
4. Towards a just mobility regime: an applied ethical approach to the study of migrants' admission – the case of skill selection

Ricard Zapata-Barrero and Francesco Pasetti

INTRODUCTION: FRAMING THE ETHICAL DEBATE ON MIGRATION SELECTION

Trading with immigrant-citizens is becoming a consolidated pattern of current liberal democracies to such an extent that international migration and human capital are emerging as the most important form of wealth for Western states. Against this background the current trend in migration policy is moving towards greater selectivity. Our initial concern is that such conduct, regarding state behavior towards migratory flows, is being done without any ethical assessment. International law is proving to be inefficient to limit the scope of state action, highlighting the fact that we are now in a historical migratory phase characterized by the predominance of an 'anything goes' scenario (Zapata-Barrero 2012). This new paradigm of international relations, in which migrants become commodities in a diplomatic trade-off, is also becoming politically accepted as the inevitable consequence of realpolitik if we want well-ordered migratory flows and to regulate them according to our own interests. Moving from the questions that such a paradigm raises about the moral limits of state behavior,¹ this chapter seeks to problematize current practices of admission, in which national interest constitutes the only criteria of selection and the effects of international migration are evaluated merely on the base of citizens' conception of the good; what Zapata-Barrero (2010) defined as deontological and consequentialist nationalism.

In the framework of the ethics of migration studies the main purpose of this chapter is both to propose an ethical interpretative approach for the study of admission policies and to apply it to the case of skilled migration. While this growing field of normative inquiry has concentrated its focus on flows and freedom of movement, questioning the same category of border, the asymmetries between emigration and immigration and the inconsistencies among several subjects of freedom of movement in a globalized

world,² the focus on the governance of mobility has been addressed only very recently (Zapata-Barrero and Pécoud 2012). Ethical thinking has been essentially focused on comparing the difference of treatment between citizens and non-citizens rather than taking into account the different treatments that diverse categories of migrants willing to enter receive. In this regard, the debate has been too narrowly driven by a security-based approach in Foucauldian terms³ rather than concerned about how governments justify such different treatments according to concrete criteria including economic resources, cultural affinities, educational level and link with relatives (as in the case of family reunification). This selective migration of ‘governmobility’, as it has been called by J. Ole Baerenholdt (2013), is basically related to the power of government to decide who can enter. Such an issue, while opening the perspective of liberal nationalism (Miller 2008), has received limited attention from scholars engaged in the ethics of migration studies: migrants’ admission has been the object of interest when migrants’ selection is deployed according to either the migrants’ origin (Joppke 2005) or on the basis of their language (Franco Guillén 2011). Still, most significant criteria of admission remain largely overlooked, namely the educational and professional skills held by migrants.⁴ The so-called skilled migration is a growing dimension within the broad phenomenon of international migration and at the same time represents the ultimate political aim of most receiving countries, increasingly oriented towards restricting migrants’ inflows to foreign professional elites. Why can some people enter and others not? How can the difference of treatment given to those willing to enter be ethically justified? What are the ethical standpoints that justify admission criteria based on skills?

While focusing on these matters, the present chapter assesses the extent to which the theoretical perspective brought about by the ethics of migration studies contributes to the policy gap debate. For more than two decades scholars have been striving to come to terms with the twofold paradox concerning Western states’ capacity to control migration inflows:⁵ Why do migration policies fail to achieve their stated objectives? And, using Joppke’s (1998) words: Why do national governments grant entry to ‘unwanted immigrants’? These questions draw most attention from the fields of economics and the social sciences. However, the current theoretical framework in the policy gap debate lacks a careful consideration of this under-researched issue. In a nutshell, what we argue is that an assessment of ethical issues related to the governance of migration represents a fundamental standpoint that needs to be taken into account in the selective systems of admission of almost all Western receiving countries (Papademetriou et al. 2008).

The chapter proceeds in four main sections. In the first section, moving

from the recent trend in the ethics of migration studies, we introduce the theoretical premise of the approach we propose and we illustrate the most relevant cases in terms of admission. In the second, we make the case for an applied ethical approach to the governance of migrants' admission: we illustrate its theoretical (that is, critical thinking–viability nexus) and methodological (that is, coherentism) fundamentals and then describe its characterizing features, as made of specific areas of scrutiny (ethical contexts) and concrete analytical tools (ethical standards). The third section offers a concrete application of the approach by focusing on skilled migration. Here we take into account three paradigmatic policy-cases corresponding to the main levels of governance. Each of them is assessed by means of ethical standards focusing on competing interests at stake and on respective balances between them. On this basis, ethically informed guidelines are provided. Thus, we sum up the contribution of an applied ethical approach to the policy gap debate and conclude by pointing out flaws and holes in the current research agenda which provide suggestions for future studies.

With few exceptions, inquiries have empirically and normatively proceeded along separate paths, essentially immune to each other's insights. By introducing an applied ethical approach into the policy gap debate we aim to demonstrate the benefits of introducing normative elements into what has so far been an empirical field of research. To comprehend and critically assess ethical issues in international migration governance means adopting a more sophisticated understanding of the relationship between migration, politics and ethics, knowledge that represents an important tool to assess the state's capacity to control migration inflows as well as the means through which such control is exercised.

SEEING CURRENT INTERNATIONAL MIGRATION THROUGH AN ETHICAL LENS

The current international migration policy scenario is heading towards greater selectivity, increasing border surveillance and intense negotiation at a diplomatic level. The wish to limit migration to only the well-qualified, considered as the 'good/best migrants', is emerging as the mainstream attitude among Western policymakers as well as their ultimate political goal. While constructing the category of unskilled migrants as a problematic group such discrimination between 'good/best' versus 'bad/worst' migrants also has crucial implications in terms of integration since it is assumed that the former are seen as immigrants who are easy to integrate while the latter are difficult to integrate. Along the same line of current