

# **Irregular Migrants and the Demands of Relational Equality**

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## **Abstract**

What should states do with irregular migrants who permanently reside in their territory? Scholars such as Carens and Rubio-Marín have defended their naturalization by drawing on a theory of social membership. More Recently, however, Brock has challenged the idea of social membership as a justification for the naturalization of irregular migrants. Nonetheless, as she drops the idea of social membership, she can only defend irregular migrants' right not to be deported, in line with authors such as Ochoa Espejo and Blake. I argue that relational equality can provide a defense for granting irregular migrants citizenship rights—their complete naturalization. Irregular migrants are permanently subjected to the laws of the state they reside in without having any power or influence over them, which results in an objectionable social inequality. I argue that such concerns about inequality of status override the right of the demos to determine its membership and concerns about irregular migrants' original breaking of the law. Finally, I hold that even if my proposal for naturalization cannot gain political support, it can highlight the usefulness of policies that aim to help irregular migrants and also explain why other policies that deal with them seem morally troubling to us.

Keywords: undocumented migrants, naturalization, political power, social equality, citizenship

# Irregular Migrants and the Demands of Relational Equality

## I. Introduction

Nine years ago, the United Nations estimated the number of irregular migrants to be between 30 and 40 million (United Nations, 2014). In the United States, that number is estimated to be above 11 million (Baker, 2021). When confronted with the question of what the government should do with them, public opinion seems to be divided. In the United States, for example, 47% of the population would oppose the deportation of irregular migrants, while 46% would support it. When considering 18 countries,<sup>1</sup> the median of the people who oppose their deportation is 35%, while those who support it correspond to 61%. Moreover, when Americans were asked about the issue differently, in the form of "undocumented immigrants should not be allowed to stay in the country legally" (Gonzalez-Barrera & Connor, 2019, p. 11), a majority of them, 79%, asserted that they should be allowed to stay if they meet certain requirements, and only a 20% would not agree for them not to stay legally in the country (Gonzalez-Barrera & Connor, 2019). The naturalization of irregular migrants seems to be, then, a controversial topic.

The question this essay seeks to answer is the following: What should states do with the irregular migrants that reside in their territory? Irregular migrants, as I use the term here, correspond to those migrants who permanently reside in a country other than their country of citizenship without the authorization of their country of residence. Irregular migrants acquire that status by two means: by entering a country's jurisdiction without its formal

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<sup>1</sup> Those countries are Greece, Russia, Germany, Sweden, Netherlands, Poland, Hungary, South Africa, Australia, Japan, United Kingdom, Israel, Canada, Italy, France, Spain, United States, and Mexico (Gonzalez-Barrera & Connor, 2019).

authorization or by overstaying their visa. Terms such as illegal migrant and undocumented migrant are taken as synonyms of irregular migrant and are used interchangeably, as has been done in the literature.

To answer the above question, this essay argues that states should aim to naturalize irregular migrants and give them the status of legal citizens, with all of the civil and political rights generally attached to citizenship. In order to make that argument, I draw on a strand of political theory known as relational equality. As I will discuss later in more depth in the essay, one of relational egalitarianism's central claims is that individuals should enjoy equal political power in society, as equal power is a crucial component of egalitarian relations.<sup>2</sup> Therefore, irregular migrants' lack of political power—would necessarily violate that principle and amount to an objectionable inequality of status.

In bringing together the literatures on the naturalization of migrants and on relational equality, this essay makes a series of contributions. In the first place, authors in normative political theory have drawn on relational equality as a resource in the debate of open versus closed borders. Probably the most important works in that are those of Phillip Cole (Wellman & Cole, 2011) and Sharp (2022), who draw on relational equality to make a case for more open borders. However, they do not refer to what states should do with those irregular migrants who already reside in their territory—the focus of this essay. Secondly, as I show in the literature review section of this essay, current arguments for and against the naturalization of migrants fail in one of the following areas: (i) they do not provide a solution on what to do with those irregular migrants who already reside on a state and instead focus

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<sup>2</sup> Accounts of relational equality include Anderson (1999), Fourie (2012), Fourie et al., (2015), Kolodny (2014, 2023), Scheffler (2003), Viehoff (2014, 2019).

on how to address the arrival of new migrants; (ii) they rely on a problematic view of social membership; and (iii) those who do not rely on such account of social membership can only make an argument for an irregular migrants' right to stay and not to be deported. Showing what is wrong about (iii) depends, at least in part, on showing that my positive argument is correct.

Thirdly, although relational equality has been used as a framework to analyze the plight of irregular migrants both in the strictly legal sense and in a social sense (Reed-Sandoval, 2020), there are no works in normative political theory drawing on relational equality for or against the naturalization of migrants. Furthermore, since Reed-Sandoval's analysis goes beyond the legal category of irregular or undocumented migrants, she does not really explain why relational equality should be a tool of analysis applied to irregular migrants as a legal category, which is my focus here. I aim to fill that gap as well. Finally, I also intend to make a contribution to internal debates among relational egalitarians. Since relational egalitarians have, for the most part, assumed that all those who are entitled to relate as equals are citizens, it is necessary to explain why irregular migrants should be entitled to relate as equals with citizens of the state they reside in. Defining the scope of relational equality is, therefore, the first step of my argument.

There are several reasons for approaching the issue of irregular migrants from the perspective of relational egalitarianism. First, relational equality provides us with an account of what relationships of social inferiority are morally troubling and what to do to remedy them. It also shows the importance of equal political power to avoid morally troubling unequal status. Second, as I discuss in section III, current arguments for the full naturalization of irregular migrants—namely, granting them the rights of full citizenship—rest on morally

and politically problematic grounds—an idea of social membership. I think relational equality can provide an alternative defense of irregular migrants’ full naturalization. Furthermore, those who do not rely on an account of social membership but nonetheless are in favor of irregular migrants’ right to stay cannot really defend giving them full rights of citizenship. I argue that relational equality shows why such an approach is insufficient and can explain why considerations of power are important to understand irregular migrants’ condition. Finally, although relational equality has gained increased attention in political philosophy in general and in debates about the political philosophy of immigration in particular,<sup>3</sup> it has not yet been applied to the regularization of irregular migrants.

The essay is structured in the following way. Section II discusses current views on the naturalization of migrants and shows their problems. It identifies three main positions: (i) the guest worker alternative, (ii) the social membership accounts, and (iii) those who defend a right to stay. As I discuss later, both (ii) and (iii) group different versions of each position. Section III introduces the idea of relational equality and one of its justifications for equal political power. Section IV starts the development of a defense of the naturalization of irregular migrants. It explains why relational equality should consider irregular migrants and makes a case for the naturalization of irregular migrants and their inclusion as full citizens.

Section V discusses three possible objections to my main argument. The first is the self-determination argument. While I do not deny the value of self-determination, I aim to show, drawing on relational equality, that self-determination should not outweigh irregular migrants’ right to naturalization. The second objection, drawing on Viehoff (2019), is that if we consider relational equality as fundamentally concerned with equal status, then it is

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<sup>3</sup> See Amy Reed-Sandoval (2020), Daniel Sharp (2022), and Wellman & Cole (2011).

possible to justify unequal political power under certain circumstances. To this, I respond that the case of irregular migrants does not meet those same requirements, therefore making their lack of political power morally troubling. Finally, the third objection is that the argument advanced here is too ideal for our current, nonideal world, thus lacking actual applicability. I respond that although this might be the case, including irregular migrants within the scope of relational equality sheds light on how other policies might improve irregular migrants' situation and what policies might be morally objectionable.

