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Toward a Critical Social Work Ethics of Immigration, Migration, and Human Rights

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Abstract

The social work community has long been committed to human rights and the specific issue of immigration in both policy and practice. But what is the underlying rationale or grounding for this commitment? Furthermore, there are extremely troubling ethical problems embedded in the immigration issue. What actions might we take as social workers to assist our immigrant neighbors and to change the immigration systems on global, national or local scales? Immigration policy and practice across the globe also have deep racist and oppressive foundations. As social workers, we are decisive in our loathing of racism and oppression but how and why are these abhorrent practices also unethical and immoral at their core? To explore these questions, this article presents its argument in stages. It first briefly outlines the immigration experience,

focusing in particular on the American context. Next, the article portrays the racist and oppressive underpinnings of immigration, and then points out underlying ethical concerns. That section is followed by a discussion of an overall conceptual and ethical framework, principles, and suggested action steps for professional practice with immigrants. A brief discussion then follows about the philosophical notion of hospitality and its pertinence to social work and immigration. The final section proposes a call to social work action, hoping to spark broader involvement of social workers in advocating on behalf of immigrant rights in their professional and personal lives, and how such commitments are critical for the protection of a moral, democratic society.

Keywords: Ethics, immigration, migration/mobility, human rights, oppression

Introduction

Migration and mobility have historically been constant features of society, producing immigrants, migrants, refugees, and asylees. People move for all sorts of reasons: family reunification, economic opportunity, freedom, discrimination, oppression, war, pestilence, environmental disaster, and more. The social work profession historically has mobilized to defend human rights, pursue justice for immigrant communities, and to present a consistent, strong social work voice based on our unique values and commitments (Furman et al., 2008; Scheyett, 2021; Staub-Bernasconi, 2016). Many social workers are employed in the immigration field and others are very active on immigration issues in their volunteer lives. As social workers, we support the rights of immigrants and migrants domestically and globally (Congress, 2017; Congress et al., 2020). Sadly, experiences of human movement have typically been characterized by racism, oppression, discrimination, persecution, and violence. Of course, social workers and all feeling human beings should disdain inhumane treatment of anyone. The fact that these horrible practices are seriously wrong should be obvious (Buxton, 2022). But, the intersections of oppression, persecution, racism and immigration, migration, and mobility presents deep ethical challenges. Therefore, from a social work vantage point, how might we conceptualize

human mobility? From the social work perspective, what is the underlying philosophical and ethical rationale, logic, or grounding for the specific social work commitment to immigrant/migrant/refugee/asylee rights and justice? In other words, why do social workers engage in immigration policy and practice to begin with? Social workers are deeply committed to human rights and responding to the needs of all marginalized and vulnerable populations (Hermans & Roets, 2020; Reynaert et al., 2021; Staub-Bernasconi, 2016). This commitment draws on professional values, codes of ethics and perhaps even our own perception of common-sense morality or common ethical intuitions for the inspiration to pursue this work (Huemer, 2010). However, are there deeper rationales for our devotion to the issue, beyond what is articulated in the various codes? What might be the underlying premises that justify this dedication? Is there a deeper philosophical and ethical basis that animates this commitment that can serve to supplement and amplify our professional values, codes, and common-sense morality?

The impetus for this article derives from the author's own strong interest in studying normative and applied ethics, the experience of having taught masters and doctoral level courses in social work ethics for over 25 years, time spent organizing on behalf of immigrant rights, co-founding and co-chairing the Immigration and Global Social Work Committee of the New York City Chapter of the National Association of Social Workers (NASW), and co-founding a new national organization, Social Workers for Immigration Justice. This article briefly traces the trajectory of immigration, including its racist underpinnings, identifies underlying ethical imperatives, and concludes with a moral call to action to the social work community. In building its case, this essay endeavors to raise the collective consciousness about the immigration issue, to offer a philosophical framing for welcoming and supporting immigrants and all marginalized people, and connect the ethical commitments of social work to the ethics of immigration and anti-oppressive practice. We have a profound moral obligation to embrace, welcome, and comprehensively care for immigrants, migrants, refugees, and seekers of asylum, building on the responsibilities suggested by social work values and ethics. Furthermore, on moral grounds we should

challenge prevailing narratives and demand a transformation and reinvention of the immigration system. Indeed, social workers should express moral outrage in light of the migration situation described below. Thus, the theory presented here provides social workers with perhaps new and strong logical argument and high moral ground when advocating on behalf of immigrants. This theory demonstrates that our claims are not abstractions or based on impulse, but concrete values based on persuasive rational ideas and a coherent line of reasoning, justified by widely held moral beliefs and ethical concepts. It enables us to be even more assured when we defend the basic human rights of and services for immigrants and, truthfully, all oppressed people.

Immigration on the Global Scene

While the issue of immigration is a critical public policy consideration, it can be a quite personal one as well. In the United States, most of us are descendants of or are immigrants ourselves, though for many, their ancestors came enslaved in chains and not with tickets on an ocean steamer. We all have unique migration stories that shape our thinking and action. Americans commonly draw their heritage from extended immigrant/migrant families fleeing persecution, violence, poverty or environmental disaster, eager to seek opportunity, make their mark and build meaningful lives for their loved ones (Dunbar-Ortiz, 2021, p. 273). My own grandparents and parents were just like the refugees and Dreamers of today—children brought or born here of unauthorized immigrants. When my family first came to these shores, they were fleeing anti-Semitism, pogroms, oppression, and poverty from Eastern European ghettos like many of today's immigrants, refugees, and asylees. But today, the frightening reality is that the results of immigration policy have been terrorizing our immigrant neighbors. Immigrant families have been in desperation mode, growing more and more fearful of deportation whether they are authorized or unauthorized immigrants (Becerra, 2016). European border zones, detention camps and American government raids on workplaces, schools, public spaces, or homes—these

common occurrences conjure up images from history of the roundups of Jews and other targeted groups during the Holocaust. Even more, the previous Trump administration had sought to block refugees from many countries from entering these shores, especially those of "color," and even those who had completed the already strict vetting process. It is deeply worrisome that there are echoes of yesteryear still permeating our public air space today, appealing to the basest of fears and instincts. Back in the early teens and twenties of the past century, leaders commonly sought to prevent many immigrants, including mine, from coming to the U.S., sounding phrases such as "politically suspect," "too crude," "too poor," "too unskilled," "too uneducated," "too uncultured," "too dirty," "too diseased," "too dark," "too dangerous," and "too criminal." Sound familiar?

