

Migration as Reparation for Colonialism

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Accepted: 14 February 2024 © The Author(s) 2024

Abstract

It is commonly accepted that former European colonising states ought to make reparations for the many harmful legacies of colonialism. I defend an undertheorised case for migration as reparation for one harmful legacy of colonialism in particular, that of exploitation. Making reparations for the harmful legacy of colonial exploitation requires, among other measures, a redistribution of wealth from former colonising states to their former colonies, and for former colonising states to make symbolic reparations, acknowledging the wrong of exploitation. Often it is assumed that the reparative redistribution can occur through in situ monetary transfers, and that symbolic reparations can involve measures such as apologies. But I highlight an overlooked additional option that should be added to the reparative package: migration rights. Firstly, migration would constitute material reparations, as it is well established that migration from poorer to richer states is an effective mechanism of redistributing wealth, both to the individuals who migrate, but also to those who choose not to migrate through remittances. Secondly, offering postcolonial migrants not only the right to work in their former colonising states, but substantive rights, including immediate access to public funds, would be a powerful means of making symbolic reparations, of former colonising states acknowledging that their key institutions are funded with colonially extracted wealth.

Keywords Colonialism · Exploitation · Reparation · Migration rights

Introduction

In a 2019 article for *The New York Times*, Suketu Mehta argued that to make reparations for wrongdoing including colonialism, states ought to institute 'immigration as reparations': 'immigration quotas should be based on how much the host country has ruined other countries' (Mehta 2019). Thus, 'Britain should have quotas for Indians and Nigerians; France for Malians and Tunisians; Belgium for very large

Published online: 02 April 2024

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numbers of Congolese'. Activist Harsha Walia also argues that migration should be seen as 'a form of reparations'... 'the vast number of people who are migrants...are black and brown people from poor countries that have been made poor because of centuries of empire, of exploitation and deliberate underdevelopment' (*The Guardian* 2021).

In this paper I explore the view that former European colonising states should offer migration rights to their former colonies as part of the reparative package for colonialism.¹ Political theorists typically overlook reparative arguments for migration rights and theorise migration ahistorically, not considering whether would-be migrants have a pre-existing relationship with their potential host state, including whether they have been harmed by that state (e.g., Jaggar 2020). Because of this ahistorical analysis, political theorists often argue that states have a general right to exclude economic migrants,² those migrating out of choice, with only refugees, those migrating out of necessity counting as exceptions to the right to exclude (e.g., Blake 2013).

Nonetheless, a few political theorists have started to consider whether particular people have a reparative right to migrate, whereby 'a right to immigrate is being asked for as a way of redressing some wrong that the receiving state has inflicted on the prospective immigrant' (Miller 2016, p. 114). The most developed case thus far argues for reparative migration for *refugees*, with James Souter (e.g., 2022) arguing that if states displace people elsewhere, through for example military action, they might have reparative rather than humanitarian obligations to admit such refugees (see also e.g., Bosniak 2016). But the activists that I cited in the opening of this paper argue something different, and far more radical—that the reparative right to migrate should be used for 'long-term and more systemic harms' including colonial-ism (Jaggar 2020, p. 102), granted to those hundreds of millions would-be *economic migrants* from former colonies who would like to migrate to the Global North,³ often to their own former colonising state (e.g., Hooghe et al. 2008). Many are disadvantaged, both in absolute terms and relatively compared to those in the Global North, but would still migrate out of choice rather than absolute necessity.⁴

Even fewer political theorists have engaged with this specific claim. Sarah Song (2018, p. 82) briefly mentions the 'compelling' possibility that 'colonial powers have

⁵ Whilst in general literature on reparative migration for non-refugees is lacking, not just for colonialism, see Rufaida Al Hashmi (2021) for a case that does not focus on refugees or colonialism.



¹ Unlike Mehta I focus on migration rights for *anyone* who would like to move to their former colonising state, rather than reparative quotas.

² The term 'economic' migrant is commonly used but is misleading as not all those who migrate by choice migrate for economic reasons. Nonetheless I use the term, as most would-be migrants that I focus on will be migrating for economic reasons.

³ 900 million people would like to migrate to the Global North (GALLUP 2023).

⁴ Are the extremely poor refugees or economic migrants? I prefer a broad definition of refugees that includes anyone whose basic needs are unmet in their home state and so includes those whose subsistence needs are unmet. Others define refugees as those whose basic needs can be met *only* by migrating. On this definition the very poor will usually not count as they can often be helped in situ, by, for example, monetary aid (e.g., Miller 2016, p. 82). If one does not see the extremely poor as already having a humanitarian right to migrate, then the reparative right to migrate that I shall defend applies both to those over a basic needs threshold, and to the extremely poor under that threshold.

an obligation to admit colonial subjects to compensate for the injustices of colonialism' (see also e.g., Butt and Stemplowska 2022, pp. 127–128). Further, Bernadette Schwabe and Judith Urselmann (2020) argue for migration rights for Namibians to Germany as reparation for the genocide of the Herero people. But they do not expand upon what rights Namibians are owed once they migrate to Germany: whether, for example, they are owed substantive rights such as the offer of citizenship or only a temporary right to work; nor do they extend the case to other types of colonial wrongs. Others briefly consider and then reject reparative migration for economic migrants, including for colonialism. Objections include the claim that reparation should be in situ (e.g., Miller 2016), concerns about 'brain drain' in former colonies (Collste 2015), and the worry that only the rich from former colonies would be able to take up the reparative right to migrate (Miller 2021, p. 95).

