

Introduction: A Tale of Two Refugee Crises

In 2015, Sina Habte's limp, pregnant body floated off the coast of Greece.¹ Already past her due date when she boarded a flimsy boat to cross the Mediterranean Sea, Sina, wanted nothing more than to deliver her baby somewhere safe. A chemical engineer and citizen of the small African country of Eritrea, she'd spent 6 months fleeing almost certain life-long imprisonment, if not torture or death, for violating one of Eritrea's draconian rules. In her case, she wanted to live with her husband Dani instead of where the government assigned her. Eritrea is a country so repressive that its considered the North Korea of Africa. After escaping Eritrea, sneaking across borders and living in the shadows of several different countries, she had nowhere else to go. If she returned home, she would be imprisoned, tortured or killed, and if she stayed in a refugee camp in Africa, it was likely that she would be found by Eritrean agents and returned home to the same punishment. So Sina, like tens of thousands of others like her, paid the last of her money to smugglers and boarded a small, over-crowded boat bound for Europe in the hope of claiming asylum.

When her boat capsized, as so many boats did, she became one of those refugees that people would see on the news. And for many, images of bodies like hers, drowned at sea or in overcrowded life-boats, struck a nerve. Shock often turned to horror when the images were of the bodies of young children who had drown at sea. People could no longer ignore the plight of asylum seekers and began to demand a response to this crisis.

¹ *No Refuge: Ethics and the Global Refugee Crisis* is forthcoming with Oxford University Press (October 2020).

The summer of 2015 marked the beginning of the so-called European refugee crisis. While people had been entering Europe as asylum seekers for a long time, the rate intensified dramatically in 2015 when more than 1.3 million asylum seekers arrived asking for refugee status, tens of thousands more than previous years.² The arrival of over a million refugees in a relatively short period of time was seen by many observers as a crisis. Such an unprecedented increase raised many questions for European citizens. Many people wanted to know: do we have obligations to help all these refugees? Is it enough to give them food and send them home or must we let them stay? Do we really have the capacity to help everyone?

Italy and Greece, easiest to reach by boat, were quickly overwhelmed. With more asylum claims to process and longer wait times, it wasn't long before living conditions deteriorated for refugees in these countries. We began to see pictures of fetid refugee camps in Greece, and refugees desperate to leave, appearing in the news. Unable to get help in Greece and Italy, asylum seekers began walking in large numbers across the pastoral European countryside, children and belongings in tow, camping out at European train stations, in the hopes of reaching Germany, Sweden or the UK – countries perceived to be more welcoming, more efficient at responding to asylum claims, and more willing to allow family reunification.

Soon, a core principle of the EU became a casualty of the crisis: open borders. Border guards in countries across Europe began forcefully pushing back refugees. Borders began to close and fences were erected to keep refugees out. Anti-refugee sentiments spread across Europe contributing to the rise of right-wing, anti-immigrant parties in many countries in Europe. Refugees, the Hungary Prime Minister said, are not fleeing for their lives, but are “Muslim invaders” from which his country required protection.³ In the UK, 67% of British citizens approved of using the army to keep migrants and asylum seekers from entering the UK

from France.⁴ Significantly, anti-refugee sentiment contributed to the Brexit referendum, where the UK voted to leave the EU altogether. Sympathy turned into fear and refugees became people that Europe needed to be protected from, rather than vulnerable and sympathetic people, like Sina, who needed our help.

For most people, *this* was the refugee crisis—the arrival of large numbers of asylum seekers, the struggle that ensued in Europe, and the political changes that resulted from their handling of it. But this is only part of the story. While the 2015 crisis in Europe shocked many around the world, it was actually the background of another, less visible crisis.

What lay behind the European refugee crisis was a second crisis, the crisis for refugees themselves. The crisis is that refugees around the world are largely unable to get refuge, that is, they are unable to access the minimum conditions of human dignity while they wait for a more permanent solution (either to go home or be resettled permanently elsewhere). The majority of refugees, about 85%, will remain in the Global South, either in inadequate refugee camps or without any international aid in urban centers. Many others will leave and try to seek asylum directly in a Western country, a choice which entails paying smugglers their life savings, putting themselves at risk of violence and, all too often, losing their lives.⁵ Only 2% of refugees will be able to find a new home either by being resettled or being able to return home⁶; the remaining refugees will persist in this period of limbo and without access to the basic conditions of human dignity, for years and often decades.

Because this second crisis has been largely invisible for most people in the West, few have raised the kinds of moral questions that became pressing when bodies of refugees began washing onto the shores of Italy and Greece or were found decomposing in trucks in Austria and elsewhere. Few have asked: why are these the only options for refugees? Whose responsibility is

it to help them while they are in this limbo state? How did this dire situation come about? These are questions that urgently need to be addressed as the two crises – the European refugee crisis and the crisis for refugees unable to get refuge – are interconnected. This book will show that the European refugee crisis cannot be understood or adequately responded to without understanding the role Western states have played in shaping this second crisis.

§ A Story in Numbers

I will explain this second crisis in much more detail in the second part of this book, but as an overview, let me explain three key numbers that make the crisis what it is.