## **II. Three Views on Naturalization**

In the political philosophy of immigration, we can identify three main views regarding the naturalization<sup>4</sup> of irregular migrants: (i) denying their right to naturalization and proposing guest worker programs instead, (ii) social membership accounts, and (iii) the right to stay. I discuss them in this section with the aim of pointing out their weaknesses.

Ryan Pevnick (2011) presents the most critical view of the naturalization of irregular migrants. Pevnick argues that integrationists'<sup>5</sup> demand of granting citizenship to all long-term residents "undermines the political community's interest in self-determination and the community's ownership of the political institutions that exist as a result of their contribution" (p. 164). Besides, Pevnick argues that irregular migrants entered the country illicitly and that they put themselves in their situation without the citizenry's consent in the first place. As an alternative, Pevnick proposes a guest worker program. However, he does not really offer an

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<sup>4</sup> In this section I use the terms naturalization, regularization and legalization of irregular migrants interchangeably. However, as I discuss, naturalization, regularization and legalization can mean different things for different authors—from allowing irregular migrants to stay to granting the full rights of citizenship. The meaning of naturalization that I defend includes granting irregular migrants the full rights of citizenship.

<sup>5</sup> Pevnick defines integrationists as those who "argue that justice requires that all illegal immigrants permanently residing in the territory be fully, and even automatically, integrated into the political community" (p. 163).

answer to what to do with current irregular migrants.<sup>6</sup> I will return to Pevnick's position in section V.A.

Regarding those who start from an account of social membership, there are two main views: those who defend an 'automatic' naturalization and those who propose a conditional amnesty. David Miller (2016) presents the latter position. He develops a conditional defense of the naturalization of irregular migrants, starting from the idea "that all those who have been social members for a sufficient period of time and to who plan to continue to make their lives in the society should advance toward full membership" (p. 126). For Miller, the best alternative is conditional amnesty (p. 127), which would require migrants to show their significant contribution to society or undertake military or civilian service. This way, thinks Miller, they would compensate for acting unfairly compared to those who applied to enter as economic migrants or asylum seekers.

Both Joseph Carens (2013) and Ruth Rubio-Marín (2000) defend the automatic naturalization of irregular migrants on the grounds of social membership. Carens's argument mirrors Rubio-Marín's and both follow the same pattern, so I will just follow Rubio-Marín's. She argues that "membership is first, and above all, a social fact, determined by social factors such as living, working or raising a family, and participating in the social and cultural life of a community" (p. 21). There are two related arguments for the inclusion of migrants. The first is subjection to the law: political equality demands that everyone's interests get the same intrinsic value. The second is what Rubio-Marín calls deep affectedness: "residence, and the

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<sup>6</sup> Although Sarah Song (2019, p. 181) claims that Pevnick's position is that irregular migrants can justifiably remove irregular migrants unless they can be classified as refugees or are children who are not responsible for their own migration status. However, my reading of Pevnick is that he is largely silent about what should states do with the irregular migrants residing in their territory, so he is not explicitly supporting such measures.

social integration that normally comes with it, helps to define the relevant referential political community for legitimation purposes and, connected to it, a deeper sense of affectedness than that implied by the subjection of the laws" (p. 31). For both Rubio-Marín and Carens, the relevant political community is determined not by those who are citizens formally and legally speaking, but by social membership. It is social membership that determines the scope of those entitled to political equality. In other words, for Carens and Rubio-Marín, it is possible not to be legally a citizen but to be part of the relevant political community of those entitled to political equality if you are a social member who meets the conditions for deep affectedness.

Gillian Brock (2020) has criticized the idea of social membership as a basis for granting citizenship to irregular migrants. Like Carens, she considers the passage of time as a central reason for the regularization of migrants. However, she rejects linking the passage of time to social membership. She considers that the idea of belonging can give rise to unhealthy dynamics, such as attempts to make one's community a comfortable place of belonging. This may be dangerous: as societies become more diverse, some people may start to feel like strangers in their own land, which may lead them to support populist leaders "who claim to be able to restore life to when there was a sense of 'effortless and secure belonging' when, for instance, their group flourished before the arrival of so many 'foreigners'" (p. 99). Second, Brock considers that the idea of belonging creates an unnecessary tension between insiders and outsiders and may give place to inadequate ideas of what it is to be a member. I think what is implied in both of those reasons is that an ideal of social membership can easily be used and exploited by political leaders who wish to exclude immigrants—exactly the opposite of what Carens and Rubio-Marín aspire to. Finally, even if not linked necessarily to

populist and exclusionary political leaders, I think the idea of social membership might be troubling because it might have homogenizing implications that increase the burden over irregular migrants: they might be required to show how much of an actual social member of society they have become.

However, as Brock drops the idea of social membership, she argues for a more limited right to stay instead of a right to full citizenship for irregular migrants. Similarly, Paulina Ochoa Espejo (2020) argues that irregular migrants have a right to stay, as such a right is necessary for us to fulfill our place-specific duties. Adam Omar Hosein (2014), on the other hand, provides a defense of the legalization of irregular migrants that relies on the idea of autonomy: legalization is necessary to ensure long-term unauthorized migrants' autonomy, and the state must secure their autonomy because otherwise, the authority it exercises over them is illegitimate. However, legalization would imply, for Hosein, only a right not to be deported. Michael Blake (2010, 2020) provides another defense of the regularization of irregular migrants, but starting from an idea of mercy: we can criticize, on the grounds of mercy, when states deport those long-term unauthorized migrants who have built a life in their country of residence. Therefore, the accounts offered by Brock, Ochoa Espejo, Hosein, and Blake defend irregular migrants' right not to be deported or to remain in their country of residence, which would not include political rights. On a similar vein, Owen Fiss (1999) defends a right to stay and goes on to argue that irregular migrants should be protected from social disabilities—from being social inferiors. However, he claims that irregular migrants are not entitled to political rights.<sup>7</sup>

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<sup>7</sup> It must be noted that Fiss' account is grounded on American Constitutional doctrine. According to him, it is American Constitutional doctrine that requires making a distinction between social vulnerabilities—not allowed

Therefore, several authors have provided arguments for irregular migrants' right to stay—a right not to be deported, on different grounds. However, they are not able to provide a defense of granting political rights to irregular migrants, and those who provide such a defense rely, as I have discussed, on a morally and politically problematic account of social membership. There is a gap, then, between what some authors have attempted to justify—granting irregular migrants full citizenship rights—and what others have been able to justify on more solid grounds—irregular migrants' right not to be deported. The question, then, is whether we can justify granting irregular migrants full citizenship rights on more solid grounds so we can go beyond granting them just a right to stay. I think relational equality can provide such solid grounding for giving irregular migrants full citizenship rights. But first, however, I must show that irregular migrants should be considered within the scope of relational equality's concerns about inequalities of status. I begin that task in the first section.