Building on these preliminary defences of the idea of reparative migration for colonialism, and responding to the aforementioned objections, my aim is to show that even if former colonising states have a general right to exclude economic migrants, they do not have a right to exclude those from their former colonies.⁶ I present a case for reparative migration specifically for the harmful legacy of colonial economic exploitation. The second section. 'Reparations and Colonialism', defines reparations and summarises existing literature that shows that there is a harmful legacy of past colonial exploitation for which former colonies are owed reparations. The third section 'Migration as Reparation', presents the core claim of the paper: that former colonising states offering migration rights to their former colonies would be fitting reparation for the harmful legacy of colonial exploitation and should be added to the package of reparations for colonialism. I primarily defend migration rights as a means of making a reparative redistribution of wealth, both to individual postcolonial migrants, and to those who choose not to migrate via remittances. But I also argue that the offer of migration rights could constitute symbolic reparation for exploitation. Further, I clarify what rights postcolonial migrants are owed in their former colonising state, arguing that they are owed the right to work in nonexploitative conditions, immediate access to public funds, and the offer of unconditional access to citizenship after a few years. The fourth section 'Objections and Responses', then considers two objections: the concern that migration could impose an unreasonable burden upon citizens of former colonising states and the concern about brain drain. The final section concludes.

Before I proceed, I should clarify the scope of my argument in two ways. Firstly, colonialism involved myriad wrongs with a harmful legacy today: genocide, political domination, cultural oppression, and so forth. Although I limit my analysis to migration rights as reparation for exploitation, I do not intend to exclude the possibility that some of the other harmful legacies of colonialism could also be redressed at least partly via migration rights. Secondly, affluent states have exploited states in ways other than European colonialism: structural adjustment, debt, and so forth. Again, whilst I limit the scope of my analysis to colonialism, I do not intend to

⁶ If there is a right to exclude, I remain agnostic as to what grounds it (see e.g., Blake 2013; Miller 2016; Song 2018).



exclude the possibility that migration rights could be fitting reparation for other examples of exploitation.

Reparations and Colonialism

Definition of Reparations

'Reparations' refers to measures that wrongdoers offer to their victims to help to repair harm that they have inflicted upon them. Underlying the principle of reparation is the claim that 'one has a duty to make amends for one's wrong' (Lu 2017, p. 217). Full reparation places victims in the position that they would have been in had they not been wrongfully harmed, but often full reparation is not possible in the circumstances, so the aim of reparation is typically to repair the harm done so far as is possible (e.g., Collste 2015, p. 265; Thompson 2018, p. 9). Redressing a particular instance of wrongful harm typically requires a combination of material and symbolic measures. Material reparations redress more tangible harms (such as loss of wealth), whilst symbolic reparations involve 'recognition of the wrongs of the past as wrongs' (Mills 2019, p. 117) and attempt to redress less tangible harms such as psychological harm.

The reparative measure(s) selected need to be *fitting* for the harm in question. To be fitting, a reparative measure must fulfil two conditions. Firstly, the measure must help to repair the harm done by providing a benefit that matches the features of the harm in question (Souter 2014, p. 333). For an example, suppose that a foreign state pollutes the coastline of another state through an oil spill, damaging the livelihood of many individuals. By cleaning the coastline and monetarily compensating those with affected livelihoods, the foreign state would offer benefits that match the features of the harms committed (Miller 2015, p. 402). Secondly, the measure must help to repair the harm in such a way that does not then impose some new wrongful harm upon the victims (e.g., Souter 2022, p. 115). For example, as I shall argue in the section 'the Details of Reparative Migration', granting victims of colonial exploitation only a temporary right to migrate to their former colonising state would fulfil the first condition for reparative fittingness, providing postcolonial migrants with benefits that match the features of the harms of colonial exploitation, but would fail to fulfil the second condition: reinforcing wrongful stereotypes about those from former colonies being 'irrational' and unworthy of citizenship. So, a reparative measure can therefore be unfitting in two ways. Firstly, it could fail to provide a benefit that matches the features of the harm. Secondly, it could help to repair the harm in question but in the process impose a new wrongful harm upon the victims.