First, the total number of people forcibly displaced from their home as of 2019 is 70.8 million people. While most people in this group are displaced within their own countries and never leave—41.3 million are *internally displaced* and not technically considered refugees—about 25 million are considered refugees and 3.5 million are considered asylum seekers, half of whom are children.⁷ In other words, there are *a lot* of people who do not have a place in the world where their human rights are secure. It's important to remember, though, that while 25 million is a lot of refugees, it's a number that many consider manageable. In the view of some, in a world of over 7 billion people, it would be possible to find a place for refugees if there were only the political will to do so. ⁸

The second number is 1%. This is the approximate percentage of refugees who are resettled in a new country each year⁹. Resettlement refers to the process where countries work with the United Nations to bring over refugees who are living in refugee camps. About 1.4 of the 25 million refugees are considered by the UN to be too vulnerable to be protected in refugee camps in the Global South and are in need of resettlement because of their extreme vulnerability.¹⁰ Because so few are resettled, the vast majority of refugees, including those in the

most vulnerable group, remain in the poorest countries in the world in the Global South where they first seek refuge. About half live in camps run by the UN and the other half live in urban centers, though this can vary greatly from country to country. Those who live outside of refugee camps often have little access to international assistance of any kind. For example, less than 10 percent of the Syrian refugees living outside of camps in Turkey, Lebanon and Jordan receive any support from the UN or its partner organizations.¹¹ This is in part because for every \$135 of public funds spent on asylum-seekers in Europe, only \$1 is spent on refugees in the Global South.¹² This is true even though roughly 85% of forcibly displaced people live in developing countries, with Turkey, Uganda, Pakistan, Lebanon, Jordan and Iran hosting the highest number of refugees. These countries, though agreeing to *host* refugees, do not allow them to integrate, work or settle permanently (with the exception of Uganda and Ethiopia, which allow refugees the right to work). Because many refugees believe that it is not likely that they will be able to return home in the near future and know that the odds of being chosen for resettlement are extremely low, they are increasingly choosing to bypass this system and seek asylum directly in Europe and other Western countries.¹³

The final number is 17. This is the average number of years that a person is likely to remain a refugee once they become one.¹⁴ If you are a refugee escaping war, the average length of time as a refugee is even longer: 25 years.¹⁵ About half of all refugees are in “protracted” situations and the average length of their exile is 26 years.¹⁶ In other words, millions of refugees are spending their lives in “a permanent state of temporary living.”¹⁷ This is both because the conflicts that generate refugees are more complex and entrenched than in previous periods (denying refugees the ability to return to their homes) and because resettlement countries are taking in relatively few refugees. Far from a short or temporary status, being a refugee is how

most refugees will spend their lives and many refugee children will remain refugees well into adulthood.

All three factors contributed to what became the refugee crisis of 2015 in Europe. Many refugees coming from Syria were well educated and aware of what their options were as refugees in 2015—squalid refugee camps or urban poverty for years on end—and chose instead to pay smugglers to help them come directly to Europe where they could claim asylum. They made informed, calculated decisions about what the best course of action was based not only on their need to leave their home countries but also on an understanding of how badly refugees are treated around the world. Keeping these two crises in mind can help us to understand the decisions of the over a million people who, in 2015, chose to risk dying on flimsy boats on the Mediterranean rather than to put up with the status quo for life as a refugee.

There is another connection between the two crises that is important. The way that Europe and other countries chose to respond to the first crisis, the European refugee crisis, only worsened the crisis for refugees by making it hard to find refuge. In 2018, fed up by challenges refugees placed on European countries, the EU made agreements with Libya and Turkey¹⁸ that would ensure that these countries prevented asylum seekers from coming to Europe from their coasts, in exchange for various economic benefits. These agreements had the effect of making it even more difficult for refugees to claim asylum and access the minimum conditions of human dignity. These deals essentially ended the European refugee crisis— by June of 2018 only 13,000 refugees had managed to make it to Europe, a far cry from the hundreds of thousands who had made it previously. Train stations in Italy, Hungary and Germany that had formerly been filled with exhausted refugees trying to get across Europe have returned to their pristine appearance.¹⁹

For refugees, of course, these deals only deepened their inability to access asylum in the West and worsened the second crisis. Take the situation in Libya. The E.U. funded the Libyan coast guard to return refugees who try to leave Libya by boat for Europe, essentially preventing asylum seekers from seeking asylum. Libya, far from offering the minimum conditions of human dignity for refugees, is known for abusing refugees and migrants, sometimes in horrifying ways.²⁰ Many are simply put in over-crowded, unsanitary detention centers. Torture, forced labor and other forms of cruel treatment are known to be common in these places and some refugees are even sold into slavery.²¹ Most Europeans of course don't see where refugees have ended up and what life is like for them in places like Libya. Though the crisis has effectively ended as far as Europeans are concerned, the crisis for refugees has only been pushed further out of sight.