On the international scene, despite the existence of systems and structures with the purpose to protect displaced people (Foster & Lambert, 2019; Kesby, 2012; Reichert, 2011), we are witnessing a massive global refugee crisis with the highest levels of displacement on record. Displacement creates refugees, asylum seekers, and stateless individuals—all cases of what we can label **urgent** immigration, as opposed to **non-urgent** immigration (Herman, 2021). According to the United Nations High Commissioner for Refugees, at least 89.3 million people around the world have been forced to flee their homes as a result of persecution, conflict, violence or human rights violations. The major hosting countries for receiving refugees are Turkey, Colombia, Uganda, Pakistan, and Germany. The major source countries of all refugees are the Syrian Arab Republic, Venezuela, Afghanistan, South Sudan and Myanmar. In total, there are 27.1 million refugees, half of whom are children. Some 53.2 million of those fleeing their homes are internally displaced people within their own countries. Another 4.6 million people on the move are asylum seekers; 4.4 million Venezuelans have been displaced abroad. More than 8 million refugees from Ukraine have been displaced across Europe and more than 5 million people are estimated to have been displaced inside Ukraine. There are millions of stateless people who have been denied a nationality and lack access to basic human rights such as education, health care, employment, and freedom of movement. Political and

economic conditions in many of these countries are horrific; people are literally fleeing for their lives. An astounding 1 in every 88 people on earth has been forced to flee for their life (United Nations High Commissioner for Refugees, n.d., a). This tragic situation is no accident. Many refugees and asylum seekers today, especially from nations of the Global South such as Africa, Central America, South America, the Caribbean, Middle East and Asia, have been displaced due to natural disasters, corruption, western colonization or imperialism. Whereas countries of the Global North, located in North America, Europe and northern Asia, as well as Australia and New Zealand, tend to be well developed, mature economies, wealthy and politically stable, countries in the Global South are poorer, developing economies with faster population growth than the Global North (Royal Geographical Society, n.d.). Economic, environmental, and political factors have been crucial drivers behind urgent immigration, particularly from South to North.

Welander and Jaspars (2022) write that "Europe's asylum and migration system is increasingly centered on securitisation, criminalisation and exclusion. We are witnessing ever-increased funding for restrictive border management and the externalisation of asylum responsibilities through 'cooperation' with third countries, as well as illegal pushbacks at internal and external European borders" (p. 4). While this has been a growing pattern over time, the situation had been exacerbated during the COVID-19 pandemic. But, as early as 2015, when an international refugee crisis drove close to 1 million people to Europe, politicians, journalists, and ordinary people commonly referred to the situation as a flood, an invasion characterized by swarms of people besieging the Continent. That crisis provoked the growth of xenophobic attitudes toward foreigners and the resurgence of far-right parties espousing anti-immigrant agendas (Dragostinova, 2015). Consequently, the European Union and its member states have been increasing efforts to prevent people from migrating to Europe (Pusteria, 2022). At the time of this writing, the British Parliament is reviewing a highly controversial Illegal Migration Bill that will change the law so that those who arrive illegally will not be able to stay and will be detained and promptly removed, either to their home country or a safe third country. This

development has caught the eager attention of far-right groups across Europe. Increasingly, European countries have been practicing a restrictive border management policy tantamount to exercising a politics of exhaustion, attempting to make migrants so tired in their efforts to migrate that they ultimately decide to return to their countries of origin. Often, migrants are forced into border zones where they are subject to confinement, violent pushbacks, deportation, and worse (Welander, 2022, p. 354). Indeed, analysts have observed increasing punishment regimes directed towards migrants in Europe (Bosworth et al., 2018). And the International Rescue Committee (2021) reports that "Over the past several years, we have seen a precipitous decline in resettlement, a hardening of refugee inclusion and asylum policies, and humanitarian aid lagging behind needs, across the regions that once most firmly upheld these protections... Moreover, across Europe and the US, the protection of refugees has been eroded in recent years, with the growing number of states resorting to detention, deterrence, and the denial of the right to asylum, including through illegal pushbacks" (p. 1).

The American Case: Immigration, Oppression, and Structural Racism

Pervasive prejudice and racism are embedded in the history of immigration worldwide, and the American immigration system also reflects racist beginnings and ends, reproducing discrimination and inequality in practice. The country's track record belies America's self-perception as a nation welcoming of immigrants. Commenting on migration history and immigration policy in the United States, Sager (2020) writes that "The myth of the melting pot ignores the hostility toward many European immigrant groups at the time. Moreover, it is deeply Eurocentric, effacing the racist treatment of Asian, African and Middle Eastern immigrants and the virtual prohibition of non-European immigration for much of the 20th century. It also evades troubling similarities between treatment of immigrants and slavery and the oppression and exclusion of Native Americans" (p. 36). Dunbar-Ortiz (2021) articulates the claim that the United States has never been a nation of immigrants. She asserts that "it has always been a settler state with a core of

descendants from the original colonial settlers, that is, primarily Anglo-Saxons, Scots Irish, and German. The vortex of settler colonialism sucked immigrants through a kind of seasoning process of Americanization, not as rigid and organized as the 'seasoning' of Africans, which rendered them into human commodities, but effective nevertheless" (p. 270). Furthermore, the recent relentless and multipronged attacks on immigrants represent only the tip of the iceberg: these attacks portend a wider, sustained assault on democracy, social justice, civil and human rights (Benhabib, 2004; Benhabib, 2011; Benhabib, 2018; Cohen, 2020). Moreover, there are compelling practical, religious, economic, humanitarian, and moral arguments to reject these attacks on immigrants. It is time to shut down the overheated rhetoric about the threat of immigration as replacement or invasion, and we must stop exaggerating the danger of purported criminal elements. Of course there are some criminal elements that we do not want to receive in this country. But overwhelmingly, immigrants are law abiding, tax paying, gainfully employed, respectful, and productive members of society, grateful to be in the U.S. where they hope to live in freedom and with dignity (American Immigration Council, 2021, September 14; American Immigration Council, 2021, October 7; Milkman et al., 2021; Chishti et al., 2021).