There are then three questions that need to be answered when establishing the validity of a reparative claim (e.g., Tan 2007). Firstly, are there victims to make reparations to? Secondly, is there an agent who can be held responsible to make reparations? Thirdly, would the content of reparations impose an unreasonable burden upon those incurring the costs? As it is a familiar enough view that colonialism was a serious wrong which grounds reparative duties for former colonising states, my goal here is not to establish this familiar claim, but rather to examine its implications



for the specific case of migration rights as reparation. To that end, I briefly outline below how these three questions are answered for the harmful legacies of colonial exploitation.⁷

Reparations for Colonial Exploitation

Regarding the first question, it is commonly accepted that colonialism entailed harmful exploitation, the effects of which continue today. Exploitation occurs when A takes unfair advantage of B, with A benefitting from the interaction (e.g., Zwolinski et al. 2022). The literature in development economics demonstrates the exploitative nature of colonialism (e.g., Engerman and Sokoloff 2002), showing that colonisers exploited their colonies through the establishment of extractive institutions, 'bad and dysfunctional institutions' that allowed them to extract vast amounts of wealth 'at the expense' of their colonies (e.g., Acemoglu et al. 2006, p. 21). For example, economist Utsa Patnaik calculates that Britain extracted \$45 trillion from India alone between 1765 and 1938 (Hickel 2018). And there are studies showing that both contemporary global poverty and inequality are traceable to such past exploitation (e.g., Acemoglu et al. 2006). There are also non-economic legacies of exploitation. For example, the CARICOM Reparations Commission, composed of Caribbean representatives to demand reparative justice, refers to 'the massive psychological trauma' experienced by those of African descent due to their forebears being treated as 'chattel, property, and real estate'.

Regarding the second question, it is commonly thought that reparative responsibility falls largely upon former colonising states (e.g., Tan 2007, p. 297) because colonial states exploited their colonies, and continue to enjoy the fruits of colonially extracted wealth embedded in core institutions such as healthcare and welfare systems (e.g., El-Enany 2020; Bhambra 2022). However, reparative burdens will impact the citizens of these states, who have not taken part in the wrongs of colonialism themselves. Nonetheless, it is often accepted that at least when the reparative burden is reasonable, blameless individuals have responsibility to bear the burdens of their state's wrongdoing (e.g., Pasternak 2021).

It is commonly accepted that victims of colonial exploitation are owed a reparative redistribution of wealth from their former colonising state, as well as symbolic reparation (e.g., Tan 2007; Collste 2015; CARICOM 2013).⁸ But would such measures constitute an unreasonable burden? What precisely counts as an unreasonable

⁸ A third potential reparative measure that I do not explore here is the dismantling of extractive institutions. Many studies show that former colonies experience poverty and inequality today not only because former colonising states have yet to return extracted wealth, but also because colonial era extractive institutions continue to persist, trapping at least some former colonies in their role as primary commodity producers (e.g., Acemoglu et al. 2006).



⁷ I should mention that there are well-known challenges to reparative arguments that can be applied to the issue of colonial reparations, including concerns about supersession, and the non-identity problem. Such issues are treated in detail in other philosophical discussions, including by some theorists who write on reparative migration (e.g., Schwabe and Urselmann 2020; Al Hashmi 2021). My goal is not to address such challenges, assuming that they can be addressed as they apply to colonialism.

burden is a complex issue that I discuss more in the section 'Unreasonable Reparative Burdens'. It suffices to say for now that any reparative measure clearly imposes an unreasonable burden when it undermines the basic needs of those bearing the costs (e.g., Lu 2017, p. 231). On this basis, symbolic measures such as apologies should not be unreasonably burdensome, but a reparative redistribution could be depending upon the proposed extent of redistribution. Plainly if one argues that former colonising states ought to return all that was extracted in monetary value then this would impose an unreasonable burden in most cases (e.g., Butt 2022), requiring for example Britain to transfer \$45 trillion to India alone. But most proponents of a reparative redistribution do not argue for such extensive redistribution (e.g., Tan 2007; CARICOM 2013). Rather, they argue for a partial redistribution, for former colonising states to make efforts to redress global poverty and global inequality that is traceable to past colonial exploitation rather than returning all that was extracted in monetary value. Part of the reason that proponents of colonial reparations usually argue for a partial transfer is to indeed ensure that the reparative burden is not too great upon those bearing the costs (e.g., Tan 2007, pp. 300-301). But moreover, in many cases, economic constraints simply make full redistribution impossible (e.g., Collste 2015, p. 265). For example, putting aside questions of reasonableness, Britain cannot, at least in the near future, return the \$45 trillion that it extracted from India, given its current GDP of \$3.16 trillion (IMF 2023).

The Importance of Reparative Choice for Victims of Colonialism

I will soon be in a position to defend the primary claim of this paper, that migration is an overlooked means of making a (partial) reparative redistribution to former colonies. I also argue that migration rights could constitute symbolic reparation. But first, I should make it clear that migration is *not* the only option to effect a reparative redistribution, with the obvious alternative (partial) in situ monetary transfers. There are also other ways to make symbolic reparations: acknowledgment of wrongdoing, apologies, and so forth. Seeing as there are already fitting ways to make reparation for the continuing harms of colonial exploitation, why argue for migration rights to be added to the package? Indeed, David Miller (2015, p. 401) argues that a reparative claim is only weighty enough to generate obligations to admit the victim when 'allowing her to immigrate is the only...way of repairing the harm', conceding that Souter's (2014, 2022) argument for reparative asylum might hold if refugees' protection cannot be achieved in situ (Miller 2016, p. 115). But when those harmed are would-be economic migrants rather than refugees, Miller argues that states have no duty to offer migration rights to their victims, because the harm can be repaired in situ.