§ Ethics and the Global Refugee Crisis

This book is an attempt to make visible this second crisis. It seeks to reveal the conditions for refugees in the 21st century who are virtually unable to get refuge, and to consider our moral obligations to refugees in light of this reality. I will suggest throughout this book that the discussion of how states and their citizens should respond to refugees has been impoverished because it has not taken seriously our moral responsibilities to all refugees, both those who seek asylum and those who languish in camps and urban spaces. When morality has entered into such discussions, it has not done so in a way that takes seriously our obligations to *all* refugees, not just the ones on our shores.

At core, we cannot understand our moral obligations to refugees without understanding the second crisis. I'll argue that our primary moral duty is to address the political structures that unjustly prevent refugees from accessing the minimum conditions of human dignity while they are refugees. We may not be able to stop on-going conflicts around the world or prevent new

ones from starting, but we can ensure that the international community responds to refugees in ways that protect the minimum conditions of human dignity.

§ Making Sense of the Crises

Life for refugees in the 21st century as I've just described it stands in stark contrast both to what most people imagine happens to refugees and to what the international community envisioned for refugee protection after the Second World War. Many people want to believe that once refugees flee their countries, they reach refugee camps where they stay for a small amount of time, receiving food, shelter, and health care, before starting their new lives in another country. They imagine that conditions for refugees are at least decent, if not good, and that time spent as a refugee is fairly short. There is a tacit assumption that if one country choose not to resettle refugees, another will or that they will return to their home countries.²² Given these assumptions, many people cannot understand why so many refugees are willing to risk their lives on flimsy boats or on foot through the brutal desert heat to come to Europe, the US or Australia.

This situation would also be surprising to the politicians who first sought to find an international solution for refugees at the end of the Second World War. When developing the Refugee Convention in 1951, the drafters imagined one of the three solutions—voluntary return to the home country, integration into the country hosting the refugees or resettlement in another country—would be accessible to all refugees within a short amount of time. Article 17 of the Convention guarantees the right to access employment. It makes clear that if restrictions are temporarily placed on this right to protect the domestic labor market, they need to be removed after 3 years in the unlikely event that a refugee should find herself in camp longer than that. It was hard for the drafters of the Convention in the 1950s to imagine that refugees would remain dependent on international aid for more than a few years at the most.²³ This was the case, by and

large, in the 1960s and 1970s, when most refugees were integrated among local host populations in the Global South.²⁴

It is hard to make sense of how far the situation has declined since then. There are some historical reasons: during the Cold War both communist and capitalist societies could claim a political victory if people from one kind of country claimed asylum in the other;²⁵ but when the Cold War ended, so did the appeal of using asylum to score points on another superpower. Political factors have also played a part: wars stretch on much longer, states have grown more unstable, among other reasons.²⁶

From another perspective, we can see the situation as the result of two important moral principles clashing with one another. On the one hand, there is the widely accepted principle of national sovereignty. States have a right to control their internal affairs, including who they allow into their countries. The principle of national sovereignty holds that states should not be told by other countries what laws they can enact or how they should structure their democracies. In order to be a democracy, to be self-governing, states must have the kind of self-determination that is embodied in the principle of national sovereignty.

On the other hand, states also have an obligation to protect human rights.²⁷ Human rights, the rights that all people have just in virtue of their humanity, are recognized in some way by every state. Most states have signed human rights *treaties* and have agreed to uphold human rights. The 1951 Refugee Convention²⁸ is the piece of international rights law which lays out how states should treat refugees and what they can and cannot do to them. Most states want to be seen as protecting and defending human rights, and many go to great lengths to do so.

Two morally legitimate principles—national sovereignty and human rights – come into conflict in the refugee crises. States are trying to balance their sovereign right to control and

restrict immigration with the protection of human rights of refugees and asylum seekers that they have formally agreed to. In practice, it can be hard to do both at once. States try not to directly violate refugee's human rights, for example, by sending asylum seekers back to their home countries if they have a genuine fear of persecution (this is known as the principle of non-refoulement). But most states consider it a legitimate exercise of their national sovereignty to implement deterrence policies that make it extremely difficult, and dangerous, for refugees to claim asylum in the first place.

This is why asylum has come to resemble a cat and mouse game—refugees seek their human rights while Western states exercise their sovereignty and try to prevent them from doing so on their territory. Further, it is why millions of refugees are imprisoned in camps and hidden away in urban spaces—they are not forced to go back home (which would violate their rights) but states are unwilling to grant them citizenship, legal residence or, in most cases, even the right to work (which most countries believe they have the sovereign right to do in order to protect their national goals).

Though significant, this conflict of rights doesn't have to prove as harmful for refugees as it does and can be moderated to some extent by *morality*. I'll suggest in this book that though we may have a *right* to exclude refugees or make their entrance to our countries difficult on principles of national sovereignty, we ought not to. There are many reasons people have given for why we have moral obligations to refugees. One reason is because we may be the cause of their becoming refugees in the first place; perhaps our state contributed to a conflict that destabilized their country leading to the conflict that caused their displacement. Another reason is simply humanitarian: perhaps their need is so great and we are in a position to help them without it costing us much. A third reason leading many to believe that we have obligations to

refugees is because our commitment to human rights requires us to help refugees who have no one else to help them. In Chapter 6, I'll suggest another reason for thinking about our moral responsibility for refugees. The reason is that we participate in various global institutional structures that have contributed to the second crisis. This is not to say that we intended to harm refugees in the ways I've described in this chapter, but rather, we contribute to and benefit from a global system that has the effect of preventing refugees from gaining refuge. This is why we must take the second crisis, the crisis for refugees and their inability to secure the minimum conditions of human dignity, more seriously than we do.