It is also extremely troubling that we have witnessed the merging of criminal and immigration law to the extent that commentators now often refer to "crimmigration," a system in which immigrants, both unauthorized and lawfully present, become subject to a double standard that allows authorities to inflict far greater punishment than the situation merits and treats non-citizens far more harshly than citizens (Lee, 2019, p. 279). The enforcement regime employed by the United States government perpetuates injustice and inequality and often illegally deports or detains migrants and subjects them to physical assault, sexual abuse and solitary confinement (Lim, 2021; Sager, 2020, pp. 55, 58, 89). Moreover, this article takes the position that no person should ever be stigmatized as being "illegal." Although terms such as *illegal*, *undocumented*, *unauthorized*, and *socially undocumented* are debated as well as employed in both the academic literature and

popular usage, this author prefers the term "unauthorized," referring to a legal situation rather than stigmatizing the individual (Reed-Sandoval, 2020).

Welcoming the immigrant is acclaimed as a basic American value, albeit one that is often inflated. Paradoxically, America at times has offered a haven of freedom and safety to the persecuted and at other times callously slammed the door. The U.S. has been, until recently, a global resettlement leader. But we also know too well the devastating consequences of turning people away. The Trump administration drastically reduced the maximum number of refugees that could enter the country, imposing new security vetting procedures on refugees before admission, which greatly lengthened waiting times and left many refugees in dangerous situations for prolonged periods. Despite overwhelming evidence of the value of immigrants to our country, that administration adopted dozens of policies and procedures that slowed, or even stopped legal immigration, without any congressional action—changes from which the country has yet to recover. Many categories of humanitarian relief, including refugee and asylum admissions, were halted, eliminated or curtailed, heavily damaging our nation's reputation as a haven for the persecuted.

These barriers also affected Temporary Protected Status (TPS) for eligible people already in the U.S. whose home countries were designated as unsafe for their return. Deferred Enforced Departure (DED) typically protects certain individuals from designated countries and regions facing political or civic conflict or natural disaster and allows them to live in the United States for a designated period of time, and Deferred Action for Childhood Arrivals (DACA) functions similarly for Dreamers who came to the U.S. as children (U.S. Citizenship and Immigration Services, n.d.). The humanitarian parole program, which allows an individual who may be inadmissible or otherwise ineligible for admission to remain in the United States for a temporary period for urgent humanitarian reasons or significant public benefit, was also affected. Anti-**illegal** immigration policies morphed into full-blown **anti-immigration** policies. While the Trump administration was vocal about cracking down on illegal immigration, it was also increasing

enforcement for stricter immigration rules and increasingly denying visa applications for **legal** immigration (American Immigration Council, 2021, October 7; American Immigration Lawyers Association, 2018, April 6; American Immigration Lawyers Association, 2018, April 24; Cohen, 2020; Pierce & Bolter, 2020).

The U.S. has exhibited ebbs and flows of acceptance and denial of immigrants. Historically, nearly all immigrant groups were seen as effectively non-white and not desirable. Even most European immigrants were deemed undesirable at one point or another, though some eventually were conferred "white" status and privilege (Lee, 2019; Okrent, 2019). Prone to xenophobia, nativism, and white supremacy, the U.S. immigration system is another American institution characterized by systemic racism.

> Xenophobia has been neither an aberration nor a contradiction to the United States's history of immigration. Rather, it has existed alongside and constrained America's immigration tradition, determining just who can enter our so-called nation of immigrants and who cannot. Even as Americans have realized that the threats allegedly posed by immigrants were, in hindsight, unjustified, they have allowed xenophobia to become an American tradition (Lee, 2019, p. 7).

People of color and immigrants from eastern and southern Europe have historically been deemed less than human, and less admissible than white Anglo-Saxon immigrants (McKanders, 2019). American history bears witness to the facts that the U.S. trafficked in slaves, committed genocide of indigenous people, drove Mexicans off their land, drove out Chinese immigrants, told the Irish not to come, rounded up and interned Japanese citizens, and even stopped in the harbors Jews fleeing Nazi genocide during WWII (Cohen, 2020, pp. 4, 121-122; Haines, 2015; Okrent, 2019, p. 373). "It is correct to call the United States 'a nation of immigrants,' but only if the focus is on newcomers who have been recognized as white upon their arrival or over generations become accepted as white. Immigration implies voluntary arrival. Enslaved Africans who were forcibly brought to US shores were not

immigrants and neither were Native Americans living on the continent before European settlers arrived" (Zack, 2023, p. 55).

The current American immigration system is built on scaffolding first established in 1952 and then substantially amended in 1965 (American Immigration Council, 2021, September 14; Chishti et al., 2021). The 1965 law, also known as the Hart-Celler Act, repealed national origin quotas which had been in place since the 1920s. Those early quotas ensured that immigration was largely reserved for European immigrants. The law replaced the quota system with a preference system based upon immediate family relationships with U.S. citizens or legal permanent residents, or in some cases, their skills. Hart-Celler gave rise to large scale immigration, both legal and unauthorized and changed the face of America. For the first time, America now had a cap on the number of visas permitted for immigrants from the Western Hemisphere and established an annual cap of visas for immigrants from the Eastern Hemisphere (Chisti et al., 2015). The last major legislative revision occurred in 1990, with periodic updates since then granting limited amnesty or expanding enforcement. Consequently, the system is profoundly misaligned with current demographic realities and factors shaping migration. This misalignment is the principal cause for "illegal" immigration, with the unauthorized population estimated at 11 million people in the U.S. The system is also responsible for a mounting backlog in legal immigration streams, with nearly 1 million people in line for employment-based green cards and 3.8 million with approved initial petitions waiting overseas for family-based green cards.

