

## Chapter 3

# THE RIGHT TO MIGRATE

**P**eople like to choose where to live and where to work. Our governments might help us to find better homes and better jobs, or at least they should let us look for the good life without help. Instead, many governments pass and enforce laws that keep us away from our chosen locations or vocations. Relocation onto much of the earth's surface is now illegal. When national governments stop or limit migration, they take away our freedom. They often remove opportunity from the poorest people first, and they rarely ask for consent from the people that they govern (you).

The right to leave any nation already is a basic principle of international law. The right of any peaceful person to enter and to live in any nation also will become law when the majority of people agree that immigration is right and segregation is wrong. Soon, each person will be free to choose where on earth to live, and each government will be required by international law to respect your choice.

### **HISTORY**

Thousands of years ago, people from Asia discovered and moved onto three new continents. Immigration onto North America, South America, and Australia was still legal at that time because no previous humans had discovered these lands. The children of these first immigrants continued moving forward and eventually spread across the Americas

and Australia. Other explorers from Asia found and moved to most of the islands in the Pacific Ocean. At that time, travel was hard but immigration was easy.

Five hundred years ago, Europeans sailed west in search of Asia. Instead, they found immigrants from Asia living in the Americas. When large numbers of Europeans began to arrive, many Asian-Americans feared that any goods consumed by the guests would leave too little left for their own population to survive. At that time, only limited numbers of bison, teepees, and jobs were available in America. Europeans, however, were living in much more crowded places and believed that land could be farmed, houses built, and jobs created in America more easily than in Europe. Many assumed they had a right to migrate, even if the natives said, "NO."

For at least two centuries, the Asian-Americans fought to defend their continents from the new immigrants trying to move onto them. The citizens of America lost their long war against the immigrants from Europe and Africa. The winners earned by trade, by negotiation, by force, and by their larger numbers, their right to immigrate. Entry into the United States was free to nearly everyone during and after this war. The number of people living in the Americas thus rose rapidly. For example, the population of the United States today is hundreds of times larger than when Columbus landed.

## **The Right to Migrate**

In 1776, European-Americans living on the east coast of North America declared to the world that the pursuit of happiness is an inalienable right of all men. A century later, U.S. citizens were free to pursue happiness from the Atlantic coast to the Pacific coast, but aliens arriving from other lands had their inalienable rights removed. European-Americans began to believe that this land taken from the Asian-Americans was now theirs alone, and they didn't need to share it with others. The previous owners had some reservations regarding this new claim of collective ownership. The Asian-Americans had hoped to keep rather than share their continents, but the immigrants came anyway.

After a century of welcoming all, the United States government changed its policy to "NO TRESPASSING" on the land of the free. Laws restricting entry into the United States began with one designed to keep out criminals and prostitutes in 1875. Migration across the Pacific Ocean was stopped over the next 40 years by laws excluding Chinese in 1882, Japanese in 1907, and all other Asians in 1917. A literacy test also passed in 1917 and required all other immigrants to read and write before standing on U.S. land.

Quotas on numbers of immigrants accepted from each foreign nation were enacted in 1921 and 1924. Foreigners with close relatives in the United States moved to the top of the waiting list and front of the line in 1965. Recently, American efforts to slow immigration were no match for the immigrants willing to cross its borders without waiting in line. Since 1986, U.S. employers must help the government take opportunities away from immigrants. Now, you can be fined or jailed if you give each person an equal chance to work.

### **DEMOCRACY**

A foundation of democracy is that our governments should pass and enforce laws only if they have consent of the governed. In other words, we should get to vote on the laws that affect us. The immigration laws of a nation govern directly only the potential immigrants and not the citizens. The current residents of a nation may want to limit immigration, but the potential immigrants (the governed) probably would like to keep their options open. Laws that govern others without their consent and that allow some people to control others without their consent are not democratic. In a democratic world, immigrants could vote with their feet and fight for their rights.

The right to migrate already is law within most nations. In 1948, the United Nations declared that free migration should be permitted within every nation. The U.S. Supreme Court ruled in 1875 that all people within the United States may move from one state to another as they choose. Americans agree that their lives are better and their opportunities are increased because state border guards are illegal.