§ Minimum Conditions of Human Dignity

Throughout this book, I will use the phrase *the minimum conditions of human dignity*. Here I refer to a common sense understanding of what any human being would need in order to live a life with dignity. I stress that I am considering a *minimum* level. There may be many things that are needed for a life of dignity – advanced education or sophisticated medical procedures – but I'm concerned with what is absolutely necessary by virtually any measure of human dignity. I think there is an important debate on what refugees and asylum seekers should be entitled to in Western countries that can provide more elaborate resources. But virtually no one in the West openly denies that refugees and asylum seekers are entitled to the basic, minimum conditions of human dignity wherever they find themselves; their inability to find this in most places is precisely what I hope to draw the reader's attention to.

What exactly are these “minimum conditions” that refugees should have access to? We can begin to understand what these minimum conditions are by looking at what life is like when they are not there. Throughout this book, we will see what the lives of refugees are like in camps, urban settings and as they cross deserts and oceans to seek asylum. The father who worries that

his children will be bitten by rats at night, the mother who has to send her small children to work in the city to survive, and the family that hires smugglers to take them on an inflatable raft to cross the Sea, are all people who are denied the minimum conditions of human dignity. When a German diplomat recently described the conditions where asylum seekers are held in Libya as being like a “concentration camp,” where execution, torture, rape and abandonment in the desert are the norm,²⁹ there is no question that the minimum conditions for human dignity have not been met. As a US Supreme Court judge famously said in regards to pornography, though it can be hard to define, “I know it when I see it.”³⁰

For a definition with more precise content, we can turn to the Universal Declaration of Human Rights or to the Conventions (legally binding commitments) that followed from them, such as the International Convention on Civil and Political Rights or the International Convention on Social, Economic and Cultural Rights. The Universal Declaration of Human Rights is so widely accepted as the basic standard of humane treatment that it is considered to be *customary* international law, binding on states whether or not they have signed and ratified any piece of human rights law. According to Article 25, all human beings have the right to a standard of living that is adequate for their health and well-being. This includes an *adequate* level of food, clothing, housing and medical care. Children in particular are entitled to special care and assistance in achieving this adequate standard of living, and for them, the right to an education (Article 26) is part of this minimum standard. All human rights documents stress the importance of the right to security of one’s person (Article 3).

Of course, what counts as an “adequate” level of food, housing or medical care is the subject of some debate. Regarding food, a minimum threshold is food that is sufficient in quantity, nutritionally adequate, culturally appropriate and accessible. A minimum threshold for

adequate housing is that it is safe and habitable, including access to basic sanitation, not just a roof and walls. A right to a basic level of medical care would include access to medical services that are necessary for sustaining your life and protecting your health and should include access to hospitals, clinics and health professionals. Some even include basic access to mental health care on this list. In terms of education, everyone has the right to free, elementary education that promotes literacy and other basic skills. What precise form these will take will depend on the country, culture and economic state of the place in question. What I want to stress here is the notion that there is a widely-accepted minimum level that is considered to be necessary in order for people to be able to live lives of dignity. Though many people around the world who are not refugees do not have access to this minimum standard, it's still important to evaluate the help we give to refugees in regard to it.

However you might define the minimum conditions of human dignity – whether it's 1000 calories a day or 1500 – it's clear that millions of refugees around the world are not able to access these conditions. As we will see throughout this book, refugee camps often lack food and security; urban settings often make it hard for refugees to find adequate housing or education; and increasingly, refugees seeking asylum in Western countries find themselves in circumstances where they too lack these minimum conditions of human dignity. It's clear from the stories that refugees tell about their experiences that many do not live lives that would be considered secure. Virtually everyone agrees that for the most part refugees do not have access to sufficient material conditions, education or security.

Who are “We”?

I wrote this book with a specific audience in mind: people who want to understand the global refugee crisis from an ethical perspective and who may or may not be aware of the second

crisis, the crisis for refugees, described above. I drew from conversations that I have had with students in my classes, people in my community who came to my public talks, academics at conferences in North America and Europe, and friends and colleagues who asked me about my work and challenged me to think more deeply about my answers. Though my argument is addressed to this broad group of students, scholars, policy makers and curious citizens, I recognize the extraordinary amount of diversity among readers. But by and large, I hope most readers will recognize themselves in the “we” who are trying to understand the challenges and benefits of refugees.

But there is another sense in which I use the term “we.” The main question that I ask in the book is what moral responsibilities *we* have to refugees around the world. Here I am referring primarily to relatively wealthy, liberal democratic states and their members, states that have historically played a powerful role in shaping the global system of refugee protection. I will refer to this group of states as “Western” states throughout this book not because it’s the most accurate term, but because it’s the mostly widely agreed upon term to refer to this group of states. This is not to suggest that other countries don’t have any obligations to refugees. I think they do. But Western countries have a special obligation to help – their greater capacity to help, their stated commitment to liberal democracy, and their role in shaping the second crisis as a whole ground their responsibility.