These are some of the consequences of the failure by Congress and past administrations to update immigration laws to match current realities. President Biden inherited a beleaguered, if not broken, immigration system, beset by delays, cuts, restrictions, and a variety of barriers to access for noncitizens in the U.S. and abroad. The Trump administration implemented hundreds of mainly procedural changes to immigration policy. Some changes have had relatively minimal impact; others are sweeping in nature, with cascading effects limiting the ability of many noncitizens to obtain or maintain immigration status. Trump created bureaucratic barriers to

reduce overall approval rates and to increase the time required to navigate specific applications and petitions, thereby limiting the entry of various categories of individuals based on claims of public health during the pandemic. Fueled by insidious American Islamophobia, that administration enacted executive actions targeting a number of populations based on country of origin, such as the "Muslim Ban," which banned refugee admissions from certain Muslim majority countries. All of these changes created barriers to accessing lawful mechanisms to come to the U.S. that will take years to identify and reverse (Bolter et al., 2022; Immigration Hub, 2020; Pierce et al., 2018).

The jury is still out on the Biden administration. This current administration has endeavored to communicate a more positive view of immigrants and immigration and has made some progress on policy and protocol. Much effort has been dedicated to undoing the actions of the last administration, particularly around family detention, family reunification, protection of DACA/Dreamers, reduction in immigration arrests, reversal of the public charge rule, elimination of country travel bans, elimination of administrative barriers and increased processing fees, as well as a commitment to regional development. Yet, at the time of this writing, many promises remain unrealized. Certain Trump-era policies are still intact, and government negotiations risk allowing the implementation of draconian policies all over again. The pledge to create a safe and orderly process for seeking asylum at the border remains unfulfilled, immigration detention has expanded, and separated families have not been made whole.

Deportations have continued, the future of DACA is in doubt, the Trump-era Title 42 public-health order authorizing the rapid expulsion of asylum seekers and other migrants needs to be relegated to the dustbin, and Temporary Protected Status needs to be expanded. Refugee and asylum numbers need to be dramatically increased, not just for Ukrainians but for countries of "color," such as Cameroon, Mauritania, Haiti, Yemen and others. Aside from official pronouncements, executive orders, legislative advocacy, or policy and procedural changes, the internal functioning of the American immigration apparatus still reflects deep racist and oppressive

operations. The moral travesty of arriving migrants being shipped as political pawns by the governors from border states like Florida and Texas to northern blue states like New York and Massachusetts is a national failure. Ironically, from a purely utilitarian calculus, the U.S. needs immigrants. Due to declining population growth and an aging demographic, immigration will become increasingly important for sustaining the growth of the labor force (2022 Immigration Priorities, 2022). But it is critical to note that here and around the world, much of the low paid, necessary labor is possible only through immigration policies that provide a vulnerable, exploitable workforce, often oppressed in the workplace and made even more acute as a consequence of the global COVID-19 pandemic (Best et al., 2022; Lim, 2021; Morrissey, 2022; Sager, 2020, p. 31).

The Conceptual Foundation for an Ethics of Migration and Mobility

So far, this essay has identified the nature and extent of the ongoing immigration problem, the systemic oppression and racism embedded in immigration structures and practices, and the gravity of the current migration crisis. We will now explore in more comprehensive fashion the fundamental moral implications of and social work perspectives regarding migration, mobility, and immigration, and by extension, oppression. In this author's view, a close reading of social work ethics codes suggests that they are inspired by and even directly derived from classic ethical theories. Accordingly, our ethical intuitions as social workers are not impulsive but are built on a sound and enduring theoretical basis applicable to ethical questions emerging within our general practice, specifically on issues of immigration.

Reamer (1993) establishes the central importance of philosophy and ethical theory for social work practice. He writes that "At its foundation, social work is organized around a collection of deep-seated, philosophical issues. Social workers' preoccupation with welfare rights, the role of the state, and distributive justice is grounded in enduring issues that have drawn the attention of political philosophers for centuries. The omnipresent ethical issues social workers face in practice are variations on themes addressed by

moral philosophers at least since Socrates' time" (pp. 195–196). Reamer (1993) further states:

> Concerning moral philosophy, the profession is only at the beginning stages of its grasp of ethical theory and its relevance to social work practice. Although social workers now have a reasonably good grasp of the diverse ethical dilemmas that arise in practice, much work remains to be done to enable practitioners to appreciate ethical nuance, dissect ethical issues that are embedded in practice, and apply ethical theories. In addition to mastering the rudiments of moral philosophy and ethical theory, social workers need to enhance their ability to identify and analyze ethical concepts and construct compelling arguments to support their views, especially when moral duties conflict. (p. 197)

Mendoza (2017) demonstrates in his work that "the issue of immigration should be viewed as central to western moral and political philosophy and why it should not be treated as merely a problem of 'applied ethics'" (p. 121). The immigration debate represents a conflict over competing moral and political principles, over moral and political commitments. It might very well be that immigration is the most pressing issue that moral and political philosophers have to grapple with today (pp. xi–xii).