In response, I argue that when there are multiple fitting reparative measures available, it is not at the discretion of the wrongdoer to decide upon one measure. Rather, to help restore victims' agency following wrongdoing, wrongdoers have a duty to offer *choice* to their victims. Agency refers to 'a capacity for forming intentions... and a capacity to carry out those intentions' with agency forming 'the basis of one's self and personhood' (Litalien 2021, pp. 89–90). Wrongdoing often undermines



victims' agency by restricting the options available to them and so restricting their 'capacity' to realise their 'intention[s] out in the world' (Litalien 2021, p. 91) (see also e.g., Butt 2009, p. 45). Taking the example of exploitation, given that wealth can be used to further a variety of meaningful ends, wrongful deprivations in it restrict options to the exploited, impeding their capacity to realise particular intentions (Litalien 2021, p. 98).

Wrongdoers therefore have a duty to help restore their victims' agency. This will partly occur through reparations themselves. But, when there are multiple fitting reparative options available, wrongdoers ought to help to enhance their victims' agency by giving them a choice between different measures. Reparative choice helps to restore victims' agency by giving them control over how they would like to enhance their capacity for forming intentions and carrying out those intentions after having had control taken away from them. Conversely, a wrongdoer unilaterally deciding which reparative measure to use not only misses an opportunity to enhance their victims' agency but constitutes a further failure to respect their agency. So, arguing that the obligation to admit victims arises solely when migration is the only means available to repair the harm overlooks the duty that wrongdoers have to offer reparative choice to their victims, at least when there are multiple fitting options available. Indeed, in Souter's (e.g., 2022, p. 124) account of asylum as reparation for refugees, and in Al Hashmi's (2021, p. 14) account of migration rights as reparation for historical injustice in immigration policy, both stress that victims should have choice between migrating and other reparative measures to help restore their agency. I agree. But I now want to show that the duty to grant reparative choice is especially weighty for colonialism because of the particular way in which colonised peoples' agency was undermined.

It is not just that the agency of the colonised was undermined through wrongful acts that continue to affect their descendants' agency. Rather, their very capacity for agency itself was denied by their colonisers (see Chan forthcoming). The colonised were assumed to be incapable of forming intentions and carrying out those intentions; they were 'disrespect[ed]' as 'rational and moral agents' (Chan forthcoming, p. 116). Further, even in the absence of formal colonialism, the agency of formerly colonised people continues to be disrespected by their former colonisers, by, for example, stigmatising discourses of 'international development' that deny the colonial origins of contemporary poverty and inequality (e.g. Fanon 1963, pp. 102–103) and instead express the message that former colonies must be 'civilised' and 'developed' by their former colonising states (e.g., Lorenzini 2019, p. 21), their capacity as rational agents denied. To fail to account for reparative preferences would then reinforce the very idea of the formerly colonised as 'passive beneficiaries of the responsible agency of their wrongdoers' (Amighetti and Nuti 2015, p. 387). So, if, as I argue below, migration is a fitting reparative measure for the continuing harms of colonial exploitation, it ought to be offered to maximise reparative choice.

⁹ Schwabe and Urselmann also argue that migration rights should be offered alongside other reparative measures to promote 'empowerment' (2020, p. 153).



Migration as Reparation

Migration as Fitting Reparation

I now present my central argument, that migration would constitute a fitting means of making a reparative redistribution for colonial exploitation. To show that migration is fitting reparation, I will need to show that it provides certain benefits that match the features of the harms of colonial exploitation. It is well established by social scientists that migration from poorer to wealthier states is an effective mechanism of redistributing wealth from the rich state, both to the individuals who migrate and to those who remain in the sending state. Migrants' incomes increase three to six times when they move from lower income to higher income states, primarily through access to better jobs and higher wages compared to their state of origin (e.g., the World Bank 2018), and access to welfare goods (e.g., Hansen and Lofstrom 2003). Moreover, the wealth redistributing benefits of migration flow even to those who do not migrate, through remittances (Ratha 2020, p. 76). Remittances most obviously benefit the family members and friends of individual migrants, but there is evidence that they also benefit those without close ties to individual migrants, as well as supporting the macro-economic development of the sending state by, for example, facilitating an increased demand for goods and services by those directly sent remittances (e.g., Rapoport and Docquier 2006; Amuedo-Dorantes and Pozo 2010). Migration can therefore help to address poverty within sending states and inequality between receiving and sending states (e.g., Dustmann et al. 2022).

Assuming that the above empirical evidence is sound, former colonising states offering migration rights to their former colonies would be fitting reparation for the ongoing economic harm of colonialism. Migration would provide a benefit that matches the harm done, constituting a means of redistributing wealth to individual postcolonial migrants through access to employment opportunities and public funds, and maximising in situ monetary reparation for those who would prefer not to migrate via remittances, helping to redress colonially derived poverty and inequality. So, given the fittingness of migration rights as making a reparative redistribution, and the duty to offer reparative choice, former colonising states ought to open their borders to their former colonies.