### **III. Relational Equality and Political Power**

There are two main views of what relational equality is, and while both aim to defend equal political rights, they differ on the grounds for it. On one view, relational equality's ideal is the creation of egalitarian relationships in society, such as those of marriage or friendship.<sup>8</sup> In the second, the focus of relational equality is to create a society without social hierarchies.<sup>9</sup> I follow Alexander Motchoulski (2021) in calling the first the friendship account of relational equality, and the second the status account of relational equality. In this essay, I focus on the status account of relational equality since egalitarian relations such as friendship and

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by the Thirteen and Fifteen amendments—and political vulnerabilities—not forbidden by American Constitutional doctrine.

<sup>8</sup> For this account of relational equality, see Viehoff (2014).

<sup>9</sup> For this account of relationalequality, see Anderson (1999); Kolodny (2014, 2023), Motchoulski (2021), and Scheffler (2003).

marriage do not really apply to the relationships that we find in political societies, as relational egalitarians have acknowledged (Motchoulski, 2021; Viehoff, 2019). Therefore, in the following paragraphs, I sketch an account of relational equality in general and the status account and its justification of equal political power in particular.

Anderson (1999) argues that what egalitarians seek can be explained in both a negative and a positive way. In the negative sense, “egalitarians seek to avoid oppression” (p. 313): forms of social relationships in which some dominate, exploit, and/or marginalize others. On the positive formulation, “egalitarians seek a social order in which persons stand in relations of equality” (p. 313): they want to avoid social hierarchies. In a similar sense, Scheffler (2003) distinguishes three senses of relational equality: moral, social, and political. In the moral sense, relational equality affirms all people’s equal worth and that people have the right to certain claims simply because they are persons. As a social ideal, it asserts that society must be “a cooperative arrangement among equals, each of which enjoys the same social standing” (p. 22). Finally, as a political ideal, relational equality asserts that the claims that citizens are entitled to make depend only on their status as citizens and not because of their particular circumstances.

How do relational egalitarians justify equal political power? Niko Kolodny (2014)<sup>10</sup> precisely focuses on this issue. He argues that equal opportunity for influence in political decisions is “necessary for full or ideal social equality” (p. 308). In other words, equal opportunity for influence is a particularly important component of it. Why is this so? First, Kolodny notices, “[t]o enjoy influence over a decision that has power and de facto authority

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<sup>10</sup> Kolodny (2023) provides a thoroughly detailed explanation of his status account of relational equality and how it justifies democracy. However, I take his 2014 and his 2023 accounts to be closely similar, so I follow his 2014 account for simplicity.

over others is itself a kind of power and de facto authority over others” (p. 303). This kind of influence over decisions that have power and de facto authority over others exists in both political and nonpolitical contexts, argues Kolodny. However, the key difference between both is that nonpolitical social inferiority is easier to escape than political inferiority. Even more, the fact that it is easier to escape those nonpolitical relationships, thinks Kolodny, makes them seem less as relationships of social inferiority. The effects of political decisions are more difficult to escape, in contrast.<sup>11</sup>

Political decisions, according to Kolodny, have final de facto authority: “they issue commands that are claimed to be and are generally (if not exceptionlessly) treated as overriding or nullifying any other decision” (p. 306). Besides, political authority ultimately involves the use of physical force. And Kolodny thinks that force matters specially because in practical terms, “the power to use force is the ‘final’ power” (p. 307), as if it were the actual final authority. Kolodny’s conclusion is that “[i]f asymmetries in the capacity to use force are distinctively important for social equality, then asymmetries in influence over political decisions will be important to social equality in a way that asymmetries in influence over nonpolitical decisions are not” (p. 307). The fact that political relationships of inequality ultimately involve the de facto authority and the possibility of using force over another makes political equality such an important component of social equality. Having equal influence over political decisions, thinks Kolodny, is necessary for relational equality when there is no possibility of escaping those decisions.

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<sup>11</sup> Kolodny (2023, pp- 97-101) further specifies what are the conditions make asymmetries of power and authority more tolerable to us. Those are: episodic character, context limitation, content limitation, escapability, downward equalization, and egalitarian relationship.

Kolodny (2014) further identifies five characteristics of equal opportunity for influence: first, what matters is influence—that the decision-making process is sensitive to one’s judgment and not that the final decision matches our judgment. Secondly, that it is crucially a matter of relative influence and not absolute influence. Thirdly, what matters is the opportunity to exert that relative influence, not the actual exercise of it. Fourthly, that the influence must be informed. And finally, that the influence is autonomous.

#### **IV. Relational equality and irregular migrants**

##### **A. Defining the scope of relational equality.**

What, then, does relational equality require states to do regarding irregular migrants? The first element to be explained is why relational equality should be applied to the case of irregular migrants. So far, works on relational equality seem to have, for the most part, assumed that citizens ought to relate as equals within a state without paying attention to those who are not citizens within societies.<sup>12</sup> There should not be status differences among citizens; therefore, they should enjoy equal political power, as differences in political power threaten equality of social status—the argument goes.

However, a closer examination of relational egalitarian arguments sheds light on the fact that what they care about is not only that citizens relate as equals but, instead, that they object to inequalities of power when those are permanent. In this section, I attempt to show that irregular migrants’ permanent residence meets the requirement of permanent subjection to political power in a way that triggers our concerns about their unequal social status. Indeed, unequal political power, as I first discuss, would trigger our concerns about unequal status in

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<sup>12</sup> Although Reed-Sandoval (2020) refers to irregular migrants, here focus is on undocumented migrants as a social category, not only as a legal category.

the case of regular migrants, too. That is, no matter their lawful or unlawful legal status, migrants' permanent subjection to irregular status would trigger our concerns about their unequal status if they do not enjoy the rights of citizenship.

Take, for a preliminary look, the types of societies relational egalitarians constantly object to. Both Anderson (1999) and Kolodny (2014) use, as prominent examples of objectionable relationships of social hierarchy, those of master and slave. And, of course, slaves were not citizens. But the question remains: when are those inequalities of power morally troubling? What I think is the key for relational egalitarians is that a permanent relationship involving unequal power exists. Against Kolodny (2014), however, this implies that political relationships are not by themselves enough to trigger our concerns about equal status. When we consider that state jurisdictions do not only exercise power over full citizens, we need to acknowledge what precisely triggers our concerns about unequal social status.

To clarify this, consider two cases: a tourist (T) and a regular migrant (R). T goes from country A to visit country B. She does not have political rights in B and is subjected to the laws and policies enacted by country B that were enacted prior to and during her stay. Furthermore, she probably cannot access some services like public (or maybe even private) education and cannot start a business. Do we find that problematic? In general, and as far as the laws enacted in B during her stay do not violate T's fundamental rights and she can access a certain range of basic or emergency services, we do not find it objectionable. Furthermore, T can leave B whenever she wants; therefore, there is no permanent relationship with citizens from B. T does not relate as an equal to the citizens of B. Even if the citizens of B show her respect and consideration during their daily interactions, the citizens of B hold political power and authority over T, and T does not have political power in B. However, we would generally

not consider this situation objectionable unless T's fundamental rights are violated, or she is not allowed to leave B as she pleases. The fact that there is a political relationship cannot, then, by itself, trigger our concerns about equal status.

