their basic human rights. States in the Global North have the capacity and resources to provide such protection and assistance at relatively little cost to themselves (for instance through resettlement and the granting of asylum). It is a widely accepted principle that if an innocent person is in dire need of protection and one is in a position to protect them at relatively little cost to oneself, then one has a positive obligation to do so, and it would be wrong to allow them to needlessly suffer when one can protect them at relatively little cost.[50] Since these states can provide such protection to refugees at relatively little cost, they have positive moral obligations to do so, and it would be wrong to refuse to protect and assist refugees and instead allow them to needlessly suffer the severe harms and violations they are subjected to, when they can instead be protected from these harms and violations at relatively little cost.[51]

Second, we saw that certain Northern states are not necessarily mere innocent bystanders but instead adopt policies and practices that harm refugees seeking safety. Such harms are also unjustified because they are unnecessary as well as grossly disproportionate relative to refugees' purported imposition on states, and because refugees are not morally responsible for any purported imposition (as they are forced to seek safety from threats to their lives, human rights, and basic needs), and so, as innocent persons, they are not liable to be harmed. [52] There is a widely accepted robust moral constraint against harming or violating the rights of innocent people (indeed, it is perhaps the most fundamental commitment in common morality). This constraint underpins states' negative obligations not to harm or violate the human rights of innocent refugees. Since negative obligations are widely accepted to be particularly stringent and binding on conduct, states therefore have decisive obligations to desist from the practices that harm or otherwise violate the rights of innocent refugees (including border violence, forced detention, encampment, and containment) and/or reparative obligations to redress the unjust harms caused.

Thus, focusing closely on the situation of refugees enables us to understand the nature, grounds, and weight of obligations towards them. In doing so, we can now understand that the IQ levels or potential economic contributions of refugees are irrelevant to either set of positive or negative obligations. The positive obligations to protect refugees are in no part contingent on their IQ or potential economic contributions, but are instead dependent on the facts that refugees endure severe human rights violations and face severe threats to their lives, human rights and basic needs, and that Northern States are in a position to protect them from such harms and threats. Consider that, by comparison, it would be morally outrageous to refuse to save an innocent person from being tortured when one could do so at relatively little cost to oneself, on the ground that the person may

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[50] This principle, often called the Duty of Rescue Principle, is the foundation for many accounts of obligations towards refugees (see note 52) and is often supported via an appeal to Peter Singer's famous arguments and examples in "Famine, Affluence, and Morality."

[51] See Betts and Collier, *Refuge*, 99; Miller, *Strangers in Our Midst*, 78; Gibney, *The Ethics and Politics of Asylum*, 231; Carens, *The Ethics of Immigration*, 191.

[52] For more detail on how such harms to refugees are unjustified, see Hillier-Smith, "Does a State's Right to Control Borders Justify Harming Refugees?"

not have a sufficiently high IQ or may not provide one with a sufficient economic reward if one were to save them. And it would be grossly implausible to suppose that one must first know the IQ and economic productivity of a prospective victim of sexual violence in order to know whether and to what extent one had an obligation to protect her from suffering such violence. To suppose this would simply be to fundamentally misunderstand the nature, grounds, and weight of obligations towards her. Further, the negative obligations not to harm innocent refugees are also in no way contingent on refugees' IQ levels or potential economic contributions. Rather, the constraint against harming or violating the rights of innocent persons remains just as stringent no matter how high or low their IQ is or whether and the extent to which one would benefit economically if one refrained from harming them. Hence, states' obligations towards refugees are in no part contingent on their IQ levels or prospective economic contributions.[53]

This is reflected in international law and specified legal obligations towards refugees. Under International Refugee Law, including the 1951 Refugee Convention and 1967 Protocol (149 states are party to either or both), all persons have a human right to leave their own states and seek, claim, and enjoy asylum in other states to be protected from threats to their lives and human rights (the Principle of Asylum); and all states are prohibited from returning arrived refugees from their territories to regions where their lives, liberty, or human rights would be under threat (the Principle of Non-Refoulement), and are obligated instead to ensure their claims for asylum are fairly processed.[54] These obligations to refugees are therefore grounded in the imperatives to protect refugees from threats to their lives, human rights, and basic needs, and to not harm or otherwise violate the rights of refugees seeking safety (for example, by refouling them). And such obligations under international law, as well as refugees' legal rights to claim and enjoy asylum and against refoulement are in no part contingent on refugees' IQ or prospective economic contributions. This is why no asylum system in the world takes (or is permitted to take) IQ or prospective economic contributions as relevant in determining asylum cases. Rather, the only criteria that are relevant are the extent and severity of the threats to refugees' lives, human rights, and basic needs from which they require protection, and their immunity from being further endangered and subjected to such threats.

In sum, a proper understanding of the definition of refugees and the situation of those refugees themselves reveals the nature, grounds, and weight of states' moral and legal obligations towards them. It further reveals that IQ and prospective economic contributions are irrelevant to a states' positive and negative moral and legal obligations. Instead, to suppose that IQ and economic contribution were relevant would simply be a fundamental misunderstanding of the nature, grounds, and weight of states' legal and moral obligations towards the world's displaced.