Previously, it was noted that human mobility has been a constant throughout time. "The history of the world is very much a history of people moving due to climate change, conquest, slavery, economic opportunity and wanderlust" (Sager, 2018, p. 2). Joseph Carens, widely acknowledged as one of the leading contemporary theorists on the subject of the ethics of immigration, graphically portrays the context and poses a challenge:

> To Haitians in small, leaky boats confronted by armed Coast Guard cutters, to Salvadorans dying from heat and lack of air after being smuggled into the Arizona desert, to Guatemalans crawling through rat-infested sewer pipes from Mexico to California—to these people the borders, guards and guns are all too apparent. What justifies the use of force against such people? Perhaps borders and guards can be justified as a way of keeping out criminals, subversives, or armed invaders. But most of those trying to get in are not like that. They are ordinary, peaceful people, seeking only the opportunity to build decent, secure lives for

> themselves and their families. On what moral grounds can these sorts of people be kept out? What gives anyone the right to point guns at them? (Carens, 1987, p. 251)

Carens (1987) argues that "our social institutions and public policies must respect all human beings as moral persons and that this respect entails recognition, in some form, of the freedom and equality of every human being" (p. 265). He adds "So, whatever we think about the justice of borders and the limitations of the claims of aliens, our views must be compatible with a respect for all other human beings as moral persons" (Carens, 1987, p. 257). Sager (2020) takes the argument even further, arguing that it is a fundamental moral principle that the use of force needs justification, and that immigration restriction is a *prima facie* rights violation (*prima facie*, literally, meaning at first glance, and in this context, meaning all things considered, or other things being equal) (p. 24). Moral theories as well as common sense morality would submit that we also have ethical constraints against unjustly and intentionally inflicting harm or committing violence, or to exploit, dominate, or oppress others, and arguably not to stand by when we witness such heinous actions perpetrated by others (Kamm, 2007). Moreover, we have positive ethical obligations to promote justice, help those in need, and enhance and preserve freedom and dignity (Sager, 2020, p. 2). We have a universal humanitarian obligation to all human beings (Sager, 2020, p. 16) and an obligation to protect the human rights of all people in our own nation's territory, regardless of legal status (Song, 2019, p. 94). Finally, we have a *prima facie* obligation to provide assistance to refugees, even to the extent of offering membership in the form of citizenship (Buxton, 2021; Song, 2019, p. 190).

British philosopher Sarah Fine (2013) writes extensively about the ethical ramifications of the immigration issue, especially about the tension between a migrant's right to enter a country versus the country's right to exclude the person. The following quote, citing the work of Carens, Miller and Benton, presents a powerful critique.

> When we do pause to consider the possible moral justifications for the right to exclude would-be immigrants, however, we cannot fail to notice that 'borders have guards and the guards have guns' (Carens, 1987, p. 251). The state's authority over immigration is often 'coercively enforced, through the familiar apparatus of border control, and the harsh measures that await would-be immigrants if they fail to satisfy the legal requirements for entry' (Miller, 2016). States routinely try to keep out all sorts of would-be entrants, for all sorts of reasons, with impunity. They might exclude the needy, the poor, the frail, those seeking work and other opportunities, those seeking an education, those wanting to be with loved ones. They may attempt to detain and deport people who are in the country without permission. Many people who are desperate to enter the state are turned away at the borders or are refused the requisite visas and never make it to the borders. People risk their lives in order to immigrate when permission is not granted. Some people die in the process of being sent back, and many people die in the process of trying to cross borders. People who are in the country without authorisation are vulnerable to ill-treatment (Benton, 2010). That is the reality. The authority states claim over the admission and settlement of non-citizens stands in urgent need of moral justification (pp. 254-255).

Buxton (2022) argues that persecution (and I would add, all forms of oppression) is a terrible wrong. By virtue of its violence, discrimination and denial of membership, it generates intentional, targeted, persistent and severe harm to the individual(s) affected. But it goes further than that. Persecution is also a mechanism for social control, defining who is in and "othering" who is out. Persecution restructures society and its internal relations and disrupts and undermines our social world. Consequently, although persecution includes individualized harms, it harms the entire group. It draws on and solidifies pre-existing fear and hatred, changing the boundaries of family, community, and nation.

The late philosopher Iris Marion Young (1990) developed the model of the five faces of oppression, which is quite relevant to this discussion. People are oppressed when they experience exploitation, marginalization, powerlessness, cultural imperialism, and violence. Migrants, unauthorized immigrants, refugees and seekers of asylum are commonly victimized in

these ways. Ethically speaking, then, immigrants (and frankly, all oppressed people/s) typically suffer fates they do not deserve as a consequence of the five faces of oppression. In experiencing any of the five faces, people suffer from disrespect, which diminishes their personhood. Such oppression reduces their self-determination, decision-making ability, and control over their own lives and the capacity for expression, capability, opportunity, fulfillment, and dignity. Such injustices baldly produce harm and fear, limiting the basic rights of association, speech, worship, marriage, mobility, and career. And due to nothing more than luck and the accident of birthplace, life chances of immigrants are all too often narrowed, constricted by unequal treatment/access and deprivation in real, physical, psychological, and emotional terms.

In other words, it is not just that we dislike oppression, persecution, and racism and instinctively commit to eradicating these realities; in this context, the common treatment of migrants, asylees and refugees is not merely appalling, it is fundamentally, inherently, and profoundly immoral (Buxton, 2022; Sager, 2020). Huemer (2010) observes that the vast majority of immigrants are ordinary people who are simply seeking a new home and a better life. He poses the question: Does the state have the right to exclude these ordinary people? Huemer argues persuasively that most potential immigrants are ordinary non-criminal migrants who wish to leave their country of origin for morally innocent reasons, to escape persecution, economic hardship, or simply to join a society they would prefer to live in. Indeed, he claims that immigration restriction is a *prima facie* violation of the rights of potential immigrants, and as such is ultimately unjustified.

Sager (2020) offers the compelling observation that "Morally desirable outcomes are important, but they are not all that matter. We also care how they are achieved" (p. 34). Naturally, outcomes do matter but they are not necessarily the first thing that matters or even the most important thing that matters. Bagnoli (2005) reasons that "Prudential and moral reasons may pull in the same direction… My claim is that a moral argument applies universally and unconditionally, that is, independently of (although not necessarily incompatibly with) prudential considerations" (p. 120). I argue

here that there are moral starting points that precede any conversation about the outcomes of our actions. Certain things apply *a priori* over the consideration of consequences. Drawing from the expansive literature on the philosophy and ethics of immigration, I propose a series of fundamental understandings that form the foundation for our commitment and duties to immigrants, migrants, refugees and seekers of asylum, leading to a distinctive social work ethics of immigration (For extremely insightful and compelling discussions on ethics and the ethics of immigration, see Bagnoli, 2005; Carens, 2013; Fine & Ypi, 2016; Herman, 2021; Huemer, 2010; Reed-Sandoval, 2020; Sager, 2018; Sager, 2020; Song, 2019; Wellman & Cole, 2011; Young, 1990).