Now, consider the case of R, a migrant from country C who lawfully migrates to country D. Her condition differs in several ways from those of R. Y has the right to a job, and all basic services and probably has access to education in D. In many cases, regular migrants are allowed to bring their families with them, who can access education and all ranges of basic and emergency services too. However, R does not have political rights and will probably not have them until she is granted citizenship. Therefore, she does not really relate to the citizens of D as an equal. Do we find this problematic? I think we would if the relationship with the citizens of D becomes permanent. If the relationship of R with the citizens of D becomes a long-term relationship, R's lack of political rights starts to seem as morally objectionable to us as her status would be as one of permanent social inferiority.

I think the previous thought experiment helps amend Kolodny's (2014) argument of what type of relationship makes inequality of status morally objectionable. According to Kolodny, "one way of avoiding, or at least moderating, what would otherwise be a relation of social inferiority is being able to escape it at will" (p. 304). For Kolodny, it is more difficult to escape relations of political inferiority rather than nonpolitical relations of inferiority: "escaping subjection to the decisions of nonpolitical associations (at least in nonslaveholding or nonfeudal societies) can be freer (p. 304). Tourist T, however, stands in a political relationship with B's citizens and government. The rules that regulate her admission and stay in B are determined by B's political institutions and, ultimately, by its citizens. However, T can freely escape those relationships without us considering that escape an unbearable

burden. Therefore, what determines the scope of those entitled to relational equality is not the existence of a political relationship itself but a political relationship that cannot be easily escaped—which becomes permanent. When we consider that not everyone within a state’s jurisdiction at some point in time is a citizen of that state,<sup>13</sup> we see that not all political relationships meet the condition of being very hard to escape. However, the situation of R, an immigrant, is different. She is permanently living under the subjection of the laws enacted by D, which she cannot escape easily without an important burden.

Furthermore, this relational egalitarian account of those who might be subjected to problematic relations of political power does not need to rely on a morally and politically problematic account of social membership. What matters in my account is being subjected to the political decisions of a community in a binding and permanent way—that you are subjected to a political community’s decisions in a way that is not easy to escape. In contrast, a social membership account requires migrants to develop a deep connection with the society they reside in. Consider Carens’s (2013) discussion about how adults—in contrast to children raised in a political community—can become social members over time:

As adult immigrants settle into their new home, they become involved in a network of relationships that multiply and deepen over time. They acquire interests and identities that are tied up with other members of the society. Their choices and life chances, like those of their children, become shaped by the state’s laws and policies. The longer they live there, the stronger their claims to social membership become. At some point, a threshold is passed. They have been there long enough that they simply are members of the community with a strong moral claim to

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<sup>13</sup> Here, of course, I am ignoring the case of, for instance, minors who will gain citizenship rights later.

have that membership officially recognized by the state by its granting of citizenship, or at least a right to citizenship if they want it. (p. 50)

For Carens (2013)—and Rubio-Marín (2000)—then, social membership necessarily involves developing a deep sense of belonging to the society in which one resides. In contrast, the relational egalitarian account does not rely on such a requirement. For the relational egalitarian account, what matters is the existence of a permanent political relationship. Both regular and irregular migrants can meet that requirement without being socially integrated to the degree that social membership accounts would require or assume.

### **B. The demands of relational equality**

What does this account of (the scope of) relational equality then imply for the case of irregular migrants? Irregular migrants, in general, independent of their country of residence, share a set of characteristics derived from their lack of legal authorization to reside in their country of residence.<sup>14</sup> Irregular migrants face barriers to accessing health services, cannot access regular, lawful jobs, face persecution by migration enforcement authorities, lack political rights, and face restrictions in accessing courts of justice. Many irregular migrants aim to permanently reside in the country they immigrated to, while others are only looking for jobs so they can send money to their families at home. But whether they look for long-term residence or not, they meet the requirement of being subjected to a political relationship that is hard to escape once they have lived in that territory for an extended period of time.

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<sup>14</sup> In this essay I do not focus on a particular state's obligation toward irregular migrants. Therefore, I do not focus on irregular migrants' situation in a particular country. Instead, I focus what the situation of irregular migrants is in general, no matter where they are. There are multiple empirical works that study the plight of irregular migrants in different countries, which inform my position. These include Angeleri (2022), Cohen (2020), Hacker et al. (2015), Karlsen (2021), and Triandafyllidou (2016).

Irregular migrants, then, ought to be naturalized and given the status of citizens with all the rights implied by it. Granting them the status of citizens would prevent us from finding their status in society as morally problematic due to their lack of political power. To clarify this argument, first consider two other possible proposals found in the literature that fall short of granting them citizenship. After all, it might be argued that solutions short of naturalization and citizenship would improve irregular migrants' situation to a morally acceptable standard. Take, first, a minimalistic approach: Carens's (2013) proposal of a firewall between migration control agencies and providers of basic human rights. As Carens rightly asserts, some rights are inalienable and do not depend on where a person is or her migratory status, but irregular migrants might not be able to make use of those rights because of fear of being detected by migration authorities. Carens proposes that “[d]emocratic states can and should build a firewall between the enforcement of immigration law, on the other hand, and the protection of general human rights, on the other” (p. 133). That firewall would ensure that immigration enforcement authorities could not access the information gathered by those in charge of protecting human rights. Therefore, migrants could make use of their basic human rights without fearing persecution. To be sure, this is a second-best solution to the situation of irregular migrants and is certainly more limited than Carens's proposal of granting citizenship to migrants.

And take the proposals of authors like Blake (2010, 2020), Brock (2020), Fiss (1999), Hosein (2014) and Ochoa Espejo (2020). As briefly discussed above, they all share that they defend a right to stay—although from different grounds. Fiss even makes an argument for irregular migrants to relate as ‘social’ equals with citizens while allowing ‘political’ disabilities—not granting them the right to vote. In Fiss' account, irregular migrants should

not be banned from working, education, public housing, or participating in general welfare programs.

Of course, solutions such as granting a right to stay and taking measures to ensure irregular migrants can enjoy certain basic rights do improve their situation. Having actual access to, say, the justice system makes it more difficult for irregular migrants to be subjugated to citizens. Probably one of the most important ways in which irregular migrants' standing in society is lower than the standing of citizens derives from irregular migrants' inability to uphold their basic rights. Having the right to get a formal job allows irregular migrants to be in a better position and be less likely to suffer abuses related to informal jobs. Having a stable and safe source of income allows them to stand on their own feet and hence be less vulnerable to abuses.

However, just granting a right to stay and access to basic human rights is not enough, and relational equality shows why. Irregular migrants, because of their long-term and permanent subjection to the laws created by citizens, are subjected to them. Following Kolodny's account of relational equality (2014), the fact that citizens have influence over rules that govern irregular migrants means that citizens are exerting power over irregular migrants. Besides, following Kolodny, political power, which is the type of power exerted by citizens over irregular migrants, ultimately implies exercising physical force, which ultimately is the final power. Therefore, irregular migrants should be granted citizenship: it is a necessary step for them to not be subjected to political power in a morally troubling way, which places them in a lower social status. It is a necessary step for them to relate as equals to citizens. It is also different to Brock's (2020) account of why time matters, and indeed, it better shows why time matters, I think. I will discuss those accounts below.