Western states are in a position to help because they have the capacity to do so. The relative wealth of Western states is important, especially in a world of extreme global inequality. Relatively wealthy Western states are in a position to take in refugees, either through asylum or resettlement. Their population density, especially countries like Canada, the US and Australia, tend to be lower than other places. Most are multicultural societies and they have a tradition of

including immigrants. In other words, most Western states are able to take in refugees and absorb them into their communities at relatively low cost to themselves. As David Miller has pointed out, responsibility for refugees should be shared by all those states “who are able to help the refugee by admitting her.”³¹ Further, the financial power of Western states means that, at least relative to other countries, there are resources to invest in refugees and the global refugee protection system. As I discussed in the Preface, refugees tend to be a net economic gain, though the upfront cost of helping refugees can be steep. In this sense, the economic capacity of a country matters. The philosopher Henry Shue argued that affluent states have a duty to aid poor ones because they are the ones controlling resources globally.³² The same idea applies to helping refugees.

Second, the fact that Western countries consider themselves to be liberal democracies is significant. Western states claim that they are guided by principles of justice, fairness and human rights. As the philosopher John Rawls put it, democratic countries “recognize principles of justice as governing their own domestic conduct.”³³ The moral obligations of Western states to refugees, in some cases, will simply entail applying their own principles of justice to this group of people.

Finally, I think the history of Western states in shaping the norms and practices around the treatment of refugees, norms that have benefitted Western countries at the expense of refugees, is also significant. Western states, as I’ll argue in the book, have played a powerful role in shaping the second crisis. While some countries have taken in refugees and granted asylum, almost all Western states have been working hard to try to make the second refugee crisis invisible by keeping refugees far from Western states. Further, Western states have supported refugee camps as the primary way of responding to refugees. This is in part because Western

states believed it was in their interest to keep potential asylum seekers far from their shores and ultimately, in the words of one scholar, “to keep Third World refugee problems from inconveniencing the developed states.”³⁴ They have in this way contributed to the second crisis refugees face and their responsibility to them is grounded in this. Relative wealth, commitment to principles of justice and human rights, and historical connection are the key reasons Western states have a particular moral responsibility to refugees.

In my view, both states themselves (their leaders, policy makers, and institutions) and individuals share obligations to help refugees. On the one hand, states have the capacity to change laws and policies around the treatment of refugees. States are in charge of budgets that fund refugee programs, both domestically and abroad. The number of refugees accepted in the US each year is set by the President. The Province of Quebec in Canada provides assistance for refugees once they are in Quebec. The individuals who are in positions of power in these institutions set the rules.

However, these rules are influenced by the citizens of these countries. Heads of state often, though not always, take the cues around the treatment of refugees from their constituents. In democracies, whether or not people support policies matter. Both individuals and institutions can play a role in how refugees are treated while they are in their countries and can help shape the terms of the debate, such as how they are depicted in the media, talked about in policy debates, and considered in funding strategies. In many countries, individuals have played large roles in sponsoring refugees, allowing them to live in their homes, protesting policies that harm refugees, and making films and art that teach others about refugees and as such, increase understanding about refugees. Individuals and institutions are important and we need think about the moral responsibility of both groups. In the Conclusion of this book, I’ll come back to this

idea and suggest actions that both individuals and institutions can take to support the moral obligations we have to refugees.

Though Western states and their members are the focus of this book, other countries also have obligations to refugees, though the ground of this obligation may be different. I use the term “host states” to talk about the countries in the Global South which are by and large much poorer than Western countries but actually house the vast majority of refugees and displaced people in the world. Over 85% of refugees are in countries like Uganda, Pakistan, Jordan, Lebanon, Turkey, Bangladesh and Kenya. While these countries are generous in allowing refugees to live in their countries, they too have obligations to respect, protect and fulfill the human rights of all residents on their territory, including refugees. Often this is not the case - freedom of movement and the right to work are routinely denied - and these states should be held to a higher standard. There are of course many other countries which are not included in the category of Western states nor host states - the Gulf States, China, and Russia for example - which can and should be doing much more for refugees given the global scale of the problem. I think the relative wealth of some of these countries - The Gulf States and South Korea for example - can ground an obligation to contribute financially if not in other ways. This is the approach Japan has taken: it resettles very few refugees but is one of the top donor states to the UNHCR. But this book is not addressed to them, though my hope is that a larger, more global approach might one day be possible.

§ We Are Not Rescuers

It's not entirely true that morality is absent in the debate over how states should respond to refugees. Philosophers have been engaged in a robust debate over this topic for years but because they have not taken seriously the second crisis of how refugees are treated while they are

refugees, they have not, in my view, been able to adequately explain what we owe to refugees. This is in part because Western states are too often seen only as *rescuers* and not in part responsible for the inability of refugees to access refuge.

