



EU INTEGRATION & ETHICS

Migration and refugees (5th session)



Picture source: The Economist, February 6th–12th 2016 (cover)



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Synchronous* Learning

Webinars

Chats

Input, Lectures

Brainstorming

FAQs

5th session (online): migration and refugees | 17:00 - 19:15h

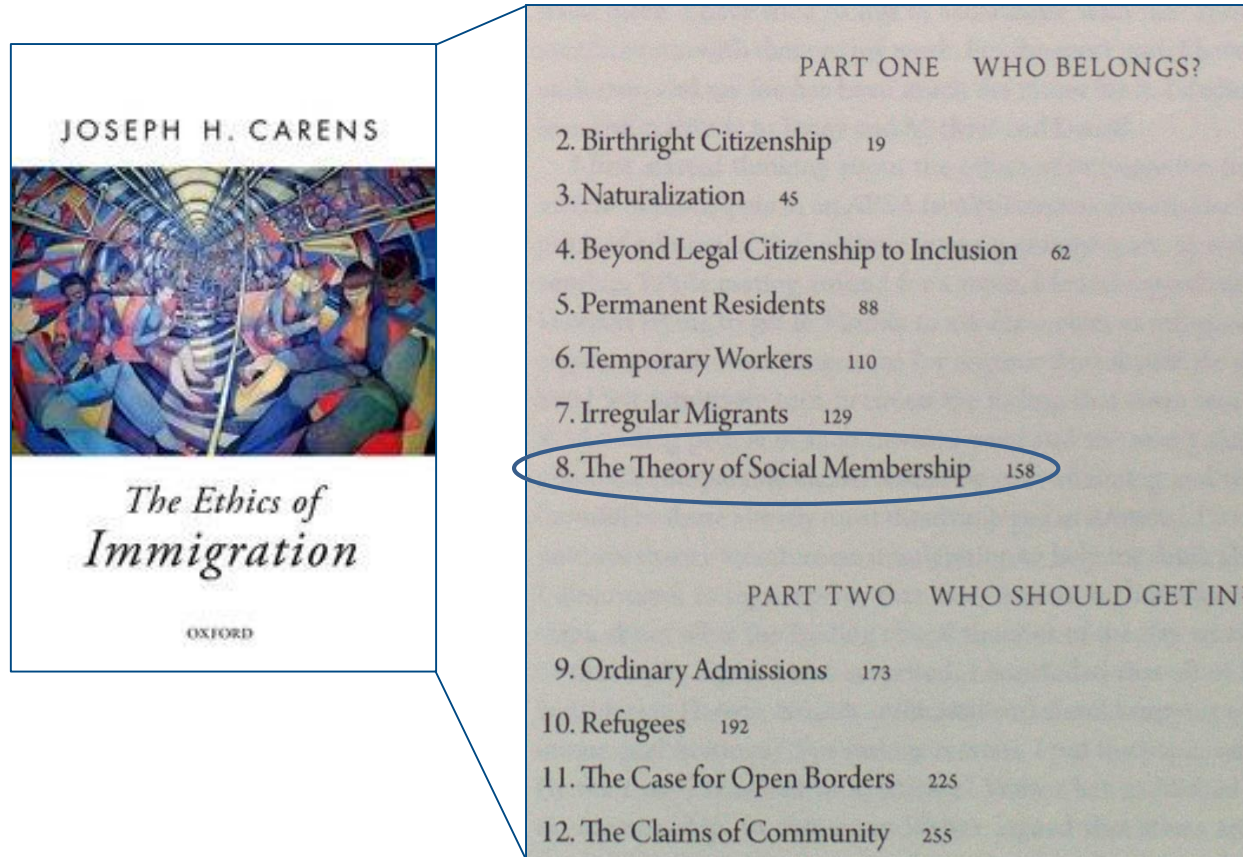
- Getting started
- Who is entitled by EU law? (fundamental freedoms; EU Secondary law – one example; EU Charter)
- “Meet the Charter”
- Some facts on migration
- Explanation of group work (to be done after break)
- *Break*
- The ethics of immigration – group work
- Summary

How to manage the migrant crisis, and keep Europe from tearing itself apart



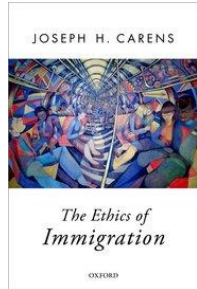
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N.B. Term of “irregular migrants” e.g. used by President Tusk (Speech 177/16; April 13th 2016).

What you are expected to do:



- You are going to receive different **quotations summarizing** some **key statements** by Carens, which you will have to **contrast** with certain provisions of EU law.
- You should find out, **whether EU law fulfils those ethical requirements**, as stated by Carens, or whether EU falls short of these demands.