Similarly, a majority of the world's people might agree that each of us should be allowed to move, to work, and to live on any side of any international border. Attempts of any nation to deny us those opportunities should be illegal. Thus, international laws should require each nation to allow free immigration and emigration just as nations require states within to permit entry and exit of all citizens. Then, we will be citizens of the world instead of just a nation.

Almost everyone believes that, within nations, governments may tax the rich to help the poor. A majority of the world's people, including many residents of poor nations, might even vote to tax the rich in some other nation to help the poor in their own. In a

## Chapter 3

democratic world, the rich could not get away from taxes simply by drawing a border between themselves and the poor. And in a democratic world, artificial borders could not keep the poor from moving to lands of opportunity.

Apartheid and immigration restriction are similar policies. First, draw a boundary around you and your friends or your nation and declare that you are a separate society and will each take care of each other. Then, declare that everyone outside your boundary belongs to some other society and they are responsible for their own problems. Apartheid, in which one group of people excludes and denies opportunity to others, is evil. Immigration restriction, in which one group of people excludes and denies opportunity to others, is equally evil.

Free migration will bring equality to the world's people but will take time. Forced migration of slaves was once used to equalize the supply and demand for labor around the world. More recently, the United States has used a mild form of forced migration to obtain equal rights and equal opportunities more quickly. Students sometimes are bused across neighborhood boundaries to equalize their opportunities.

In the world community, however, rich and poor nations keep their people separate, and their inequalities remain. An international busing plan and affirmative action for those hurt by immigration laws might reduce inequalities quickly. More cautiously, free migration and repeal of the international segregation laws would give each person a fair chance at success and provide increased opportunities for all.

### **MORALITY**

People of high moral quality have worked hard to reduce many forms of discrimination

within modern democracies and should be congratulated. Fewer people, however, have worked hard to take away the much more severe and harmful discrimination practiced at national borders.

This remaining form of discrimination harms the billions of people outside the nation and, instead of being outlawed, is promoted and enforced by national governments. This form of discrimination says to outsiders, "If you weren't born here, you don't belong here." The people who especially don't belong are economic migrants, people searching for a better life for themselves and their families.

Animals often are treated better than humans when they arrive at national borders. Fish swim from the rivers out into the oceans and back into the rivers again while refugees are turned away or arrested. Many mammals live as they choose on either side of national borders while humans confine themselves to one side. Geese and butterflies are allowed to live in Mexico in the winter, to tour the United States during the spring, and to raise families in Canada in the summer, all without even applying for a passport. Although some of these migrating animals are unemployed and homeless, most live well and few ask for government support. Should we somehow make geese settle down instead of flying to wherever life seems best, or should we make people more free to follow their example?

Immigrants can be treated as equals only if citizens give up some of their advantages. Do free people give up advantages so that others also can be free? Past events such as the American Civil War and World War II show that people sometimes sacrifice greatly to extend freedom to others.

A better analogy for immigration reform, though, is the example of men voting to allow women also to vote, which required little

## The Right to Migrate

sacrifice from men except to repeal an unjust limitation. When those in power have good wills and lose their urge to limit the lives of others, the meek may finally inherit the earth.

Religious people often believe that their missionaries have a right to migrate and to build new churches in distant lands. A more useful, less costly idea might be to allow those in distant lands to worship here in our existing, unfilled churches. Some churches do have programs to help new immigrants. Instead of sending help to the needy in unfortunate, far-away places, churches should protest the immigration laws at home that force the needy to stay in unfortunate, far-away places.

Few people who have tried recently to move from a poorer to a richer nation have been able to claim, "I was a stranger, and you welcomed me." People who are chased away from the easier life and greater opportunities in the missionary's nation might conclude that the missionary is not so kind and the religion not believable. Practice what you preach.

### ECONOMICS

Free market principles now are being taught and used across much of our world. In a free market, each person may choose what to buy, when to sell, where to live, how hard to work, etc., to maximize his or her own well-being, with just enuf (enough) rules to prevent one person from stealing from or hurting others.