Principles of Immigration Ethics

Morally speaking, an ethics of immigration/migration (and again, by extension, oppression, persecution, discrimination and racism) must include the following premises:

- People matter, regardless of race, gender/transgender/gender nonconforming/questioning, ethnicity, color, sexual orientation or preference, or religion

- People have a right to equal opportunity; they have a right to be independent agents able to pursue self-legislation, decision-making, and the autonomous exercise of their rational selves

- People have a right not to be harmed in any way; people have a prima facie negative right not to be subjected to harmful coercion (a threat of force restricting freedom of action); they have a right to be free from external control or domination

- People have a right not to be exploited, marginalized, held powerlessness, or subject to cultural imperialism and violence

- People have a right not to suffer disrespect which diminishes their personhood; people have a right not to suffer injustice,

> deprivation, or oppression which reduces their self-determination and capacity for expression, capability, opportunity, fulfillment, and dignity

- It is a fundamental human right to move, to be free to immigrate; the human right to move is a basic liberty of democracy like the freedoms to associate, speak, work, worship and marry; people have a right to pursue life's opportunities without interference from the state; people should not be restricted to place or prevented from moving because of luck or accident of birthplace

- The freedom to immigrate requires others to respect that freedom; if there is a freedom to move, to immigrate, there must be a corresponding obligation on countries to accept and settle immigrants

Deriving a lesson from the eminent 18th-century German philosopher Immanuel Kant, whose work changed the course of modern philosophy and whose powerful influence in many fields is still recognized today, Hill (2021) concludes that we are to treat other people with utmost respect for their dignity, autonomy, capacity for rational thought, self-governance, and decision-making. This suggests that we always make strenuous efforts not to coerce, exploit or manipulate people for our own purposes or for purposes that they would not agree to or choose themselves (pp.70–71, 174–175). Hill (2012) explains that Kant laid out what he termed the categorical imperative, one version of which is the formula of humanity as an end. "The formula states: act in such a way that you treat humanity, whether in your own person or in any other person, always at the same time as an end, never merely as a means" (p. 27). Hill (2012) goes on to note that, for Kant,

> "rational nature ('humanity') in each person is an *end in itself* and a special sense, not as a goal to be achieved but as a status to be respected. It limits the legitimate pursuit of personal and social ends, Kant argues, by prohibiting the use of certain means (for example, lying promises and revolution) and also by requiring us to adopt and pursue certain moral ends (the perfection of oneself and the happiness of others)." (pp. 27–28)

The duty to treat every person with respect holds, no matter how disliked, useless, or misbehaving the person may be. "The duty to respect others is not (as some suggest) the general requirement to treat persons with dignity as ends in themselves, but rather a derivative and more specific duty comparable to the duties of love, gratitude, and friendship" (Hill, 2012, pp. 80–81).

Of course, countries do strive to exercise discretion over who they permit to enter their borders, and under what conditions. But Herman (2021) argues that the rights of states to control their borders and determine the flow of immigrants does not free them from duties to admit and care for **urgent** immigrants (p. 206). Moreover, the "starting point is the moral idea that all persons have a claim in innate right to rightfully be somewhere, and so in a place where they can secure civic status - that is, a place where their innate right is given juridical and ethical shape" (Herman, 2021, p. 204). Herman (2021) also adds that:

> If all persons have a claim in RIGHT to be somewhere, there must be some we who have a duty to meet the claim… This sets a presumption that where refugees or stateless persons present themselves must count as their *moral* port of entry. They have a claim to a process of recognition: to documents and temporary housing; access to health care; legal advice; educational resources and play space for their children. And they have a claim that the nature and duration of their stay at the port of entry not amount to detention. (pp. 204-205)

This subject of a nation's discretion versus an individual's rights receives robust and extensive debate in the literature. While this author is highly sympathetic to what is called the "open borders approach," it is beyond the scope of this article to address this issue thoroughly. What the preceding analysis suggests is that we have, morally speaking, deep and extensive obligations to immigrants, migrants, refugees, and seekers of asylum, regardless of technical legal status. Now, the discussion goes one step further to ground these obligations.

Welcoming and Embracing the "Other:" The Obligation of Hospitality

Immanuel Kant (2016) wrote in 1795 that the moral obligation of "hospitality" means the right of a stranger not to be treated as an enemy when she arrives in the land of another. Though it may not entail the right to be a permanent visitor, one may refuse to receive her **only** when this can be done without causing her destruction (in my estimation, the notion of destruction should be understood as broadly as possible, encompassing all manner of harm, including physical, psychological, emotional, economic, etc.). As long as she peacefully occupies her place, one may not treat her with hostility. Moreover, Kant (2016) noted that hospitality is not a question of philanthropy but of right (Brown, 2010). Herman (2021) also weighs in on the theme of hospitality, observing that refugees, stateless persons, and seekers of asylum are not free migrants who choose to migrate to seek opportunity. Instead, they are unfree migrants, victims of state-sanctioned or state-tolerated violence, political or social unrest, or the effects of climate change making parts of the globe uninhabitable. "Those forced to leave have more than claims for hospitality on landing. They cannot be returned to their country of origin without disregard for their human rights (a state or place that fails to make provisional human rights real). Technically they are not stateless, but morally speaking, they have no place to reside" (Herman, 2021, p. 205).