It is important to distinguish the argument for migration as reparation from the familiar view in the ethics of migration about migration as a means of redistributing wealth (e.g., Carens 1992). Such theorists view the scope of egalitarian distributive justice as global, and migration as an effective means of redistributing wealth. The claim that the scope of egalitarian distributive justice is global is usually rejected by those who argue for states' right to exclude (e.g., Blake 2013; Miller 2016). Conversely, the argument that I propose is agnostic as to the scope of egalitarian distributive justice. Instead, it relies on a backwards-looking argument for redistribution that is accepted by many who support the right to exclude (e.g., Miller 2007; Levitov and Macedo 2018). So those who argue for states' general right to exclude, who also accept that states have reparative duties, should be open to the possibility that reparation should sometimes take the form of migration rights, particularly given



the importance of reparative choice. The next sub-section will flesh out this view of reparative migration, detailing specific rights that postcolonial reparative migrants are owed.

The Details of Reparative Migration

The right to migrate concerns two kinds of rights: admission rights, the right of 'entry and presence in the territory of a nation-state', and inclusion rights, 'the formal extension of the various rights and privileges of membership' (Achiume 2019, p. 1514). Inclusion rights include whether those who are admitted have the right to work; whether they can access public funds; and whether they are only permitted to migrate temporarily or if they can gain access to citizenship (e.g., Kukathas 2011, p. 332). So far, I have assumed that reparative migrants are owed admission to their former colonising states and two inclusion rights: the right to work and access to public funds. Below, I expand upon the scheme of reparative migration, discussing why reparative migrants are owed four specific rights: ease of admission, the right to work in non-exploitative conditions, immediate access to public funds, and access to unconditional citizenship.

Ease of Admission

Even if former colonising states offered all members of their former colonies the right of admission, such states could act in ways that restricted the ability of the more disadvantaged to migrate. For example, they could require would-be migrants to spend large amounts of money on visas (e.g., Kukathas 2011, p. 328) and make securing visas a complex process, requiring the services of a lawyer. They could also fail to fund the travel costs of the more disadvantaged. Indeed Miller (2021, p. 95) rejects migration as reparation for colonialism because 'when reparation is owed for the harms of colonialism, it is owed to surviving colonial subjects and their descendants en masse, not to the minority who are able to accumulate the resources needed to migrate to rich countries'. Because I do not defend migration as the only reparative measure for colonial exploitation, if migrating was a costly and complex process such that only a minority were able to accumulate the necessary resources, the rest would still receive a reparative redistribution in situ through monetary transfers. But if the more disadvantaged were unable to migrate, it would undermine a key strength of the reparative case for migration, the fact that it enables reparative choice. Therefore, I argue that former colonising states have an obligation to ensure ease of admission. For example, either former colonising states should permit visa free travel from their former colonies, or if they do require a reparative visa, obtaining it should be a free and simple process. Further, former colonising states ought to fund the travel of those who are more disadvantaged and provide them with assistance upon arrival (accommodation, funds to help them settle, and so forth). Doing so will ensure that there is genuine reparative choice for all.



The Right to Work in Non-Exploitative Conditions

In terms of inclusion rights, I have already suggested that reparative migrants are owed the right to work. But I should be clear here that reparative migrants are owed a right to work in *non-exploitative conditions*. This is an important qualification to add as in the real world, even if they benefit economically from their employment, migrant workers are often subjected to exploitative working conditions: salaries below the agreed rate; little time off; work in unsafe conditions; and so forth (e.g., European Union Agency for Fundamental Rights). It is commonly accepted that even mutually beneficial exploitation is wrong, as A still benefits by taking unfair advantage of B (e.g., Zwolinski et al. 2022). Perhaps (although I certainly do not commit to this view) when migration is defended as a means of making a global redistribution of wealth according to forward-looking principles, some exploitation is permissible so long as overall migrant workers benefit materially and their cocitizens at home benefit through remittances (see e.g., Lenard and Straehle 2010, p. 292). But when migration is defended as reparation for exploitation, merely materially benefiting postcolonial migrants (and those at home) is insufficient to fitting reparation. To fulfil the first condition for fittingness, to provide a benefit that matches the features of the wrongful harm in question of exploitation, the reparative redistribution needs to occur *non-exploitatively*. An exploitative redistribution could not constitute fitting reparation for the wrong of exploitation. This means that former colonising states have a duty to minimise the exploitation of reparative migrants by, for example, sanctioning employees who fail to ensure non-exploitative working conditions (e.g., Lenard and Straehle 2010).