My account of why a migrant becomes entitled to the rights of citizenship does not rely on possibly problematic accounts of social membership. As Carens (2013) explains, residence and length of stay are the two key factors that define who should count as a member and, therefore, be entitled to citizenship. Why? Carens explains that residence and length of stay matter because they are “proxies for richer, deeper forms of connection” (p. 165), forms of connection which make, after a certain amount of time, migrants feel at home in their country of residence. However, as I have attempted to show here, residence and length of stay matter because being subjected to a government without political rights makes someone subjected to the power of others, resulting in a morally problematic relationship of social inferiority. There is no need to be a ‘social’ member or rely on an account of social membership to see why granting the rights of citizenship is important.

Furthermore, the account developed here shows what follows when we take the importance of time seriously. Brock (2020) shows that time matters when discussing a series of cases: mixed-status families, located life plans, and the right not to be kept in limbo. Regarding mixed-status families, Brock argues that family ties are a good reason for avoiding blocking deportation: after a long time, illegally remaining in a country may be, for some families, more acceptable than having some of their members deported, as separation would be an unbearable burden. At the same time, respecting located life plans matters because “[p]eople develop plans around particular forms of life in specific places and orient their lives toward these” (p. 102), and developing such a plan “typically involves considerable investment of oneself and one’s resources” (p. 102). Finally, people are fundamentally interested in not living in a state of “high uncertainty about territory of residence indefinitely”

(p. 103). Therefore, argues Brock (2020), we have reasons not to deport irregular migrants—especially those settled for a long time.

However, Brock misses one crucial point. In her discussion, there are no considerations of power—particularly, the power that citizens are exercising over irregular migrants even if they are allowed to stay. As I have attempted to show, granting migrants the right to stay is not enough because of the fact that they are still subjected to the power of the citizens of the state they live in. To avoid this, irregular migrants should be granted citizenship rights too. Time matters, certainly. But the passage of time also makes us care about someone's subjection to others without political rights. Over time, we find it troubling that someone is subjected to political power without having political rights. The same factors that Brock mentions, and that make deportation morally problematic, make it necessary to grant political rights to irregular migrants.

Two further clarifications regarding the scope of my argument are needed. First, one might think that only refugees are entitled to naturalization within the scope of my argument since difficulties in returning to one's country are a crucial component of it. However, difficulties in going back home are central to the situation of many irregular migrants, not only of refugees. There are several reasons why an irregular migrant might find it difficult to go back home. As time passes, irregular migrants can lose opportunities at home, as they may lose networks or contacts, and therefore, they can find it harder to find a job at home. At the same time, if an irregular migrant sends remittances home, their families may become dependent and reliant on such incomes. All this makes it more difficult for irregular migrants to return to their home country. These conditions apply even if an irregular migrant does not develop deep attachments to the country and the society in which she resides.

Therefore, many irregular migrants find themselves, after a while, in a position where they cannot simply go back home. They end up in a position where they are subjected to country's laws without having citizenship rights, in a permanent way. Their lack of political rights implies that they have a lower social status in society than citizens, which we would find morally problematic.

The second clarification is this. It is not implausible to imagine an irregular migrant who sneaks into a state's territory and who lives totally unnoticed by that state's authorities. Furthermore, she lives in the wilderness and has no interaction whatsoever, either with the state's citizens or with the state's law enforcement authorities. She lives in a cabin in the wilderness and eats the food she can gather or produce by herself. I hold that cases like those are just beyond what would be morally problematic in my relational egalitarian account. If such an irregular migrant exists, she is clearly not being subjected to the political power of the state. Therefore, she is in no problematic political relationship of unequal status with the state's citizens. An irregular migrant in that condition would not qualify for regularization, according to my argument. At the same time, however, I do not think we would find this morally problematic in any sense. If that irregular migrant has voluntarily decided to live in isolation under the conditions discussed, then there is no reason to think we would find her lack of citizenship rights morally problematic. Furthermore, we would expect cases like this to be so uncommon that we would not need to discuss them in depth.

## **V. Three objections**

In this section, I discuss three objections to the argument I have presented so far. The first objection is called the self-determination argument, which I take to be developed in its most potent form by Pevnick (2011). I also discuss Sara Song's (2019) account of the demos' right

to determine its membership. The second objection relates to the argument made by Viehoff (2019), who considers that denying equal political power might be consistent with relational equality under certain circumstances. Finally, the third asks whether my argument is too ideal for the real world, therefore not being appropriate to respond to the situation of irregular migrants in the current world.

### **A. The Self-Determination Argument**

As briefly mentioned above, Pevnick (2011) presents the most critical view regarding the naturalization of migrants—within a liberal-nationalist framework.<sup>15</sup> Here, I argue that taking the relational egalitarian argument seriously gives us reasons to grant irregular migrants full rights of citizenship that override Pevnick’s concerns about irregular migrants’ original breaking of the law and the political community’s lack of consent to their entry. Let us review Pevnick’s argument in more detail.

Why does Pevnick reject the naturalization of migrants? For Pevnick, the key values that are undermined by the naturalization of irregular migrants are the political community’s interest in self-determination and its ownership of its political institutions. Pevnick says that the integrationist position misses two key points: (i) it ignores how irregular migrants arrived at the country’s territory, and (ii) it “ignores how the relevant political communities—and the benefits that correspond to membership—arose” (p. 168). Pevnick reviews and rejects three reasons why integrationists may claim that (i) is not important. The first is that irregular migrants’ vulnerability in their home country may justify their claims to naturalization. Pevnick rejects it because these may actually be political or economic refugees, and hence,

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<sup>15</sup> Compared to other liberal nationalists, Pevnick’s view is more restrictive regarding the naturalization of irregular migrants. Other liberal nationalists, such as Miller (2016) as discussed in section II, support some form of amnesty for irregular migrants who have lived for a long time in a country.

they should be granted citizenship. The second is that irregular migrants contribute to the provision of important public goods, for instance, by paying taxes, and therefore, they should be granted full citizenship. Pevnick rejects this argument, again, because irregular migrants entered without the consent of the citizenship in the first place. Finally, integrationists may argue, thinks Pevnick, that because governments do not actively persecute irregular migrants, they are consenting to irregular migrants' presence. However, argues Pevnick, "[c]onsent involves a positive acceptance, rather than a lack of protective measures" (p. 167).

Thus, in Pevnick's view, the political community's lack of consent to irregular migrants' entry and presence outweighs their claims to naturalization, which leads to Pevnick's second objection to integrationists: that they ignore how relevant political communities arise. Pevnick summarizes his whole argument as follows: "citizenship entitles one to a set of benefits that arise from institutions collectively developed through a historical process of collective contributions made by the citizenry" (p. 168). Citizens have a special claim to ownership and control over their political institutions due to their contribution to creating and maintaining those same institutions.