In the view of some philosophers, Western states are like someone who comes across a person injured person at the side of a road and steps in to offer help.³⁵ In this view, the refugee producing states (Syria, Myanmar, etc.) are the parties who have done something wrong by harming their citizens and creating refugees who need to be rescued by other countries. They are the ones responsible for the situation of refugees. Refugees, those in need of being rescued, are the (mostly) innocent victims of the situation. Western states, then, are positioned as the rescuers who come to the aid of those in need and who are unconnected to the situation. Because this is a *positive* duty of rescue—a duty to provide aid, not the fulfillment of a *negative* duty, a duty to refrain from harming, which is generally considered stronger and more demanding—the rescuers cannot be asked to sacrifice too much.³⁶ When framed in this way, the moral question becomes how to best help refugees while balancing the interests of the rescuing state, which has a right to control their borders, limit immigration, and determine the amount they are willing to spend on refugees. This way of thinking introduces another consideration: separating out those who are genuine refugees from those merely taking advantage of our generosity becomes paramount in order to ensure that the generosity of rescuing states is not taken advantage of.

What underlies the rescue frame is that Westerns states, the rescuers, have not done anything wrong. They have not caused the refugees to come into harm's way but are merely stepping in to help. In other words, this is not a duty of justice, a duty that might come into play if a state had done something wrong. If a country that was able to help refugees failed to do so, we would perhaps think the country ungenerous or unkind, but would not consider them unjust.

Because it's sometimes unclear who should be helping which refugees, especially in contexts where there are many countries which could be providing aid, it is hard to blame any one country when refugees go unaided. We may praise states which step up and help refugees, but we rarely criticize other states for doing too little.

The real story is more complicated than this. While it's true that refugee-producing states harm refugees by failing to protect their human rights and many Western states do a lot to help refugees, there are some important facts of the global refugee crisis that are left out of this way of framing the story. What needs to be included is the harm experienced by refugees *as they seek refuge* and the role that Western states have played in this.

If we broaden our frame in this we can see that there are two distinct sets of harms. The first is the one mentioned above that receives the most focus: the circumstances that drive refugees to leave their homes in the first place. The risk of torture in the underground torture chambers, the barrel bombs that killed relatives, the fear of kidnapping by a militant group. Yet escaping this is not all that refugees need to fear.

The second set of harms that refugees must overcome occur once they seek refuge outside of their home countries. We have created a situation in which the vast majority of refugees are effectively not able to get refuge in any meaningful sense, they are not able to access the minimum conditions of human dignity. Refugees must navigate the choice between impoverished camps, urban poverty and insecurity, or risking life and limb to seek asylum.³⁷ As I'll detail throughout the book, each choice comes with its own kind of harm. Refugee camps come with a loss of autonomy and hope for the future; urban settlements mean greater freedom, but even less security, access to food or education for children; and asylum often means risking

everything, including your life. Each choice exposes refugees to a different kind of harm and deprivation.

This second set of harms must be understood as something that Western states and the international community have played a role in creating and sustaining and this is why I refer to it as *the problem we have created*. Because of our policies around immigration and border security—which I will assume that states have a moral right to make how they see fit—states have more or less ensured that the vast majority of refugees will not be able to access the conditions that would allow them to lead a minimally decent life, one that includes autonomy, dignity and basic material goods, in other words, the kind of life they aim at when they flee their countries. We must consider this outcome one of the harms refugees need to be rescued from. Not only has the international community and powerful Western states failed to genuinely rescue refugees, but the options we have given them often undermine their human rights.

When the problem we have created is brought into the frame, it becomes clear that we must ask a broader set of moral questions: what do we owe to people living in refugee camps and urban centers for years or decades? Is it morally justifiable to make seeking asylum so difficult as to require risking bodily integrity and even life? What do we owe to refugees who will never make it to our shores? My answer in short, as I'll argue throughout the book, is that we have a moral obligation to ensure that refugees can access the minimum conditions of human dignity while they are waiting for a solution to their situation (either returning home or finding a new one). This will require us to rethink how we respond to refugees and how we think of our relationship to them.

§ Overview of the Book

How can we ensure that refugees can access the minimum conditions of human dignity? For many people in Europe, North America and Australia, refugee policy is a matter of national security, economics, or perhaps foreign policy. Yet if we are going to take seriously the dignity of refugees, it's crucial that we consider the demands of morality. To that end, I want to give readers the resources to think about the moral issues raised by the existence of refugees in the 21st century and the tools to think critically about not just the current refugee crisis, but future challenges as well.