Immediate Access to Public Funds

A further inclusion right that reparative migrants are owed is immediate access to public funds. Firstly, as I briefly suggested in the section 'Migration as Fitting Reparation', granting reparative migrants immediate access to public funds would maximise the redistributive potential of migration as reparation, permitting reparative migrants to improve their economic lot through both employment opportunities and through access to goods such as welfare benefits. Secondly, failing to offer reparative migrants immediate access to public funds would arguably constitute exploitation, rendering migration unfitting reparation. As Patti Tamara Lenard and Christine Straehle (2010, p. 285) argue, an additional way in which migrants can be exploited is through contracts that stipulate their lack of access to public funds whilst requiring them to contribute to such funds through taxation. In the section 'Unreasonable reparative burdens' I question whether reparative postcolonial migrants should be required to contribute to public funds in their former colonising state, proposing instead that at least sometimes the economic benefits of migration should be redistributed back to former colonies. If it is the case that reparative migrants should not be required to contribute to public funds, then it might not appear exploitative to deprive them of access to such funds. But even if postcolonial migrants did not contribute to public funds through taxation, given that such funds are to a large



degree funded through colonially extracted wealth that they are owed, it still would be exploitative to deny them access to such wealth as it manifests in public funds.

Thirdly, whilst my primary interest is in defending migration as a means of making a reparative redistribution, as Schwabe and Urselmann briefly suggest, migration could also constitute a form of 'symbolic compensation' (2020, p. 153). 10 I argue that granting postcolonial migrants immediate access to public funds is necessary for migration to serve this symbolic reparative role. Symbolic reparation requires acknowledging the wrong. So former colonising states ought to acknowledge how their exploitation has wrongfully harmed those in their former colonies and acknowledge how they and their citizens continue to benefit from colonially hoarded wealth that funded and is now entrenched in their 'infrastructure, employment, healthcare, welfare' (El-Enany 2020, p. 130). Former colonising states offering people from their former colonies not only the right to work but also immediate access to their public funds and actively encouraging them to access such goods would express recognition of the wrong of colonial exploitation in a particularly powerful way. It would communicate not only the continuing harms of exploitation that compel some to migrate to their former colonising state to access opportunities there, but also how former colonising states continue to benefit from hoarded colonial wealth embedded in key institutions. So, through the offer of immediate access to public funds, migration would constitute not only fitting material reparation for the continuing economic harms of colonial exploitation, but also fitting symbolic reparation.

Access to Unconditional Citizenship

Thus far I have not said anything about the length of reparative migration. It might appear that migration as reparation could take the form of a temporary migration programme. Reparative migrants could be granted entry to their former colonising state for a few years, improve their personal economic lot, remit some of their earnings, and return home after a few years. However, another way in which migrants can be exploited is by exploitative bargains, in which rich states fulfil their labour needs through migration and temporary migrants receive no recognition for their contributions by way of the offer of citizenship... viewed as 'dispensable service providers...not as...budding members of their community' (Lenard and Straehle 2010, p. 291). As I have already made clear, those owed reparation for exploitation ought not to be exploited and so are owed access to citizenship after some time (say five years) to avoid exploitative bargains. But not only are postcolonial migrants owed access to citizenship, they are also owed access to unconditional citizenship. Taking the example of Britain, those who are eligible to apply for citizenship must undergo a costly and arduous process of paying an initial £1300, and then more to prove their understanding of English and take a 'Life in the UK Test' (Citizens Advice). Perhaps such processes are justified when those naturalising are not from

¹⁰ Souter (2022, p. 57) also focuses on the symbolic function of reparative migration, arguing that states offering asylum to those whose displacement they are responsible for can be a means of making good on apologies.



one's own former colonies, but at the very least it is exploitative to charge reparative postcolonial migrants large sums to naturalise.

But moreover, whilst I primarily focus on how the specific wrong of colonial exploitation can be redressed through migration rights, a further concern is that even if the financial cost of obtaining citizenship was removed, requiring postcolonial migrants to take tests to 'prove' their worthiness to naturalise risks reinforcing persisting colonial wrongful harms beyond economic ones. This would render migration unfitting, as a fitting reparative measure does not only provide a benefit that matches the wrongful harm in question but does so in such a way that does not impose further wrongful harms upon the victims. Recall the earlier point about colonisers denying the agency of people from their colonies. Critical scholars of migration show how the concept of citizenship was used during the period of European colonialism to divide 'backwards' colonies and 'modern' colonisers: 'those who were *capable* of citizenship and those deemed *incapable* and unworthy of such rights' (Shahid and Turner 2022). Such hierarchies continue today. For example, racialised citizens from Britain's former colonies face a higher risk of denaturalisation than other citizens, deemed 'backwards' (e.g., Naqvi 2021, p. 516). Citizenship tests risk reinforcing problematic hierarchies about who is 'capable' and 'worthy' of citizenship. Therefore, to avoid reinforcing objectionable hierarchies, when reparative postcolonial migrants become eligible for citizenship, it should be granted unconditionally to those who want it.

Objections and Responses

So far, I have argued that members of former colonies are owed a reparative right to migrate to their former colonising state, with this right entailing ease of entry, the right to work in non-exploitative conditions, immediate access to public funds, and the opportunity to access citizenship unconditionally after a few years. I now respond to two possible objections. The first suggests that migration should not be used as reparation because it would impose an unreasonable burden upon citizens of former colonising states. The second suggests that migration would be unfitting reparation because it would compound economic harm to those in former colonies who chose not to migrate, through brain drain. I take up each objection in turn.