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[53] The positive and negative obligations outlined here form the basic obligations of states. Additional sources of states' obligations to refugees may include: negative/reparative duties to those refugees the state has caused to be displaced, for instance through military intervention, see Souter, "Towards a Theory of Asylum as Reparation for Past Injustice."; remedial responsibilities resulting from contributions towards a structural injustice whereby border policies collectively deny refugees access to protection, see Parekh, *No Refuge*; and states' obligations to correct for the foreseeable failures and/or sustain the legitimacy of the international political order of a global system of states, see Carens, *The Ethics of Immigration*, 196; Owen, "In Loco Civitatis"; Owen, *What Do We Owe to Refugees?*. And with each of these sources, IQ and economic contributions are also entirely irrelevant to the strength and extent of obligations towards refugees.

[54] UNHCR, "The 1951 Refugee Convention."

Section Five: The Comparative Insignificance of Economic Costs

Having considered the nature, grounds, and weight of obligations towards refugees and the strength of their claims to entrance and protection, we can see that the purported economic costs associated with accommodating refugees are not sufficiently morally significant to outweigh such obligations, or to justify refusing refugees entrance and protection (much less justify harming them through policies and practices that prevent their arrival).

Indeed, it is controversial whether economic costs to states are sufficiently morally important to justify excluding *immigrants* in general, much less *refugees*. Whilst citizens of a state may have certain economic interests in avoiding purported costs of accommodating newly arrived immigrants, those would-be immigrants may have strong interests in entrance. As Joseph Carens and Kieran Oberman outline, the freedom to move is itself a particularly valuable human freedom – valuable in that it enables one to decide for oneself how and where to live ones' life – which in turn is instrumental to one's life opportunities, one's personal and family relations, potentially substantially improving one's prospects in life, and ultimately in determining one's own life-trajectory.[55] It is not clear how or why a citizen's economic interests are more important, morally speaking, than these freedoms and interests of would-be immigrants.[56]

Interests in avoiding economic costs will thereby certainly lack the moral significance to justify excluding *refugees* in particular who have even stronger interests and claims to entrance. We can even accept that states have agent-relative permissions to give additional weight to the interests of their own citizens over those of outsiders, and hence may be permitted to give greater weight to citizens' economic interests in exclusion over prospective immigrants' interests in entrance (even if the immigrants' interests in entrance are greater than citizens' interests in excluding them from an impartial point of view). Even such priority-weighted interests are not themselves sufficient to outweigh the strength of the urgent interests of refugees in being secure from severe threats to their lives, human rights, and basic needs, and in having access to security, subsistence, and the opportunities necessary to enjoy their human rights and live and rebuild their lives free from such threats.

This much is accepted within normative defences of a state's right to control borders and immigration. David Miller, who defends a right to control borders based on the interest of a state and its citizens in self-determination, which itself is based in part on their economic, political, and cultural interests, accepts that economic interests alone do not outweigh duties to protect refugees.[57] And Ryan Pevnick's defence of a right to control borders, based on the associative ownership claims of a state and its citizens over the state institutions and public resources and goods (including economic institutions, labour markets, and social welfare), also accepts that, since refugees' basic interests in security and subsistence are under threat, 'the ownership claims of the citizenry pale in comparison'.[58]

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[55] Carens, *The Ethics of Immigration*, 236; Oberman, "Immigration as a Human Right."

[56] Fine, "The Ethics of Immigration," 262–63.

[57] Miller, *Strangers in Our Midst*, 78, 164. Miller does accept however, that if the costs to the state would be so substantial such that it would transform political institutions and national cultures then any duty to accept further refugees is no longer required as a matter of justice, but is up to the discretion of the (citizens of the) state, see Miller, 93.

[58] Pevnick, *Immigration and the Constraints of Justice*, 40. See also Walzer, *Spheres of Justice*, 48.

Therefore, the avoidance of economic costs arguably lacks the moral significance to justify excluding immigrants in the first instance, and *a fortiori* lacks the moral significance to justify excluding *refugees* seeking safety (let alone justify harming them through practices to prevent their accessing protection). Indeed, to suppose that the avoidance of economic costs alone has the requisite moral significance to justify refusing protection to refugees would violate the plausible limits of agent-relative permissions. Even if a state has an agent-relative permission to give priority to its own citizens' interests over those of outsiders, this priority cannot plausibly be absolute.[59] To hold that avoiding economic costs could justify the exclusion of refugees would entail holding that the economic interests of citizens are sufficiently more morally important than, and are thus able to override, the urgent interest of refugees to avoid the harms of abuse, violence, torture, rape and sexual violence, a lack of security and subsistence, and, in some cases, death. Such a priority weighting of citizens' interests would discount refugees' most fundamental interests and human rights to an implausible extreme, as if they counted for almost nothing. And this would be inconsistent with recognising refugees as human beings with equal moral worth. Priority-weighting of interests cannot plausibly extend to failing to respect the humanity and equal moral worth of persons in this way.