Picture credits:
http://www.geocaching.com/seek/cache_details.aspx?wp=GC30GNP

N.B. Council **Decision (EU) 2015/1601** of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, OJ 2015 L 248/80, as amended by OJ 2016 L 268/82, **has been applicable until 26 September 2017.**

| PART TWO | |
|-------------------------------|-----|
| WHO SHOULD GET IN | |
| 9. Ordinary Admissions | 173 |
| 10. Refugees | 192 |
| 11. The Case for Open Borders | 225 |
| 12. The Claims of Community | 255 |



Moral obligation of resettlement:

- Yes, if a state is causally responsible, why people become refugees (p. 213)
- Refugees' needs to be taken into account (e.g. family ties) (p. 213)
- **Receiving states absorptive capacities** (pp. 214-5)
 - Size of the existing **population**
 - Population **density**
 - **Economic capacity** (overall wealth, economic dynamism)

Similarities

"It would serve no one's interests to ignore the question of **fit**. It is important, **however**, not to elevate this consideration into something that justifies exclusion or marginalization of refugees on the basis of race, culture, or religion [...]" (pp. 214-5)

Is the following relocation scheme, [COM\(2015\) 240](#), Annex (i.e. p. 19), in line with these requirement, as set up by Carens? (cf. Doc [Migration 1](#))

Is the following Council Decision (EU) [2015/1601](#), 34th recital, in line with these requirement, as set up by Carens? (cf. Doc [Migration 2](#))

N.B. Article 4 changed by Council Dec. (EU) [2016/1754](#); as mentioned above, Dec. 2015/1601 has been applicable until 26.9.2017.

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“Refugees have a **moral right to a safe place** to live, **but** they do **not** have a moral entitlement **to choose where that will be.**” (p. 216)

“To be sure, even the commitments in the Geneva Convention are constrained by the **responsibility of states to maintain public order.** No one expects a state to admit so many refugees that it can no longer **function.** **But** this is a **minimal constraint**” (p. 218)

- “When is this **limit [i.e. the ‘we have done enough’ argument]** reached? [...] My own answer is ‘almost **never.**’” (pp. 218-9); rejecting Miller, National responsibility and global justice, 2007, p. 227
- “As Hume reminds us, **one of the background conditions of justice is limited scarcity.**” (p. 220)

Is the following Council Decision (EU) [2015/1601](#), 35th recital, in line with these requirement, as set up by Carens? (cf. Doc Migration 2)

Do you think that at the moment “public order” is at stake in Austria, so that consequently the inflow of refugees could be limited?

Do you think that at the moment Austria has done “enough”, so that the inflow of refugees could be limited?

4. Beyond Legal Citizenship to Inclusion 82

5. Permanent Residents 88

6. Temporary Workers 110

7. Irregular Migrants 129

8. The Theory of Social Membership 158



“One obvious way to promote the inclusion of immigrants is to establish rules that **prohibit discrimination** on the basis of characteristics that tend to distinguish citizens of **immigrant** origin from **other citizens**.” (p. 65)

Are immigrants (sufficiently) protected against discrimination by Directive [2011/95/EU](#) on the status of refugees (see especially articles 26, 27, 29, 32 and 33) as demanded by Carens? (cf. Doc [Migration 3](#))

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| 4. Beyond Legal Citizenship to Inclusion | 62 |
| 5. Permanent Residents | 88 |
| 6. Temporary Workers | 110 |
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| 8. The Theory of Social Membership | 158 |



Time spent in case of adults to bar **deportation**:
5 years (p. 104)

On criminals that have grown up in the country that tries to expel them: “These people may be problems, but they are **our problems**, not someone else’s [...]” (p. 105; no emphasis added)

Is the following Council Directive [2003/109/EC](#) (see especially article 12 in conjunction with article 4) in line with this requirement, as set up by Carens? (cf. Doc Migration 4)

Do you agree to this statement?

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“[...] the right to enforce immigration laws is **not a moral carte blanche**. The state is still constrained by norms of **proportionality and rationality** [...] competence and **fairness** [...]” (p. 144)

“[...] the important point is that **employer sanctions** provide a **more legitimate** option for restricting irregular migration than most restrictions on the legal rights of the irregular migrants themselves.”
(p. 147)

Firewall argument (pp. 132ff;
cf. also Crépeau, 2013, pp. 30-1, 47)

Is the following Directive [2009/52/EC](#) on employers sanctions (see especially recitals 14, 15, 26 and 27) in line with these requirements, as set up by Carens? (cf. Doc Migration 5)

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“There is one general idea that plays an important role in almost all of the chapters. It is that living within the territorial boundaries of a state makes one a **member of society**, that this **social membership gives rise to moral claims** in relation to the political community, and that these claims deepen over time. To put this idea in a four-word slogan: **social membership matters morally.**”

(p. 158)


“**residence and time** are **proxies** for richer, deeper **forms of connection** but that we have both practical and principled reasons not to try to go beyond these proxies, at least under most circumstances.”

(p. 165)

Is the following Council Directive [2003/109/EC](#) on long term TCN (see especially recital 6) in line with these requirements, as set up by Carens? (cf. Doc Migration 4)



Adobe Connect Break Out Session



Time for group work:
(20 min. time)

Picture credits:
http://www.geocaching.com/seek/cache_details.aspx?wp=GC30GNP

- Use the shortened version published on Sakai for your group work.
- If you fall out of the breakout room you will end up in the main room (and I will put you back into your group).

- 6 groups (à approx. 6 participants)
- At the end, one participant (having a functioning microphone) should be able to present the bottom line of the discussion.



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Thank you for your attention!

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