Contemporary scholars in such diverse fields as philosophy, ethics, religion, politics, and immigration, as well as social work, have contemplated the practical application of the idea of hospitality (Boudou, 2021; Braganza, 2018; Sidhu & Rossi-Stackey, 2022). The notion of hospitality serves as an overarching conceptual framework for the practice of radical inclusiveness, respecting and embracing the multiplicity of expressions of human difference, and engaging the "other." I have been particularly intrigued by the writings of French philosopher Emmanuel Levinas, who had a unique interpretation of hospitality. Firstly, his whole philosophy revolved around the notion of ethical "commandedness." For him, ethics is first philosophy and comes before any other conversation. When we come into contact with

someone else, we are automatically in an ethical relationship with that person. To face the "other" is to answer a summons, a demand, and an obligation to respond ethically. Indeed, I am hostage of the other. I have an immediate, unquenchable, and unconditional responsibility to help, to assist, and to serve (Bloechl, 2000; Caputo, 2000; Davis, 1996; Derrida, 1999; Morgan, 2007). In an ironic twist, linguistically, the words hospitality, host, hostage, and hostility are all related. The one who hosts is hostage to the guest and vice versa—they are hostages to one another (Caputo, 2000). Furthermore, hospitality starts at the individual level and extends to the communal, societal, and policy level. Hospitality demands the total embracing of the other, and it especially means welcoming and inviting in the one who is the most vulnerable, habitually cast aside, disenfranchised, excluded, and disempowered in every society. It includes all immigrants, migrants, refugees, asylees, strangers, widows, unauthorized, poor, underprivileged, and Black, Indigenous, and People of Color (BIPOC) who are oppressed and discriminated against. Pursuing hospitality ultimately means the seeking of justice.

Social Work and Immigration

The International Federation of Social Workers (IFSW) and the NASW make a strong moral case for immigration activism. The IFSW has long supported immigrant/migrant advocacy and expressed concern for displaced persons and refugees (International Federation of Social Workers, 1998; 2002). Through its commissions and work with the United Nations, the IFSW is an active player on migration issues. In a policy statement issued in 2022, the IFSW charts the role of social workers in advancing a new eco-social world, implicitly echoing our concern for the displaced, refugees, and asylum seekers:

> A Holistic Rights Framework recognizes individual human rights, (dignity and fundamental freedoms), social human rights, (civil, economic, and political), cultural rights, eco- system rights, and the broader rights of nature. Within this framework are driving values and principles: Recognizing the importance of diversity, sustainability, self-determination,

and that all people are responsible to protect and advance the rights of others as well as nature. The aim of the framework is to establish a consensus that balances all rights through participatory engagement in inclusive policies and practices for our shared futures… The social work profession engages across micro-mezzo-and macro levels of policy and practice to co-build partnerships that create change and promote opportunities that support and build sustainable development and eco-social practice, committed to building a new eco-social world in which all rights are ensured and no one is left behind. Social workers are working within communities and governments, co-designing and co-building social and environmental protection, leading to capacity-building, and policy-development to combat complex and intersecting crises.

Moreover, the IFSW Global Social Work Statement of Ethical Principles passionately calls for a social work commitment to protecting the inherent dignity of people, to promoting social justice, upholding human rights, and safeguarding the right to self-determination and the right to participation, among other critical principles (International Federation of Social Workers, 2018). In the United States, "NASW supports immigration and refugee policies that uphold and support equity and human rights, while protecting national security… immigration policies must promote social justice and avoid racism and discrimination or profiling on the basis of race, religion, country of origin, gender, or other grounds" (Chang-Muy & Congress, 2016, p. 4).

The NASW Code of Ethics (2021) espouses six core values, including service, social justice, dignity and worth of the person, the importance of human relationships, integrity, and competence. Each value in turn contains derivative ethical principles and standards that exemplify NASW's commitment to immigration justice. There is also a significant body of literature and resources on social work and immigration, including policy statements, legislative and action alerts, books, webinars, podcasts, web-based material, monographs, and journals (National Association of Social Workers, 2021, January). These sources are excellent examples of writing on direct practice issues, skills, and models. To strengthen the familiarity of social workers with the ethical basis of immigration work, this article argues

that we need a sustained application of ethical theories as well. Notably, the ethics text by Banks (2021), and collections edited by Marson & McKinney (2019) and Hugman & Carter (2016) cover some of the ethical theoretical aspects of immigration.

Though not all social workers across the globe enact professional and personal values in the same way, nor do all social work organizations share the same exact agenda, there are compelling democratic principles, along with humanitarian and moral arguments, urging us to reject anti-immigrant attacks and commit to defending and supporting immigrants, regardless of their supposed legal status. The conceptual and practical case for action on behalf of immigrants may very well apply to all oppressed populations. This is more than a hypothetical argument. We live in a world fraught with inconsistencies and contradictions. Social workers are often placed in impossible situations, working for organizations or government agencies specifically purposed to care for immigrant populations.

Despite honorable intentions, social workers are, unfortunately, frequently forced into the compromising position of becoming agents of the state—whether it be in deportation or family separation cases; working with unaccompanied minors; working in migrant processing centers on the borders or in detention centers; in child welfare or local immigration agencies, social workers are often mandated to implement policies and procedures that are unethical, oppressive, discriminatory, or harmful to our immigrant brothers and sisters, especially children (Carrillo & O'Grady, 2018; Finno-Velasquez & Dettlaff, 2018; Furman et al., 2012; Haidar & Smith, 2017; Humphries, 2004; Pinto, 2002; Roth et al., 2018). The field should be devoting significant effort to questioning such practices.

Social Work, Democracy, and Human Rights

Social work can be conceptualized as a moral response to a terribly shattered world. Philosophically speaking, that is, social work is the professional practice of ethics and morality (the terms being used interchangeably). Our professional practice is based on our deep love of all people and our longing

for universal justice; this practice is enacted through relationships. Furthermore, social work should be regarded as representing a grand humanitarian, human rights, and social justice project, seeking to fulfill a distinctive dream to enhance the quality of life for all inhabitants of the earth and to repair our splintered society. We aspire to bring about what philosopher Avishai Margalit (1996) terms a "decent society," as distinguished from a civilized one. A civilized society is one whose members do not humiliate one another. A decent society is one where its institutions do not humiliate people. A decent society fights conditions and institutions which humiliate. A second perspective emerges from the work of Barbara Herman (2021), the previously cited philosopher and Kantian expert, who writes about the creation of a "moral habitat: a made environment in which persons can, individually and together, express their nature as free and equal rational beings" (p. 2). Another prominent Kantian scholar, Catherine Korsgaard (1996) offers an invaluable view: "Since human beings together legislate the moral law, we form a moral community: a Kingdom of Ends. The Kingdom of Ends is an ideal... It is a community in which freedom is perfectly realized, for its citizens are free both in the sense that they have made their own laws and in the sense that the laws they have made are the laws of freedom... It is a community engaged in the harmonious and cooperative pursuit of the good" (p. 23).