Because this book was written for a wide audience of curious citizens, students, policy makers and scholars from different disciplines, Part I of the book offers an overview of both the refugee crisis and the philosophical debate over what states owe refugees from the point of view of morality. Chapter One will introduce the key terms and definitions that are used when talking about refugees. It answers questions such as: who counts as a refugee, how are they different from asylum seekers, what obligations do states have to them, and what about climate refugees and economic migrants. The question – who is a refugee? – turns out to be one that is answered differently by different countries in ways that make it seem like the definition is applied in a morally arbitrary way. This chapter gives readers the necessary background to understand both the crisis for Western states and the crisis that refugees themselves face in their inability to find refuge. Chapter Two provides a general introduction to ethics and explains what it means to say that we have moral obligations. Some people think that we should keep political or economic concerns at the top of our minds when thinking about how to respond to refugees. This chapter shows why morality is equally important and how morality can apply *globally* and not just to those close to us, such as family, friends, or fellow citizens. This is particularly important since I argue throughout the book that we have a moral obligation to provide refugees with the

minimum conditions of human dignity. Both Chapter One and Chapter Two are important background information for the following chapters. Chapter Three gives a more specific introduction to the ways that philosophers have understood and discussed our moral obligations to refugees. As I suggested above, I don't fully agree with the conclusions reached because I think the way they have framed the problem is too narrow. But nonetheless, the moral question of whether or not we have moral obligations to resettle or grant asylum to refugees, even if it goes against our national interest, is an important one to consider.

In the second part of the book, I present my own views around our treatment of refugees and argue that we must expand the way we frame the refugee crisis to include the crisis for refugees who are unable to get refuge. I explain this crisis in detail in Chapters Four and Five. Chapter Four is a detailed discussion of what it means to be a refugee living in a refugee camp or in a city without any help from the international community. Well over 85% of refugees live in one of these two circumstances, though most people in the West are not aware of this and what this means for refugees, half of whom are children.³⁸ Nor are people aware of the ways that Western states have supported this situation.

Chapter Five describes the price we ask refugees to pay to claim asylum. During the 2015 refugee crisis, almost every single person who made it to Europe used a smuggler at some point in their journey.³⁹ This was because states have made it so difficult to enter in order to claim asylum, that spending your life savings to pay a smuggler is virtually the only option. Refugees must overcome various deterrence policies designed to make claiming asylum as difficult and as dangerous as possible so as to discourage future asylum seekers. Detention, destitute refugee camps and even policies of separating children from parents are now normal approaches for handling asylum seekers. In my view, we have not grappled seriously enough with asylum

policies which actively harm refugees in order to push the refugee crises out of view. This chapter shows the ways in which our immigration policies are deeply intertwined with the options refugees have and their inability to get refuge without sacrificing their safety, health and dignity.

In Chapter Six, I present my own approach to thinking about our moral obligations to refugees in light of the realities described in the previous two chapters. I draw on the philosopher Iris Young to suggest that we ought to frame the crisis for refugees as a kind of *structural injustice* – an injustice that wasn't intentionally caused by any one particular state but one that nonetheless we must take responsibility for. I explain why I think that Western states can be seen as *politically* responsible. In the conclusion I suggest some practical ways to think about how individuals and states can begin to address the injustice that refugees around the world experience.

§Conclusion

Sina Habte, the pregnant Eritrean asylum seeker whose story this chapter began with, had a happy ending. Because her boat capsized close to the shore, an off-duty Greek army sergeant saw the wreck, jumped into the water and swam out to rescue whoever he could. One of the people he rescued was Sina. She was taken to the hospital and delivered a healthy baby who she named Andonis, after the person who saved her life. She was really fortunate. That summer thousands of asylum seekers had no one to rescue them and died crossing the Mediterranean Sea.

When we consider what Western states owe to people like Sina and others like her, people who risk their lives and the lives of their children to gain entry into the countries we live in, it's important to consider why she believed this was her only option. Why would anyone risk their life and the life of their beloved but still unborn child in the way that she did? Part of what

we owe people like Sina is consideration of the larger context which forced her to risk her life before we would even think about helping her and that made risking her life in this way her only viable option. This larger context is what I've referred to as the second refugee crisis, the crisis for refugees who are unable to get refuge. What we owe Sina and the millions of others like her is the ability to access a minimum amount of human dignity while they are seeking refuge. Providing this will require us to reconsider our relationship to refugees and to rethink how we respond to refugees around the world. My hope is that this book will provide some guidance in this crucial task.

¹ Sina's story comes from McDonald-Gibson, *Cast Away*, 2016. All the stories in this and following chapters are true and based on accounts given by journalists and scholars who have traveled around the world and collected these stories. This book owes a debt of gratitude to them for their work

² In 2013, that number had been a little over 400,000. Pew, "Numbers of Refugees," 2016.

³ Agerholm, "Refugees Are 'Muslim Invaders,'" 2018.

⁴ Taub, "Why 67% of Brits," 2015.

⁵ As Betts and Collier put it, "refugees are effectively offered a false choice between three dismal options: encampment, urban destitution, or perilous journeys. For refugees, these inadequate options – camps, urban destitution, and boats - *are* the modern global refugee regime" (p. 55).

⁶ Betts and Collier, *Refuge*, 2017, p. 8. That is, only about 2% have access to one of the official "durable solutions": resettlement, voluntary return, or local integration.

⁷ UNHCR, "Figures at a Glance" 2019. This is the cite where the UN High Commissioner for Refugees updates statistics about refugees and forced displacement. Readers should refer to this

website to see updated statistics on the refugee situation (<https://www.unhcr.org/en-us/figures-at-a-glance.html>).