To reinforce this conclusion, we can draw from the following case highlighted by Joseph Carens.[60] In 1939, Jewish refugees from Germany reached the shores of North America in a ship named the St Louis and sought asylum. They were refused permission to land. The boat returned to Europe and many of its passengers perished in the Holocaust. We rightly now regard this refusal of protection as deeply wrongful. But, as Carens writes,

> We should be wary of taking easy comfort [in] imagining that we would never act as our predecessors did. If one looks at the responses to Jewish refugees in the late 1930s, it is striking how many echoes one hears of contemporary concerns and attitudes. […] many people took a view that went like this:
>
> > 'What is happening to the Jews is too bad, but it's not our fault. We have our own problems. If we take in all the Jews who want to come, we will be overwhelmed. There are simply too many of them. Besides, while Jews may be subject to discrimination and occasional acts of violence, things are not as bad as their advocacy groups say. They exaggerate the problem. Many of the Jews really just want better economic opportunities than they have now at home. In fact, the ones who do manage to make it to North America to seek asylum cannot be among the worst off because they have enough economic resources to cross the Atlantic. Times are tough here. We have an obligation to look out for our own needy first. A large influx of Jews could be a cultural and political threat. They don't share our religious traditions or our democratic values. Some of them are communists and pose a basic security threat, but it's hard to be sure which ones, so it's better to err on the side of caution in restricting entry. […] Finally, admitting Jewish refugees serves the Nazis' own goals and does not help to address the underlying problems that have given rise to the Nazi phenomenon.'

[59] McMahan, "The Limits of National Partiality."
[60] Carens, *The Ethics of Immigration*, 193–94.

> In some respects, many of these concerns about Jewish refugees then were reasonable […] Yet despite all of these facts, I take it to be incontestable that the response of democratic states to Jewish refugees during the 1930s was a profound moral failure.[61]

Carens' analysis demonstrates that numerous popular concerns regarding admission of refugees (including interests in avoiding purported economic costs) were morally insignificant compared to the fundamental interests those Jewish refugees had in protection, and hence could not outweigh obligations to provide such protection. It also demonstrates that to suppose that economic interests *were* sufficiently morally important to deny protection would have been a gross distortion of agent-relative permissions. Indeed, suppose that those Jewish refugees in the St Louis had a somewhat lower average IQ than those of certain populations in North America (perhaps due to the disruption to their education in being denied access through the Law Against Overcrowding in Schools and Universities limiting the number of Jewish students, and/or the trauma of ever-increasing persecution prior to and under the Nuremburg Laws, all of which occurred before the outbreak of war and their eventual displacement and journeys)[62] and hence may not have been as economically productive as existing citizens, and so may have imposed an economic cost. Would these even priority-weighted economic interests outweigh the interests of those refugees in entrance and protection, so that it would have been justified to refuse protection and thereby consign them to endure the severe threats to their lives and human rights? The answer must of course be 'no'. So too today. To refuse protection to refugees when states have the capacity and resources to provide it, and to instead consign those refugees to needlessly suffer severe threats to their lives and human rights on the grounds that those refugees may not provide a sufficient economic contribution and providing protection may incur economic costs, would be an equally gross distortion of agent-relative permissions, an abject failure to recognise the moral worth of refugees and their interests in protection, and an equally profound moral failure.

Conclusion

Rindermann et al.s' 'Intelligence of Refugees in Germany: Levels, Differences and Possible Determinants' sought to establish the conclusion that recently arrived refugees have a lower IQ, and as a result are less economically productive and/or will not make as significant an economic contribution as the average citizen, and so may be an economic cost. This commentary cast doubt on whether this conclusion was indeed established. But most importantly, this commentary has shown that even if this conclusion *were* true, it would not have any moral or legal implications in mitigating or defeating obligations towards refugees. It was shown that any normative view that supposes that IQ, economic productivity, and economic contribution have significance in defeating or mitigating the strength of obligations to provide protection and support to persons has unacceptable and indeed repugnant implications. It was further shown that moral and legal obligations towards refugees are in no way contingent upon IQ, economic productivity, or economic contribution, and to suppose otherwise would be to fundamentally misunderstand the nature, grounds, and weight of obligations towards refugees. It was finally shown that the

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[61] Carens, 193–94.
[62] Fulbrook, *A History of Germany 1918–2008,* 73.

avoidance of purported economic costs was morally insignificant compared to refugees' urgent claims to protection and assistance. Therefore, the purported IQ levels, economic productivity, and contributions of refugees have no moral relevance in mitigating or defeating obligations towards them, or their claims to entrance and protection. Indeed, if Ukrainian refugees, for instance, scored lower on IQ tests than the national average in Germany, would we believe this would mitigate or defeat obligations towards them, or entail they could be refused the protection and support they have been provided with and/or excluded and thus be prevented from escaping the harms from which they are displaced? The answer must, of course, be 'no'. Hence, even if it could be established that certain refugees might have a lower IQ and thus would be less economically productive or would provide a less significant economic contribution as compared to the national average, the correct response from a moral and legal perspective is and must be 'so what?' Those refugees are just as in need of, and entitled to, protection.

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