Laws that limit other products or laborers from entering a market or a nation are seen as "protectionist." People who like the free market dislike such laws. Nations that keep goods and services out force their consumers to pay more. The outsiders willing to provide those goods and services for less are forced to remain in more limited markets and poorer jobs. Protectionist laws, including limits on

immigration, reduce opportunities on both sides of the border.

Economists might agree that economic activity within a nation would decline if citizens were prevented from choosing where to live and to work within the nation. Economists also have observed that economies around the world are becoming linked. An economist able to put these two ideas together would predict that total economic activity of the world will be higher and average standard of living greater when citizens of the world are free to move around it.

Governments that count citizens as assets rather than liabilities might expect to profit by obtaining more citizens using immigration. Open borders allow new taxpayers to enter freely, but advertising and incentives could speed the flow of immigration and yield higher long-term profits to the government. A greedy government might set up an agency to search for potential immigrants around the world, to help them move to and get established in their new country, to learn its rules, and eventually to become its citizens. Such an agency could be given a nice name such as Immigration and Naturalization Service so that immigrants would think its goal was to help them.

Social welfare programs often are used to ensure a good life for all the citizens of a nation. Some nations have welfare support levels much higher than the average income in other nations, and the "poor people" in one nation might look rich to most other people in the world. With free migration and many poorer people entering a nation, fewer welfare dollars would be left for its own, richer people. Removing some comfort, security, and money from the rich to give increased opportunity and a better life to the poor is regarded by most people as a good

## Chapter 3

thing to do. The really poor of the world may have little chance of becoming rich in their current country but might easily do well in another.

### POPULATION

Free migration does not affect total population or average population density, it simply allows people to live where they want to live. Certain areas of the world could soon become overcrowded if the right to migrate was granted to all. Some areas already are crowded, but keep in mind that people living in crowded places like New York City, Tokyo, or Mexico City are there voluntarily. Some limits on migration might be needed, but these should be mutually agreed by all people affected.

The world's people might want to limit migration into certain protected lands, just as citizens within nations have mutually agreed not to live in city, state, or national parks. Perhaps the world would declare the United States to be an international park where foreigners could visit but only natives could stay. Earlier Americans proposed this same idea to Columbus when he came to visit.

The whole planet was a park before humans began using parts of it to live, to work, and to play on. Humans may wish to remember the earth's earlier condition by protecting certain wilderness areas, but these protected areas surely would not include Chicago, Barcelona, or Melbourne. Protection of a city or nation from peaceful entrants is simple protectionism: denial of equal opportunity to others.

People wishing to limit immigration sometimes compare their nation's situation to that of a lifeboat. They would like to help the struggling immigrants, but they fear their whole boat might sink if any more people are let in. This analogy is backward, however,

because many of the potential immigrants actually do arrive in little lifeboats, while the citizens that send them back to sea stand securely on large continents that have little chance of sinking.

Even the best land can support only limited numbers of people. Some nations feel they already have their fair share of the world's people and want no more. People living in densely populated nations might see immigration reform as long deserved land reform. People with lots of land might think that overpopulated nations are responsible for their own problems. The Americans that greeted Columbus may have hoped that the European nations would solve their own problems instead of shipping their people overseas.

If we stop immigration out of more populated nations, then we discriminate against people because they exist. If the world is overpopulated, then excuse me for living. If I use too much space or resources, then I'm ashamed. But if I decide to move and to make life better, then I'm not ashamed. Citizens of overpopulated nations today should be allowed to move and to make life better, just as European citizens did centuries ago.

Nations with the most people will have the most votes in the democratic world to come. When international law reflects the majority's urge to be free, national borders will be reopened to immigration.

### REALITY

Equal rights and opportunities for all people are nice in theory but will so much freedom work well in practice? What problems could result from opening all borders to all immigrants? Should some nations again accept all immigrants even while other nations continue to block the

## The Right to Migrate

pursuit of happiness? Do the benefits of free migration outweigh all costs?

Free migration across continent-sized areas of the earth seems to work well. Residents of Perth, Australia may move to Sydney, or to to any other town on that continent, without asking anyone's permission. Similarly, citizens of the United States can move freely across most of the North American continent and even to and from Hawaii and other islands far away.

