

**JUSTIFIABLE AND UNJUSTIFIABLE CANONS OF MIGRANT SELECTION — A VIEW OF AUSTRALIAN SOVEREIGNTY**

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*A visiting academic from Japan argues that nations such as Australia and Canada have fewer rights to use ethnic criteria in migrant selection policies than do the old countries of Europe and Asia. This is because they are not nation-states in the same sense as, for example, Japan and Germany. The difference is that there is no Australian (or Canadian) ethnicity and neither Australia nor Canada belongs to any particular ethnic group.*

The world consists of a plural number of sovereign states, each of which is in principle granted an inalienable right to control their borders vis-à-vis people, money, goods, and services. The new global financial market and ideas about economic liberalism are weakening state control over the movement of money and goods, but most states still hold fast to their right to control the in-migration of people. Inconsistent as it may be, while the right of emigration is firmly asserted in international law, a general right of immigration in fact exists nowhere.

When one seeks entry into any country's national territory for whatever objective, one needs explicit or implicit permission to do so from the state authorities. Inevitably, every state on the globe must formulate some sort of policy regarding the admission of non-nationals.

In practical terms the state may have the power to select its migrants in accordance with its own national interests, but can any country's selection standards escape the application of universal moral values? My answer is 'No'. Policy-making in this regard should be based on coherent reasoning and legitimate rationales, especially as far as selecting permanent residents is concerned. Evidence for the influence of moral standards can be found in the fact that selection criteria which are morally objectionable are usually camouflaged in a covert and ambiguous form or left largely in the hands of arbitrary administrators.

What do these moral values governing migrant selection permit and proscribe? It seems to be well-accepted that the state can restrict the entry of aliens on the grounds of criminality, health, and security. With no question, every country can draw in migrants on the basis of their economic utility in new societies (including people of an appropriate age). People who do not fit these criteria may be excluded. In contrast there are groups who should be accepted (in some circumstance even if, on economic grounds, they might not qualify). For example, the migration of family-class migrants, especially that of spouses and dependent children, is easily supported, as no one should be deprived of the enjoyment of living with his or her immediate family. The intake of refugees and displaced persons is naturally encouraged as a moral issue given that such people are desperate for a place to live peacefully. On the other hand, preference for business migrants whose admission is determined by the amount of money to their credit is not completely free of criticisms.

Australia parted with racially-based migrant selection policy (the White Australia Policy) in the early 1970s. The dream of building up a New Britannia by assimilating European

migrants into the British mainstream was suddenly given up and replaced by the new vision of multiculturalism, which firmly espouses the great diversity of cultures, values, and national origins. Nonetheless, the question of restricting Australia's ever-increasing Asian immigration was hotly debated in the 1980s. The flammable dry straw was lit again by Pauline Hanson in her maiden speech in Parliament on 10 September 1996.<sup>1</sup> Putting it out like a firefighter, fifty days later Prime Minister John Howard moved a parliamentary motion to condemn racial intolerance and at the same time reconfirm Australia's racially non-discriminatory immigration policy.

Condemnation of racial bigotry is absolutely praiseworthy, but would Australia really be in a shameful position if she selected migrants on the basis of race, ethnicity, and culture when quite a few nations are in fact unfaithful to the idea of universal selection? Japan facilitates the return of the Nikkei-jin, people who are foreign citizens of Japanese descent, to tackle the chronic labour shortage problem in labour-intensive industries. While in principle Japan does not admit any unskilled workers, no numerical cap is imposed on the importation of Nikkei-jin labourers who are given three-year visas which are renewable indefinitely. Germany makes a special case for promoting the migration of ethnic Germans and for granting citizenship to any one of them, irrespective of the length of their stay in Germany. Israel takes it as her duty to accept Jews from all over the world. In all these cases selection is based on ethnicity, culture, or religion. Should these states be rebuked for carrying out racist immigration policies? It seems that they are not facing any serious charge.

Why does such a double standard exist? Is it because Australia is such a popular place to migrate to? In other words, a country with a vast territory and rich resources cannot afford to keep to the white race only, whereas countries which only a few people are interested in migrating to are allowed to practice race-based selection without attracting criticism. This market-value explanation is appealing but it is not cogent enough. Illegal workers from Bangladesh in Japan would say that it is unfair for access to the lucrative Japanese labour market to be granted on the basis of blood and kinship. Turkish denizens in Germany would wonder why it is more difficult for them to get naturalised than German folk who relocated yesterday from elsewhere and who know little about the German language, customs, and traditions. Likewise, Palestinian Arabs have something bitter to say about Israel's immigrant intake policy.

In my view, and the view of a number of other commentators,<sup>2</sup> the foundation of the Australian nation-state and states similar to it (in other words, all immigrant nations in the New World) is fundamentally different from the prototype nation-states of the Old World such as Sweden and Korea. If you do not agree, you have to explain why there is no such thing as an Australian ethnic origin, or a Canadian ethnic origin, and so on. While complete prohibition of the immigration of other peoples is not excusable and, once they have taken up residence, no one should be treated in a racially discriminatory manner, the situation of the traditional nation-states is different from that of the immigration nations. It is within tolerable limits for the traditional nation-states to give priority in migrant selection to those related by blood, however distantly.

Along the same lines, it would be acceptable if Australia gave preference to 'lost Australians' of the third or fourth generation (however they are to be defined) of whatever skin colour, who are presently domiciled abroad. However, does not the very absence of this policy prove my point that Australia is not a nation-state in the same sense that Germany is?

A 'United' Korea, safe and prosperous, would be justified in soliciting back second-, third-, and fourth-generation ethnic Koreans from Japan, Russia, North America, and Australasia. It would be fair for an 'Independent' Quebec to woo back to their homeland those Francophones left out in the new Canada or dispersed elsewhere in North America. (But even if Quebec were to find a basis for such a policy of return migration, its determining criteria must be ethnicity and language, never being white.)

Any selection criteria based on ethnicity, culture or religion in Australia would be a rationalisation of the White Australia Policy of the past and merely a disguised form of racism to exclude non-whites on the basis of race. This country does not belong to any particular national ethnic group. If there is such a thing as an Australian people, it must be a people whose identification is constantly ever changing due to immigration.

## References

1 For coverage of the incident in the Japanese press, see, for example: Alan Goodall, 'One of the few', *The Japan Times Weekly International Edition*, 18-24 November, 1996, p. 9; M. G. G. Pillai, 'Look who's talking', *The Japan Times Weekly International Edition*, 2-8 December, 1996, p. 9.

2 See, for example: Sean Brawley, *The White Peril: Foreign Relations and Asian Immigration to Australasia and North America 1919-1978*, University of New South Wales Press, Sydney, 1995; Joseph H. Carens, 'Nationalism and the exclusion of immigrants: lessons from Australian immigration policy', in Mark Gibney (Ed.), *Open Borders? Closed Societies?: The Ethical and Political Issues*, Greenwood Press, Westport, Connecticut, 1988, pp. 41-60; Joseph H. Carens, 'Migration and morality: A liberal egalitarian perspective', in Brian Barry and Robert E. Goodin (Eds), *Free Movement: Ethical Issues in the Transnational Migration of People and of Money*, Harvester Wheatsheaf, Hempel Hempstead, 1992, pp. 25-47; James M. Fallows, *More Like Us: Making America Great Again*, Houghton Mifflin, Boston, 1989; Gerald Henderson, 'Australia's Immigration Debate: A Most Unusual Unity Ticket', in Michael Easson (Ed.), *Australia and Immigration: Able to Grow?*, Pluto Press, Leichhart, N.S.W., 1990, pp. 75-86.

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