

(Mobile ebook) On the Right of Exclusion: Law, Ethics and Immigration Policy

On the Right of Exclusion: Law, Ethics and Immigration Policy

Bas Schotel

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Bas Schotel : On the Right of Exclusion: Law, Ethics and Immigration Policy before purchasing it in order to gage whether or not it would be worth my time, and all praised On the Right of Exclusion: Law, Ethics and Immigration Policy:

On the Right of Exclusion: Law, Ethics and Immigration Policy addresses Western immigration policies regarding so-

called 'normal migrants, i.e. migrants without a legal right to admission. The book argues that if authorities cannot substantially justify the exclusion of a normal migrant, the latter should be admitted. By contrast, today authorities still believe they may deny normal migrants admission to the territory without giving them proper justification. Bas Schotel challenges this state of affairs and calls for a reversal of the default position in admission laws. The justification should, he argues, involve a serious accounting for the interests and reasons applicable to the normal migrant seeking admission. Furthermore, the first burden of justification should lie with the authorities. To build this case, the book makes three types of argument: legal, ethical and institutional. The legal argument shows that there are no grounds in either sovereignty or the structure of law for current admission practices. Whilst this legal argument accounts for a duty to justify exclusion, the ethical argument shows why the authorities should carry the first burden of justification. Finally, the institutional argument explores how this new position might be implemented. An original, yet practical, undermining of the logic that underlies current immigration laws, *On the Right of Exclusion: Law, Ethics and Immigration Policy* will be essential reading for those with intellectual, political and policy interests in this area.

In short, this book, that reads easily, is a must for all those who are not only concerned with the fate of normal migrants, but also with the respect of legality and the rule of law' - Andrew Crosby *European Journal of Migration and Law* (2012) 'By relying not on the usual sources of international legal authority and legitimacy, but rather on a theoretical analysis of the fundamental structure of law, this book makes a unique and substantial contribution to the literature on migration law' - James Nafziger for *European Journal of International Law* (2013) About the Author Bas Schotel is Assistant Professor of Legal Theory at the University of Amsterdam. The book is based on a Ph.D. thesis sponsored by the Vrije Universiteit Brussel