Citizens of Panama, Russia, and Turkey each can migrate back and forth across portions of two continents. Free migration across the globe also might work well but must overcome the larger differences in language, religion, and income across nations or continents as compared to within.

When people move, populations become mixed. With free migration, people of many different backgrounds might choose to live in the same place. After generations of migration, your neighborhood might begin to look like an Olympic village. Perhaps all of the United States will someday look like Hawaii. Table 5 shows the result of past migration to Hawaii. In states, nations, and continents of the future, no nationality might have a majority, and life might be good.

Bad effects of free migration could include increased crime, disorder, and temporary unemployment. Employers might fire overpaid, protected, local labor and instead hire unprotected, underpaid immigrants, thus ensuring that equal work gets equal pay. Governments and political systems could be changed as large numbers of new immigrants get the right to vote. Nations with citizens that leave in large numbers also may face difficult times. The lower economic activity and loss of laborers might cause the remaining citizens to demand that their government change.

The East German government recently changed when control of migration failed and its citizens threatened to leave in large numbers. However, freedom to leave would have been no good and the threat to leave not believed unless the people had places to go. Many western nations worried about possible costs of accepting thousands of poor from the east. One government treated the people across the border as equals of its own citizens and thereby soon obtained the citizens and land on the other side of the border as its own. If more good governments followed this example of welcoming others, more bad governments soon might fall.

**Table 5. The Hawaii example: descendants from each place of origin as a percentage of total population.**

Origin:		Descendants from:	
Continent	Country	Country	Continent
		%	%
Asia			41
	Japan	30.4	
	Philippines	9.5	
	China	1.3	
	Korea	.3	
Pacific Islands			26
	Native Hawaiian	2.1	
	Part Hawaiian	23.2	
	Samoa	.2	
Europe			22
	Portugal	7.5	
	Other	14.6	
Africa			< 1
Mixed			9
Other			1
Total Population		833,448 =	100%

## Chapter 3

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Source: 1975 Office of Economic Opportunity census. Published in *Immigration Issues in Hawaii*. 1978. Washington, DC: United States Commission on Civil Rights.

### **PATRIOTISM**

The Pledge of Allegiance is a statement of loyalty to the United States and ends with the words “with liberty and justice for all.” George Bush repeated those words often as a presidential candidate in 1988, but while president he broke that pledge by withholding liberty and justice from millions of potential Americans trying to enter the United States. Americans who stop others from becoming Americans are not patriots, and people who prefer their nation’s current citizens to its future citizens are not very futuristic. Perhaps patriotism should be defined as the desire that one’s nation actually attempt to provide “liberty and justice for all.”

Patriotic Americans often have said yes to the idea of letting more people become patriotic Americans. Thomas Jefferson believed that “all men are created equal” and that each person has a right to pursue happiness. He asked again for open immigration policies and a shorter wait for citizenship in his 1801 State of the Union address as president. Abraham Lincoln’s 1864 Republican Party Platform stated his belief that “Foreign immigration which in the past has added so much to the wealth, resources, and increase in power to this nation – the asylum of the oppressed of all nations – should be fostered and encouraged by a liberal and just policy.” Presidents Wilson and Truman both vetoed new limits on immigration. John F. Kennedy remarked, “In

giving rights to others which belong to them, we give rights to ourselves and our country.”

“Give me your tired, your poor, your huddled masses yearning to breathe free...” Are Americans still free to believe in and to act upon these words carved into the statue of Liberty Enlightening the World? Is it possible to enlighten others in the world by telling them to keep out, which clearly limits their liberty? Do current immigration laws usually favor the tired and poor or rich and connected?

Patriots believe in holding on to national principles, not simply in holding on to national advantages. If the people wishing to enter my nation are friendly, the people standing in their way are my enemies.

### **RESPONSIBILITY**

In times of war, people may be held responsible for the acts of their government. Soldiers shoot at each other without knowing who or which of them is responsible for the war. Whole cities are leveled so that the people can no longer support their government. Enemies have few rights during war, and governments may also remove some rights from their own citizens. Large numbers of soldiers may be drafted and sent to fight in the war against their will. The right to migrate, like many other rights, may not exist during war.