I think we can respond to Pevnick's argument starting from the latest point. Indeed, citizens, to a great extent, are responsible for maintaining their political institutions over time. But they are certainly not the only ones. Irregular migrants in certain contexts also contribute to the maintenance of those same political institutions. For the most part, they follow the law without having a say about it. They pay taxes and receive fewer benefits derived from them compared to citizens, and they take jobs—probably many of those jobs that citizens do not want to perform—generally under worse conditions than the jobs that citizens take. Here, I do not dispute the argument that contributing to the existence of political institutions grants

a right to control those same institutions.<sup>16</sup> I only claim here that Pevnick should acknowledge the range of those who actually contribute to the existence of political institutions. I think the contribution irregular migrants make in that regard outweighs citizens' lack of consent to their presence.

Furthermore, as I mentioned in section II, Pevnick does not provide an answer to what states should do with the current irregular migrants that reside in their territory. I think that, without being equivalent to consenting to their presence, keeping those migrants in the territory without granting them rights of citizenship results morally problematic as their subjection to that political power becomes permanent. It seems morally problematic to take their contribution to the country's political institutions while at the same time not allowing them to enjoy control over them. And crucially, from the perspective of relational equality, it would be wrong to take irregular migrants' contribution while at the same time not allowing them to enjoy an equal status to those of citizens. Citizens, in the end, would relegate irregular migrants' to a lower position in society while holding the right to exercise unilateral power over them. Self-determination is not a fundamental value that triumphs over other considerations of justice, and Pevnick is right to point that out. However, through the lens of relational equality, we can see how morally problematic it is not to grant someone an equal status whose subjection to political power becomes permanent.

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<sup>16</sup> A cosmopolitan critique, for instance, could deny this. For instance, see Carens (2013, pp. 262–270), in his response to theorists of bounded justice, like John Rawls and David Miller—especially the second. The bottom line of the cosmopolitan critique to Pevnick's view would start from the fact that people are already born into societies. Some societies are more economically advanced than others, and because of the randomness of birth, not all people will get to have the right to participate in the creation and maintenance of the richer societies. Therefore, because being born in one society or another is a morally arbitrary fact that highly influence your life prospects, citizenship should not grant the right to control those institutions and admission policy.

Of course, it is inherently challenging to specify the period of time after which an irregular migrant becomes entitled to the rights of citizenship. Carens (2013) is, to the best of my knowledge, the only author to argue for a specific period of time after which irregular migrants should become citizens: five years. Carens himself acknowledges some degree of arbitrariness in this number but takes it as a proxy for the time during which the relevant requirements of his social membership account are met. I do not think we can escape some important degree of arbitrariness in setting the time after which an irregular migrant becomes entitled to the rights of citizenship. In my account, however, a period of five years seems reasonable since, over time, returning to one's country of origin becomes more complex, in a way in which an irregular migrant might become permanently subjected to her country of residence's political power.

But someone may argue, at this point, that the fundamental point is whether the demos has or not the right to rule itself and hence to determine who to admit to their territory or not. Sarah Song (2019), for instance, has influentially argued that "immigration control is part of a bundle of territorial rights a people require to be self-determining" (p. 65). This is because, according to Song, "[t]he right to control immigration derives from the right of the demos to rule itself... Deciding who to admit into the territory and into political membership is a critical part of the task of defending who the collective is" (p. 69). Therefore, thinks Song, the members of the democratic political community should be the ones to "debate, contest, and pressure their representatives on the particulars of the immigration policies they would like to see enacted" (p. 69). Deciding who is part of the political community is then a fundamental right of the political community itself.

Before responding to the argument above, I think it is worth noting that Song herself (2019, Chapter 10), as well as other authors who defend on other grounds states' right to control immigration, distinguishes the right to enact an admission policy from the treatment of irregular migrants by the state.<sup>17</sup> In Song's view, there are two main reasons for granting legal residence to irregular migrants: Carens's social membership account, which I discussed in section II, and fair play principles—as she refers to the ones I discussed in my response to Pevnick in this section: irregular migrants pay taxes, participate in the civilian workforce, and the like.

Indeed, the demos can exercise its right to determine its political membership in different ways. If we limit our analysis to migration policy, one way it can do it is by enacting and enforcing an admission policy—a right which, because it is beyond the scope of this essay, I have not challenged. The other way concerns the state's treatment of irregular migrants in its territory. Besides Song's own discussion, I think relational equality can explain why, in general, we would like to set limitations to how long-settled irregular migrants are treated by the state, even if we grant a right to enforce an admission policy on the grounds of self-determination.

Removing long-settled people from a state's territory is different from preventing people from entering. Even if we assume a state's right to exercise border control as a

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<sup>17</sup> Those include, for instance, Blake (2020) and Miller (2016), whose ideas I discussed briefly on section III. These authors grant states a right to control immigration, while at the same time are more sympathetic to the naturalization of irregular migrants. In a similar vein, Michael Walzer (1983) defends states right to determine their admission policy, but argues that naturalization should be offered to “every new migrant, every refugee taken in, every resident and worker” (p. 62). Walzer's concern was about guest workers, and he did not address the case of irregular migrants.

consequence of the demos' right to determine its membership,<sup>18</sup> removing long-settled irregular migrants results morally problematic—and we do not need to share either the social membership argument or Song's discussion of the fair play account. Removing long-settled irregular migrants results morally problematic from the perspective of relational equality because it implies the exercise of political power in a way that produces troubling differences of social status: it is the exercise of political power over people who are permanently subjected to the power of the state without any possibility of influencing the exercise of that political power itself. While indeed irregular migrants have broken the law—either by overstaying their visas or by entering through unlawful means—permanent subjection to political power results morally problematic, and I think, over time, overrides our concerns about irregular migrants' original breaking of the law, especially when they are in a position where simply going back home is not easy. Therefore, expelling or deporting irregular migrants who become permanently subjected to political power is equivalent to a more troubling exercise of power than enforcing an admission policy.

### **B. Equal status and political power**

The second objection that I review here belongs to an internal debate among relational egalitarians. So far, I have relied on the claim that relational equality, particularly the status account, can justify and indeed requires people to have equal political power. That claim, however, is not shared by all relational egalitarians. Viehoff (2019) claims that relational equality, both in the friendship and status accounts, does not have a solid argument for equal political power. In this subsection, I will briefly discuss Viehoff's argument—focusing on

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<sup>18</sup> But see Arash Abizadeh (2008), who argues that migration control is coercive, and therefore cannot be exercised unilaterally, if one is committed to a democratic theory of legitimacy. See Abizadeh (2010) and Miller (2010) for further discussion.

what he says about the status account of relational equality—and then I will argue that the justifications for not granting irregular migrants the status of citizens would not meet the conditions Viehoff considers necessary to make us accept unequal political power.

Viehoff summarizes his argument as follows:

If we start from the anti-caste intuition to defend relational egalitarianism, we have an easy time explaining why our findings apply to political relations in society at large... But we have a hard time explaining why relational equality requires equal power: unequal distributions of political power need not amount to objectionable social hierarchy of the sort we associate with caste or class structures. On the other hand, if we start from the example of friendship, we have a relatively easy time explaining the need for equal power. But we have a hard time establishing that the relevant norms apply to political society. (p. 10)

In other words, the anti-cast paradigm of relational equality—which I here call the status account—is easy to apply to society as a whole and the political relations that govern it but does not really have an argument for equal political power. The friendship account of relational equality, on the other hand, does have a strong argument for equal political power, but it is not clear how those relationships of friendship would apply in society as a whole.