Unreasonable Reparative Burdens

Even weighty reparative duties can be outweighed by other moral considerations (e.g., Souter 2022, p. 142), including the requirement for reparation not to impose an unreasonable burden upon those incurring the costs (e.g., Tan 2007). I have already acknowledged that reparations impose an unreasonable burden when they



undermine the basic needs of those bearing the costs. So, reparation could not take the form of unrestricted migration rights¹¹ in the unlikely scenario that the majority chose migrating over in situ reparation, such that those in the receiving state were reduced to under a basic needs threshold because of huge numbers of migrants (e.g., Carens 1992, p. 30). But this would set a low bar for what counts as unreasonable, permitting as reasonable any form of reparation that does not undermine the basic needs of those bearing the costs. Plausibly there are other ways in which a reparative burden could be unreasonable, and here I focus on two other potentially unreasonable burdens of migration.

The first concerns the potential challenge to the common public culture of former colonising states that migration could pose. A common public culture is 'a set of understandings about how a group of people is set to conduct its life together', including shared political principles, social norms, religious beliefs, and national language (Miller 1997, p. 25). Liberal nationalists argue that states 'require a common public culture' (Miller 2005, p. 199). Amongst other reasons, citizens of liberal democracies have the right to maintain continuity in their 'publicly espoused values' (Miller 2016, p. 154) because they have a significant interest in 'see[ing] themselves as bearers of an identifiable cultural tradition that stretches backward historically' (Miller 2005, p. 200). Migrants, bringing with them different cultural values, can, according to liberal nationalists, change this common public culture, giving states the right to exclude. So, despite arguing for weighty reparative duties, liberal nationalists might argue that the right to maintain cultural continuity in public values means that any reparative measure that challenges such continuity is unreasonably burdensome, including migration.

One response is to reject that the changing of public culture counts as a burden at all. Another is to reject that it is an unreasonable one: to not 'overstate the moral importance of protecting culture...vis a vis reparative obligations to non-citizens' (Souter 2022, p. 141). Both these responses are compelling. However, I want to show that even if challenging the continuity of national culture is an unreasonable reparative burden, this 'burden' would not occur when the migrants in question are from one's own former colony. It is well documented that colonisers wrongly imposed their cultures on their colonies (e.g., Collste 2015). But colonies also significantly influenced the national identity of their colonisers, with, for example, India a key theme in nineteenth-century British culture (e.g., Amighetti and Nuti 2016). For Sara Amighetti and Alasia Nuti, this relationship of mutually constituted identities is so strong that it persists today, such that 'postcolonial migrants are already part of the "self" that determines the excolonising nation's identity' (2016, p. 552). This means that citizens of former colonising states cannot claim to have a right to protect their public national culture from postcolonial migrants, because such national culture has been fundamentally shaped by their (former) colonies.

¹¹ Perhaps some could still be granted the right to migrate, although it would have to be established on what basis the right to migrate could fairly be granted to only some.



Perhaps then former colonising states have both nationalist and reparative duties to admit their former colonies, making the duty to open their borders even weightier.¹²

The second concerns the potential undermining of the relative standing of the already disadvantaged in former colonising states. The brunt of in situ cash transfers could plausibly fall on very rich citizens of former colonising states, not the disadvantaged (e.g., Oxfam 2023, p. 30). But whilst there is evidence that overall migration economically benefits the host state (e.g., OECD 2014), especially capital owners, there is some evidence that migration can have adverse effects upon the relative standing of disadvantaged individuals (e.g., Borjas 2003). Whilst there is also compelling evidence to the contrary (e.g., Römer 2022), assuming for sake of argument that migration could at least sometimes undermine the relative standing of the disadvantaged in the host state, would this constitute an unreasonable burden? When migration is defended as a means of realising forward-looking egalitarian distributive obligations, some (e.g., Levitov and Macedo 2018) argue that whilst basic needs of potential migrants should take precedence over the relative standing of poor citizens in Western states, whose basic needs are at least met, if non-members are economic migrants, it is permissible to prioritise the interests of the disadvantaged in the host state because obligations of domestic egalitarian distributive justice trump distributive obligations towards outsiders.

Perhaps then it is permissible to prioritise the interests of the disadvantaged in one's state over the disadvantaged outside of one's state when migration is used to redistribute according to forward-looking principles. However, given the weight of reparative duties, the same conclusion cannot be arrived at when migration is defended reparatively. As Charles Mills puts it (2019, p. 116), 'a reparative normative project has traditionally been seen as more urgent in ethical theory [than forward-looking ones], since it is obligatory for all liberals to correct violations of negative rights'. This means that those bearing the weight of reparative measures can expect to incur a higher burden compared to those with forward-looking duties of global distributive justice. Accordingly, I argue that it is not unreasonable for a reparative measure to, at least somewhat, worsen the position of those in the wrongdoer state, including those who are already disadvantaged, given the weightiness of backwards-looking duties to repair wrongful harm.