⁸ Aleinikoff 2018, Displaced Podcast

⁹ “At least since 1994, annual refugee resettlement flows as a percentage of the global refugee populations has never exceeded 1%” FitzGerland, *Refuge Beyond Reach*, 2019, p. 3. For example, in 2018, 92,400 refugees were resettled out of a total of 25.9 million (UNHCR, “Figures at a Glance” 2018). That is, 0.357% of refugees or fewer than 4 refugees out of every 1000 were resettled.

¹⁰ The UN prioritizes for resettlement those who face “specific or urgent protection risks.” In 2018, 1.4 million refugees were included in this category. UNHCR, *Resettlement Needs*, 2018, P. 9.

¹¹ Betts and Collier 2017, 3.

¹² Betts and Collier, “Refuge” 2017, 3.

¹³ Since 2015, more than 1.4 million people have sought asylum in Europe. UNHCR, “Figures at a Glance,” 2019.

¹⁴ According to the UN, “It is estimated that the average duration of major refugee situations, protracted or not, has increased: from 9 years in 1993 to 17 years in 2003” (UNHCR, “Protracted Refugee” 2004, p. 2). To be clear, this is not the duration refugees spend in refugee camps but the average duration that people spend as refugees, whether in camps or elsewhere. The average length of time people spend in refugee camps is 12 years (McClelland, “How to Build,” 2014, quoted in Oliver 2019). The figure of 17 years, however, only includes refugees under the UNHCR’s mandate and does not include Palestinian refugees from 1948 or 1967, the inclusion of whom would increase the average significantly (BBC, “Refugee Camp Statistics,” 2016).

¹⁵ Bhabha, *Can We Solve*, 2018, p. 94.

¹⁶ Betts and Collier, *Refuge*, 2017, p. 54. A protracted situation is defined as one lasting more than 5 years.

¹⁷ Oliver, “Abolish,” 2019, p.118.

¹⁸ Though Turkey hosts more than two million refugees, the conditions for refugees are minimal at best, and often grossly insufficient (Akdemir, “Syrian Refugees,” 2017). For example, only 9.12% of refugees live in camps. The rest, “are trying to survive on their own – many by begging, collecting garbage, or being exploited in the informal economy,” with only 3% get any form of social benefits from the Turkish government. Further, only 24% of Syrian children outside of camps have access to education in Turkey

¹⁹ Kingsley, “Migration to Europe,” 2018.

²⁰ Neuman, “Amnesty International,” 2017.

²¹ Sherlock, “Migrants Captured in Libya,” 2018.

²² This is an observation based on my own experience giving talks about refugees to students, academics and the general public between 2016-2019.

²³ Roxström and Gibney, “Legal and Ethical Obligations,” 2012.

²⁴ Betts and Collier, *Refuge*, 2017, pp. 40–41.

²⁵ Gibney, *Ethics and Politics*, 2004; Aleinikoff, “State-Centered Refugee Law,” 1992.

²⁶ Betts and Collier, *Refuge*, 2017.

²⁷ This is, in part, what justifies their claims of national sovereignty. As John Locke explained as a long ago as the 17th century, political sovereignty is justified precisely because states were able to protect the human rights of its residents. Locke, *First Treatise*, 1980 (1789). In contemporary terms, this is considered the *normative basis of state*: states can exercise legitimate sovereign

power because the protection of human rights that results from this ultimately makes everyone better off. Betts and Loescher, “Refugees in International Relations,” 2011, p. 6.

28 This treaty, formally known as the Convention Relating to the Status of Refugees, at first only applied to refugees fleeing Europe before January 1951. In 1967 a Protocol was added that removed these limitations so that it applied to refugees fleeing anytime from any country.

29 Abadi, “The Damn Will Hold,” 2017.

30 *Jacobellis v. Ohio*, 378 U.S. 184 (1964).

31 Miller, *Strangers in Our Midst*, p. 83.

32 Shue, H. (1996). *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (2nd ed.). Princeton University Press.

33 Rawls, *Law of Peoples*, 2001, p.432.

34 Aleinikoff 1992, p. 133.

35 David Miller, for example, writes that the obligations to help refugees are parallel to “the duty of rescue born by individuals in emergencies” (Miller 2016, 78). For Betts and Collier, providing “refuge is about fulfilling our duty of rescue” (Betts and Collier 2017, 6). This way of seeing the position of Western states vis-à-vis refugees is so widely accepted that David Milliband, a former UK member of Parliament and current head of the International Rescue Committee, titled his recent book on the obligations of Western states to refugees, *Rescue* (2017).

36 As David Miller goes on to explain, duties of rescue do not entail “an unlimited and unconditional obligation to carry out rescues: the duty that it imposes aims to safeguard the urgent interests of the victim without placing an unacceptable burden on the rescuers” (Miller 2016, 78).

37 Betts and Collier, *Refuge*, 2017.

³⁸ UNHCR, “Global Trends,” 2017. Despite this, less than 2% of all humanitarian spending goes to education (Miliband, *Rescue*, 2017, p. 78.)

³⁹ Tinti and Reitano, *Migrant*, 2016, p. 32