Why does Viehoff think that the status account of relational equality has a hard time trying to explain the importance of equal political power? For Viehoff, what matters fundamentally is that power inequalities can be justified “in a way that does not treat one person (or her fundamental interests and claims) as more important than another” (p. 19). If that condition is respected, power inequalities can be compatible with social equality and its demand for equal status. It is possible, thinks Viehoff, to explain “the benefit of an unequal distribution of power without appealing to the superior importance of one person’s interests

or claims” (p. 20). Fundamentally, what matters is the justification given for the inequality of political power.

What would, then, this objection amount to in the context of irregular migrants? We can assume, for a moment, that Viehoff’s complaint is correct:<sup>19</sup> unequal power in and by itself is not troubling; what matters is the justification for those inequalities of power. A justification of this type for not granting irregular migrants the status of citizens should state that not granting them that status is a way of better serving their interests.

The point, then, is that we would not find irregular migrants’ lack of political power morally troubling if that unequal political power serves their interests better than an equal distribution of power. In Viehoff’s words: “If [a] society’s justification for distributing political power unequally does not rest on an appeal to the equal interests or claims of the community’s members, then the unequal distribution gives rise to complains about social status inequality” (2019, pp. 23-4). However, arguments for denying irregular migrants political power and citizenship rights do not state that this unequal distribution of political power is justified because it better serves or considers the interests of irregular migrants and serves them as well as it serves the interests of citizens. There are reasons, even principled reasons, such as the demos’ right to control its political membership or irregular migrants’ original breaking of the law, that people might use to justify not granting them political rights. However, we should acknowledge that even those principled justifications subject irregular

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<sup>19</sup> For a response to Viehoff that shows that even if inequality of power is not a necessary condition for inequalities of status to arise conceptually speaking, empirically, inequalities of power lead to inequalities of status, given human facts about human psychology, see Motchoulski (2021).

migrants who are permanently subjected to political power to a lower social status in an objectionable way.

### **C. Ideal Solution, Nonideal World**

The third objection that I would like to discuss focuses, instead of the theoretical aspects of relational equality and immigration, on more practical aspects. In particular, it might be argued that the proposal I have advanced and defended here might simply be too ideal for the current world: regularizing irregular migrants and granting them the status of citizenship cannot be achieved because, as a political proposal, it will not be able to gain enough political support.

I do find that objection compelling, and at the same time, I think most of the political theory on immigration is vulnerable to it. However, I do think that my argument, even though it might not be applied in the real world, can fulfill two goals. On the one hand, it serves to illuminate possible political solutions, other than naturalization, that might improve irregular migrants' condition—especially by giving a better grounding for some already known measures. On the other hand, it serves to illuminate what types of migration control and enforcement strategies and tools can be morally justified or not. After all, I have not attempted to deny states' right to control immigration.

For instance, Carens (2013) defends the firewall discussed above on the grounds that it would help protect irregular migrants' human rights. While I think this is correct, I also think that another reason for creating such a firewall between justice institutions and migration enforcement agencies is that this would allow irregular migrants to relate more as equals to citizens—without achieving that goal completely. Indeed, it gives reasons to expand the firewall to other institutions, even private ones. If we agree that it is wrong that some

people in society have an inferior status, and if this implies that people should be able to stand on their own feet, then irregular migrants should be able to enjoy a lawful job and education so that they are not vulnerable to other people's abuses.

I think there is another reason why my argument is important. Governments not only attempt to prevent irregular migrants from entering their territories, but they also persecute them and look to deport them. I think relational equality also shows the dangers of persecuting migrants—or of at least some ways of doing it. Persecuting irregular migrants may have spillover effects. It might imply, for instance, indirectly targeting people of the same ethnic groups that those irregular migrants belong to. Therefore, irregular migrants become not only the ones whose equal status is threatened by their persecution. Those who belong to the same ethnic groups, because of their physical similarity, similar culture or language, may become objects of persecution or increased oversight too. This may entail that even regular migrants and those who are actual citizens could see their social status affected. As Reed-Sandoval (2020) discusses,

‘looking poor’ and ‘looking brown’ can give Native Americans an ‘illegal look,’ leading to extensive harassment of Native Americans by immigration officials, despite the fact that Native Americans not only have a legal right to be in the United States but in fact often hold group rights over the very land on which they are persecuted and harassed. (p. 85)

Therefore, relational equality also helps understand which migration control policies might also be morally problematic. By placing social status as a crucial normative ideal with direct application to the case of irregular migrants, we have an important normative tool for evaluating policies that directly deal with irregular migrants.

However, while Reed-Sandoval's example refers to those people who lawfully reside in a country but are, by their physical or social characteristics, assimilated by government officials to irregular migrants, certain methods that states use to persecute irregular migrants are problematic because of their consequences to other irregular migrants too. Consider, for instance, the case of deportations of irregular migrants in Chile during Sebastian Piñera's Government. Some of those deportations involved dozens or more than a hundred irregular migrants being deported at the same time by plane, each of them wearing white coveralls and each of them accompanied by a police officer. At one of those deportations, even three Ministers of state attended (CNN Chile, 2021). While I do not deny a state's right to control irregular migration, I do think that relational equality shows why this might be morally problematic. Making a spectacle out of deportations shows that a government is actively denying the status of an equal to irregular migrants—it tells that they should not be treated as equals and further stigmatizes them. In cases like this, what matters is not just the spillover effects of a migration control policy on those who are regular migrants or even citizens. What matters is the signal sent to other irregular migrants: that they should not be treated as equals and do not deserve equal status in society.

## **VI. Conclusion**

In this essay, I have attempted to answer the question: what should states do with irregular migrants that reside in their territory? In response, I have argued that states should naturalize and give all the political rights of citizenship to irregular migrants who reside for a long time in their territory. To do so, I have drawn on the status account of relational equality, which provides an argument for equal political rights.

To defend my argument, I first discussed current views for and against the regularization of irregular migrants and identified their weaknesses. To propose an alternative defense of the regularization of irregular migrants, I then provided an overview of relational equality. Following this, the first step of my argument was to make the case for why relational equality should be applied to the case of irregular migrants. To do so, I have appealed to our common understanding of when we find it wrong to subject someone to political power without granting them rights. I claim that we care about those differences not when they happen in political contexts by themselves but when that political context involves a high exit cost—the relationship of political subjection becomes permanent. The second part of my argument involved showing that granting irregular migrants citizenship rights is a necessary step for avoiding a morally troubling relationship of unequal political power. I also discussed how some solutions in the literature on the naturalization of irregular migrants, such as a right to stay and Carens’s firewall proposal, seem limited when considering relational equality as the ideal.