Embargos may be used instead of war when one government breaks the rules of international society. The embargoed nation and its people will then suffer from the lack of goods normally available. Because many embargoed nations are not democracies, the people there may feel they are not responsible for their government but would simply like to leave it. The only way to vote against their government is with their feet. Why should they stay and work for an evil system?

## The Right to Migrate

Allowing a government's taxpayers to escape might do it more harm than refusing to let goods from the outside in. When good governments refuse people, bad governments get to control them.

During peace, citizens of all nations might expect to go in peace. The closing of borders to immigrants might be seen by the rest of the world as an act of war. Instead of sending their armies out to steal land from neighbors, such nations steal land from the rest of Earth simply by making it unavailable. Force is required in either case to take land away from the people who would like to live on it. Governments defend their actions by claiming that those across the border are responsible for their own overpopulation and poverty.

Population growth rates are still high in many nations even though governments promote smaller families, birth control, and sterilization for their citizens. The largest nation, China, encourages couples to have just one child. A one-child or no-child family in China has caused no overpopulation and so should not be locked inside China for this crime. Even the fourth child in a Chinese family causes less overpopulation than the author, who was the fifth in his American family.

Families that use more space and resources also cause crowding for everyone else. If the people of a crowded nation are blamed for having too many children, the people of less populated nations should share equal blame for fencing off such large areas of earth for their exclusive use. These fences force the crowded to remain crowded generation after generation even if they limit population growth to zero. Nations that build fences simply steal away the rights of others. The use of force to obtain an extra slice of the pie is not responsible: it is theft.

The use of force to keep poor people in poverty is also irresponsible. A fence and border guards do not result in equal opportunity. If good jobs are not available in one nation, let its people find them in another. If one nation has no resources and the next has plenty, let them share. Sharing is much better than stealing, which is how the governments in North America, South America, and Australia obtained their territory. Poor people should not apologize for being born in a bad place. They should move.

### STRATEGIES

When the world's people join in international democracy, we will all get to choose where to live and to work. Until that happens, a plan to get us to our goal is needed. We who respect the rights and opinions of all people today will lead the way toward and be best prepared to deal with true democracy and true freedom for all people when that time comes.

Billions of people have been refused the right to migrate. Potential immigrants have not been well organized and cannot vote on laws that would allow them to enter the nations they choose. Freedom of immigration can be obtained, but only with pressure from those willing to vote for the rights of others.

All candidates for public office should be asked to comment on immigration policy. By making immigration a larger issue in local and national elections and in international politics, citizens eventually might elect governments willing to recognize the rights of others. When the citizens of each nation succeed in electing governments more friendly to foreigners, the right to migrate will become universal.

Leaders in the fight for the right to migrate may be those already acting on their

### Chapter 3

beliefs, obeying their right to pursue happiness, and thereby disobeying the current, immoral laws. A previous leader, Martin Luther King, Jr., was often arrested for going to and into places that other people said were reserved just for them. During the 1960's, the United States realized that segregation was wrong and changed its laws. World equality will come when world leaders finally put an end to segregation.

Immigration laws should be challenged in court using the commonly accepted principle that one group of adults may not limit the actions of another group of adults without their consent. Only international governments may control international migration, and even then the individual's right to pursuit of happiness, liberty, and life should have high priority.

Protests and visible anger outside the United States might help convince the United States to repeal its restrictive immigration laws. But even if the people of China, Japan, India, and Africa get very angry, they could not, even all working together, hope to defeat the United States, to take away its land, and to put its people on reservations, as its people did to the previous residents. Such action perhaps could be justified, but a better approach for those living in other lands is simply to appeal to the moral conscience of the American people and their respect for human rights, including the right to migrate.

Ideas, actions, and policies that cause much good for many people generally are favored. The numbers of potential immigrants and the potential increases in their standards of living are large. The policy of reopening closed borders has big benefits and small costs, which makes free migration a right worth having. Let's act on this idea. The right to migrate should belong not only to animals but also to humans again.

## **The Right to Migrate**