At this point though one might reject that reparative migration has to be made at the expense of domestic duties of social justice, making the familiar argument that because overall migration is economically beneficial for the host economy, any uneven benefits can be redistributed to the disadvantaged in the host state. Again, perhaps if migration is defended as a means of realising forward-looking distributive duties, the benefits should be redistributed to the disadvantaged in the host state. But when migration is defended reparatively for economic harm, at least some of this wealth ought to be redistributed back to former colonies (in addition to remittances) to maximise migration's redistributive benefits. Perhaps in some instances the benefits of migration would be of such a magnitude that both the disadvantaged in the

¹² See E. Tendayi Achiume (2019) for another non-reparative argument for open borders to former colonies, on the basis that former colonies and former colonisers are part of the same neocolonial political association.



former colonising state and former colonies could share in them. But otherwise, people from former colonising states, even the disadvantaged, can reasonably expect to incur some reduction in their living standards to meet weighty reparative duties. ¹³

Brain Drain

Even if migration is reasonable reparation, one might argue that it is *unfitting* because of the potential for brain drain, 'the emigration of...highly skilled individuals' including medical professionals, engineers, and scientists (Gibson and McKenzie 2011, p. 108). Those left behind can lose out from the loss of human capital through wasted investment in training those who emigrate, loss of potential sources of innovation, and losses to critical services such as medical care (e.g., OECD 2007). Collste (2015, pp. 161–162) argues that 'migration...entails a brain drain' and 'if a generous immigration policy means that they [former colonies] lose many educated citizens, it looks more like a continuation of the old colonial regime than a means of compensation for former exploitation'. That is, if reparative migration resulted in brain drain, it would appear to violate the first condition for fittingness, failing to provide an appropriate benefit to those who chose not to migrate and instead compounding their economic harm.

In response, it is worth pointing out that the empirical evidence is mixed and it is far from clear that migration entails deleterious brain drain in all contexts. Some argue that remittances can outweigh brain drain losses, and that highly skilled migrants tend to return to and invest in their state of origin (e.g., Mountford 1997). Further, even if there was a risk in some contexts of deleterious brain drain, I have not argued that migration rights should be the *only* form of material reparation for continuing economic harm and it is plausible that harmful effects of brain drain could be offset by in situ cash transfers.

For sake of argument though, what ought to occur in the unlikely scenario that reparative migration would result in deleterious brain drain, the harmful effects of which even in situ redistribution could not outweigh? Migration would have to be rejected in such circumstances as unfitting, compounding economic harm to those who chose not to migrate, unless the highly skilled were deprived of the right to migrate. But would it be fair for former colonising states to restrict the reparative right to migrate to some to avoid brain drain? What would be the relevant harms or right violations suffered by the highly skilled members of formerly colonised states because of such a selection? Given that I have defended the right to migrate alongside in situ reparative measures, this would not be a scenario in which the highly skilled were deprived of a reparative redistribution altogether, receiving remittances and in situ cash transfers (that may well be enlarged through the migration of their co-citizens). They would also still receive symbolic reparation. True, their reparation would not be full, but the right to migrate is also partial reparation. So, at least in material terms, the highly skilled should not end up any worse off than those who

An additional concern with retaining the benefits of migration in the former colonising state is the risk of increasing inequality between former colonising and former colonised states. However, my claim that migration should be offered alongside in situ monetary transfers should minimise this concern.



migrate. The question here, then, is whether it is fair to deprive the highly skilled of the right to choose between different reparative solutions. Here the answer seems yes. Ideally everyone would have the right to choose between different reparative solutions, but so long as the highly skilled still received reparation in some form, this right can be outweighed by countervailing moral considerations, including the requirement to ensure that reparation provides an appropriate benefit to all victims.

Conclusion

I have assessed the potential of migration rights as reparation for colonialism, a claim that has been alluded to positively and critically, but its full implications unexplored. I commenced by arguing that victims of colonial wrongdoing are owed reparative choice. I then argued that migration rights ought to be added to the package of partial reparative measures to redress the continuing harms of colonial exploitation. Migration rights, taking the form of a right to work in non-exploitative conditions, immediate access to public funds and access at some stage to unconditional citizenship, would facilitate a reparative redistribution of wealth to those who migrated, and compound in situ reparation through remittances. Further, the offer of immediate access to public funds would constitute symbolic reparation, a means of former colonising states acknowledging their benefitting from exploited wealth. I then argued that in the unlikely scenarios that reparative migration resulted in deleterious brain drain or compromised the basic needs of those in the former colonising state, it would be legitimate to restrict the reparative right to migrate. In most contexts though, those who support states' general right to exclude should accept that people from former colonies ought to count as exceptions to their former colonising states' right to exclude, on a reparative basis.

Acknowledgments I am grateful to audiences at the UCL Political Theory Group, the UCL PhD Research Seminar, and the UCL Migration Cluster for their helpful suggestions. I would like to specifically thank Avia Pasternak, Adam Swift and Shuk Ying Chan for their insightful comments. I would also like to thank the guest editor Santiago Truccone-Borgogno and two anonymous reviewers at *Res Publica* whose valuable comments helped to improve the article.

Declarations

Conflict of Interest The author has no competing interests to declare.

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