Finally, I discussed three objections. The first was the self-determination argument. While I do not dismiss the value of self-determination, I attempted to show that relational equality sheds light on why the naturalization of migrants is an important and morally relevant goal that is not simply outweighed by the value of self-determination alone. The second objection I discussed was that equal status does not necessarily require equal political power when a justification for that unequal power can be given and considers the interests of those whose equal political power is denied. In response, I have argued that this condition does not apply to the case of irregular migrants since the point of not granting them political rights is that their interests should not be taken into consideration with the same weight as

those of citizens. Finally, the last objection focused on whether my argument was too ideal to achieve political feasibility. I argued, in response, that while that might be true, focusing on relational equality can make us understand the wrong of certain policies that deal with migration and provide a more solid justification for other policies already considered in the literature.

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## References

- Abizadeh, A. (2008). Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders. *Political Theory*, 36(1), 37–65. <https://doi.org/https://doi.org/10.1177/0090591707310090>
- Abizadeh, A. (2010). Democratic Legitimacy and State Coercion: A Reply to David Miller. *Political Theory*, 38(1), 121–130. <https://doi.org/10.1177/0090591709348192>
- Anderson, E. S. (1999). What is the point of equality? *Ethics*, 109(2), 287–337. <https://doi.org/https://doi.org/10.1086/233897>
- Angeleri, S. (2022). Irregular Migrants and the Right to Health. In *Irregular Migrants and the Right to Health*. Cambridge University Press. <https://doi.org/10.1017/9781009051750>
- Baker, B. (2021). *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2015-January 2018* (Issue January). <https://www.dhs.gov/immigration-statistics/population-estimates/unauthorized-resident>

- Blake, M. (2010). Equality without Documents: Political Justice and the Right to Amnesty. *Canadian Journal of Philosophy*, 2014:suppl, 99–122. <https://doi.org/10.1080/00455091.2010.10717656>
- Blake, M. (2020). *Justice, Migration, & Mercy*. Oxford University Press.
- Brock, G. (2020). *Justice for People on the Move: Migration in Challenging Times*. Cambridge University Press.
- Carens, J. (2013). *The Ethics of Immigration*. Oxford University Press.
- CNN Chile. (2021). *Expulsan a migrantes que ingresaron de manera irregular: Ministro dice que “corresponde dar potente señal.”* [https://www.cnnchile.com/pais/expulsan-migrantes-ingresaron-manera-irregular\\_20210210/](https://www.cnnchile.com/pais/expulsan-migrantes-ingresaron-manera-irregular_20210210/)
- Cohen, E. (2020). *Illegal: How America’s Lawless Immigration Regime Threatens Us All*. Basic Books.
- Fiss, O. (1999). *A Community of Equals: The Constitutional Protection of New Americans* (J. Cohen & J. Rogers (eds.)). Beacon Press.
- Fourie, C. (2012). What is Social Equality? An Analysis of Status Equality as a Strongly Egalitarian Ideal. *Res Publica*, 18(2), 107–126. <https://doi.org/https://doi.org/10.1007/s11158-011-9162-2>
- Fourie, C., Schuppert, F., & Williann-Helmer, I. (Eds.). (2015). *Social Equality: On What it Means to Be Equals*. Oxford University Press.
- Gonzalez-Barrera, A., & Connor, P. (2019). *Around the World, More Say Immigrants Are a Strength Than a Burden* (Issue March).

<https://www.pewresearch.org/global/2019/03/14/around-the-world-more-say-immigrants-are-a-strength-than-a-burden/>

Hacker, K., Anies, M., Folb, B. L., & Zallman, L. (2015). Barriers to Health Care for Undocumented Immigrants: A Literature Review. *Risk Management and Healthcare Policy*, 8, 175–183. <https://doi.org/10.2147/RMHP.S70173>

Hosein, A. O. (2014). Immigration: The Argument for Legalization. *Social Theory and Practice*, 40(4), 609–630. <https://doi.org/https://doi.org/10.5840/soctheorpract201440436>

Karlsen, M.-A. (2021). Migration Control and Access to Welfare: The Precarious Inclusion of Irregular Migrants in Norway. In *On Edge: Ethnographies and Theories of Threshold Phenomena*. Routledge. <https://doi.org/10.4324/9781003156598>

Kolodny, N. (2014). Rule Over None II: Social Equality and the Justification of Democracy. *Philosophy & Public Affairs*, 42(4), 287–336. <https://doi.org/https://doi.org/10.1111/papa.12037>

Kolodny, N. (2023). *The Pecking Order: Social Hierarchy as a Philosophical Problem*. Harvard University Press.

Miller, D. (2010). Why Immigration Controls Are Not Coercive: A Reply to Arash Abizadeh. *Political Theory*, 38(1), 111–120. <https://doi.org/10.1177/0090591709348194>

Miller, D. (2016). *Strangers in Our Midst: The Political Philosophy of Immigration*. Harvard University Press.

- Motchoulski, A. (2021). Relational Egalitarianism and Democracy. *Journal of Moral Philosophy*, 18(6), 620–649. <https://doi.org/10.1163/17455243-20213471>
- Ochoa Espejo, P. (2020). *On Borders: Territories, Legitimacy, and the Rights of Place*. Oxford University Press.
- Pevnick, R. (2011). *Immigration and the Constraints of Justice: Between Open Borders and Absolute Sovereignty*. Cambridge University Press.
- Reed-Sandoval, A. (2020). *Socially Undocumented: Identity and Immigration Justice*. Oxford University Press. [https://doi.org/10.1016/S1877-1203\(20\)30737-0](https://doi.org/10.1016/S1877-1203(20)30737-0)
- Rubio-Marín, R. (2000). *Immigration as a Democratic Challenge: Citizenship and Inclusion in Germany and the United States*. Cambridge University Press.
- Scheffler, S. (2003). What Is Egalitarianism? *Philosophy & Public Affairs*, 31(1), 5–39. <https://doi.org/https://doi.org/10.1111/j.1088-4963.2003.00005.x>
- Sharp, D. (2022). Relational Equality and Immigration. *Ethics*, 132(3), 644–679. <https://doi.org/https://doi.org/10.1086/718076>
- Song, S. (2019). *Immigration and Democracy*. Oxford University Press.
- Triandafyllidou, A. (2016). Irregular Migrant Domestic Workers in Europe: Who Cares? In *Research in Migration and Ethnic Relation Series*. Routledge. <https://doi.org/10.4324/9781315589831>
- United Nations. (2014). *Cultural Rights of Migrants*. United Nations. [https://www.ohchr.org/sites/default/files/Documents/Publications/HR-PUB-14-1\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/HR-PUB-14-1_en.pdf)

- Viehoff, D. (2014). Democratic Equality and Political Authority. *Philosophy and Public Affairs*, 42(4), 337–375. <https://doi.org/https://doi.org/10.1111/papa.12036>
- Viehoff, D. (2019). Power and Equality. In D. Sobel, P. Vallentyne, & S. Wall (Eds.), *Oxford Studies in Political Philosophy* (Vol. 5, pp. 3–38). Oxford University Press. <https://doi.org/https://doi.org/10.1093/oso/9780198841425.003.0001>
- Walzer, M. (1983). *Spheres of Justice: A Defense of Pluralism and Equality*. Basic Books.
- Wellman, C. H., & Cole, P. (2011). *Debating the Ethics of Migration: Is There a Right to Exclude?* Oxford University Press.