

Philos 117AC, Fall 2017

Setting the stage:

United States v. Bhagat Singh Thind
“Citizen Kahn”

Main text:

Joseph Carens, *The Ethics of Immigration*, Ch. 3 “Naturalization”

Carens’s claim: The values of liberal democracy imply that states have only limited discretion in setting conditions for naturalization of legal residents. Put another way, legal residents have rights to naturalize without significant further conditions.

Immigrants who arrive as children:

- No different from children of resident non-citizens.
 - Same claim to be recognized by a political community in which one grew up.
 - Same claim to democratic participation in institutions under which one lives.
- Since citizenship for children of resident non-citizens is unconditional, by analogy, citizenship for childhood immigrants should also be unconditional.
 - Even criminal convictions should not affect it.

Immigrants who arrive as adults:

- A very similar claim to be recognized by a political community in which one has *lived* (even if it is not the community in which one *grew up*).
- Same claim to democratic participation in institutions under which one lives.
- What conditions may be imposed (other than residence)? Carens: Take guidance from analogy to the conditions we attach to birthright citizenship, and from the underlying values: interest in recognition as a member of the community that one has made one’s life in + importance of democratic participation in the institutions under which one lives.
 - What a person thinks or believes?
 - Renouncing other citizenships?
 - Good behavior?
 - Linguistic and civic competence?

Question:

What does Carens’s view imply for the Obama Administration’s policy of Deferred Action for Childhood Arrivals (DACA), which the Trump Administration has announced plans to cancel?

From Wikipedia: DACA allows certain [undocumented] immigrants who entered the country as minors, to receive a renewable two-year period of deferred action from deportation and eligibility for a work permit... To be eligible, [undocumented] immigrants must have entered the United States before their 16th birthday and prior to June 2007, be currently in school, a high school graduate or be honorably discharged from the military, be under the age of 31 as of June 15, 2012, and not have been convicted of a felony, significant misdemeanor or three other misdemeanors, or otherwise pose a threat to national security. The program does not provide lawful status or a path to citizenship, nor does it provide eligibility for federal welfare or student aid.