Following these scholars, I argue that the social work project actively endeavors every day to bring about a decent society, creating a moral habitat that can produce a Kingdom of Ends. The view of hospitality also offers an inspiring message for social work, providing an added, moving rationale for embracing those in need, truly presenting a thoughtful foundation for a professional practice of ethics, love, and justice, enacted through relationships with others. For social work, welcoming the other operates on the micro, mezzo and macro levels. If this notion is correct, hospitality obligates us to be ethical in thought, word and deed in both our professional and personal lives. Coupled with enacting an ethics of immigration/migration that is anti-oppression/anti-racist, we become active participants in the ongoing moral response to a broken, shattered world and prompts us to take the

necessary incremental steps every day in pursuit of the social work dream to enhance the quality of life for all.

Social workers have an enormous stake in the immigration issue. As a profession devoted to ethical practice, social justice, human rights, anti-racism, self-determination, liberty, equality, and empowerment of individuals, groups and communities, the social work community shoulders an important responsibility to sound a powerful moral voice about how our society treats all oppressed people, and undoubtedly immigrants. Social workers must visibly, forcefully, and vocally commit to creating and building an inclusive democracy—one that fights prejudice, racism, intolerance, and injustice—one that promotes citizenship, civic engagement, and equal rights. Critically, social workers and our professional organizations must advocate on behalf of our immigrant friends, families, neighbors, and communities, regardless of their supposed "legal" status (Negi, et al., 2018).

An illustration of social work advocacy on immigration domestically is provided in the work of the NASW New York City Chapter Committee on Immigration and Global Social Work and that of the recently formed national organization Social Workers for Immigration Justice. These advocacy groups provide thought leadership and endeavor to change the narrative around immigration in the public's consciousness. The main strategies have been to inform, educate, motivate, and mobilize the social work community and to collaborate with a number of advocacy coalitions, social work organizations, and schools of social work. They issue policy statements and action alerts, promote petitions, letter writing, social media and phone campaigns to elected officials, meet with legislators, present testimony to government, work with national advocacy coalitions and present educational webinars.

There are many strategies and tactics that individual and groups of social workers can take to advance the agenda of immigrant rights (Haidar & Smith, 2017; Lens, 2018; NASW–NYC Chapter, 2022). A sample but far from complete list of example action items can include:

- Stay informed about national and local immigration legislation and policies

- Maintain ongoing contact with elected officials to advocate on behalf of pro-immigrant legislation, services and policies, including emails, phone calls, social media campaigns, legislative advocacy days, or petitions
- Write pro-immigration stories and opinion letters/articles for dissemination to newspapers and on social media
- Organize rallies and local events to educate the community about immigration issues and to celebrate and support immigrant neighbors
- Build or join coalitions; work with professional social work organizations to ensure that immigration is a high priority; join or create a social work committee to work on immigration advocacy issues or help settle immigrants
- Monitor local services to immigrants and advocate for more expansive services
- Support pro-immigrant candidates
- Raise money for immigrant support organizations
- Obtain, if possible, full-time work with an immigration organization
- Volunteer with an immigrant support organization

The key is to stay informed and involved and to engage others in the process. Each individual or group will determine for itself what their activist agenda might entail. To paraphrase a well-known phrase from the labor movement that inspires community/macro social work practice, "don't mourn, organize!"

Conclusion

Political philosopher Hannah Arendt herself was stateless and a refugee for many years, arriving in the U.S. after fleeing Europe in 1941. She did not become a citizen until 1950. Her experience as a Jewish refugee is recounted in her moving essay "We Refugees" (1943) and in later writings. She offered a concept that has often been misquoted and misinterpreted: the idea of "the right to have rights." Based on the genocide and expulsions of the 20th century, she had grave doubts about whether there were any means to actually guarantee and deliver those rights, to protect the very people who had been rendered unprotected by losing their national membership. Sadly, the recent performance of the world community regarding the plight of people seeking refugee or asylum status, particularly in the nations of the Global North, makes a mockery of international agreements on obligations to care for refugees, such as the United Nations Declaration of Human Rights (United Nations Human Rights, n.d.) and the Refugee Convention of 1951 (United Nations High Commissioner on Refugees, n.d., b). Indeed, Lea Ypi, Albanian-born British philosopher writes about such blatant contradictions in her recently published memoir, *Free*:

> The West had spent decades criticizing the East for its closed borders, funding campaigns to demand freedom of movement, condemning the immorality of states committed to restricting the right to exit. Our exiles used to be received as heroes. Now they were treated like criminals.
>
> Perhaps freedom of movement had never really mattered... But what value does the right to exit have if there is no right to enter? Were borders and walls only reprehensible when they served to keep people in, as opposed to keeping them out? (Ypi, 2022, p. 158)

As we have witnessed, the plight of refugees has dramatically worsened with no solution to the crisis on the horizon. Still, it is imperative that we change the prevailing global and domestic narratives about migration and respond to the plight of refugees, asylum seekers, migrants and immigrants with hospitality, benevolence, compassion and action. Lives are at stake and future generations will judge us on how we welcome and care for the new

neighbors among us. "Give me your tired, your poor, your huddled masses yearning to breathe free," cannot be an empty phrase on the pedestal of the Statue of Liberty. For the United States as well as the countries of the Global North, the soul and spirit of our nations, indeed, the moral quality of our societies and the future of democracy hang in the balance.

Acknowledgments

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