



**Interview<sup>1</sup> with Professor Juliet S. Sorensen, Clinical Professor of Law; Director, Rule of Law Institute and Program in Rule of Law for Development**

**Introduction:** This interview is being conducted in line with the Rule of Law Journal for the year 2025, and the Conference on Global Migration and the Rule of Law in April 2025. We are pleased to have you share some insights into Migration in today's world, Professor Sorensen. But first, can we get to know you a little more?

**Professor Sorensen:** It's an honor to participate in this interview and be a part of this volume of the Journal of Rule of Law. My name is Juliet Sorensen. I am a Clinical Professor at Loyola University of Chicago. I also serve as the director of the Rule of Law Institute at Loyola University of Chicago and the Program in Rule of Law for Development. In terms of my background, I am a graduate of Princeton University and Columbia University School of Law. Between college and law school, I served as a United States Peace Corps volunteer in rural Morocco, focused on maternal and child health. Following the completion of my law school education, I clerked for a federal judge in Boston, worked at a law firm for two years, and then served as an assistant United States attorney in Chicago for seven years. I then joined the faculty of Northwestern University's School of Law, associated with its Center for International Human Rights, and served on that faculty for 14 years before very happily joining the Loyola community. My interests as related to the rule of law include corruption, international criminal law, and global health, all of which are inextricably intertwined with the rule of law for development.

**Question:** Thank you for the introduction. We also understand that you will be sitting on one of the panels for the upcoming conference in April. And the topic for the panel is the future of global migration. About migration, we understand that migration has lots of drivers that cause people to move from one point to the other. What are some key warning signs that a migration crisis is developing, and how can the government and international bodies prepare for such a crisis?

**Professor Sorensen:** I think it's important to establish from the onset that migration in and of itself is not necessarily a crisis. Rather, I would articulate it as continuously occurring human behavior. Migration has always happened, and it will always happen. There are crises that can drive it or can

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<sup>1</sup> Interviewers: Shirley Duru & Kareem Sule Fuseini

lead to a spike in migration. And I'll talk about those in a moment. But when we consider migration through the realm of policy or the rule of law, it is essential to acknowledge that it happens, as I said, continuously. So, that is really an essential precondition for the international community seeking to address migration in a way that is humane, equitable, and grounded also in common sense. Now, drivers and warning signs. First, what drives migration outside the realm of a crisis? Because human beings exist in a state where migration is continuous, I would submit that almost everyone has some type of personal story, if not involving them directly, perhaps involving a family member or an ancestor related to some form of migration. I'll take my great grandparents to my dad's side.

My name is Sorensen. It's a Danish name. So, if you guessed that I had family that migrated from Denmark to the United States, you would be right. Why did they do it? In that instance, they were not persecuted for their race or religion. They were not forced out because they had a political disagreement with reigning powers. The reason was simple, and it is probably the number one reason for migration, which is very simply economic opportunity, the desire to have greater opportunities to live a comfortable life, to live a life that is free from want and hunger, with secure housing and shelter, and the ability to raise one's family with those things. So economic opportunity is a naturally occurring driver of migration. There are other drivers: political persecution, the expression of unpopular beliefs, perhaps the expression of a marginalized or discriminated against religious practice, race, or gender.

To migrate in search of a safer place, a safer homeland, to seek freedom from persecution for any one of these bases is certainly one basis for migration. And again, I can come back to my family story. My great grandparents on my dad's mother's side migrated from Ukraine. And in that instance, they were Jewish and were subject to persecution by czarist Russia who at the time purged and eliminated Jews in the towns and villages in Ukraine. So, they too migrated to the United States in search of, in that instance, a safer life and the ability to freely practice their religion.

A contemporary crisis that drives migration but in fact has been brewing for quite some time is an extreme weather event. I call it contemporary because extreme weather events increase in the era of global warming, which of course we are in. And so we now see increased climate migration due to, for example, rising levels of seawater when I think of small island developing states in the Pacific, for example, or other extreme weather events, hurricane-prone areas, earthquake-prone areas. Climate change is indeed a driver of migration, and it is an instance in which, in my opinion, it is essential for governments and international bodies to acknowledge this as a driver of migration with increased force in today's era and to be better prepared for that eventuality.

**Question: That was very insightful. You made mention of economic migration when you talked about your story with your family. Do we consider economic migration as a form of human rights today?**

**Professor Sorensen:** Yes. I go back to one of the early seminal human rights documents that has collectively influenced others over time, and that is the Declaration of Independence of the United

States. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights." That's what distinguishes human rights. Human rights are not bestowed by the government. Human rights are inherent in all of us. Among them, life, liberty, and the pursuit of happiness. And often when I consider what is a human right or entitlement, I come back to the pursuit of happiness. That is very broad term, and it implies a great degree of freedom and liberty. And it arguably includes economic migration.

Now, as I said a moment ago, we live in a system of sovereign nations, right? So economic migration cannot exist in a vacuum. It cannot exist in disregard of the system of sovereign nations that has taken root over time, and that is a foundation of world order and public international organizations as we know them today. So even human rights can be regulated by sovereign states, by a government. And it is not inappropriate, nor is it unreasonable for a system of sovereign nations to seek to regulate economic migration. So, the answer to your question is, yes, it is, but that can coexist in tandem with regulation. What do you think?

**Shirley:** When we place economic migration in line with fundamental human rights, they go together. But only when it is well regulated, otherwise it could be abused. Migration is a fundamental human right in itself, the right for people to move from one point to the other. But yes, those regulations around migration, the concept of migration, and the reason for migration are there to help to manage the flow more effectively.

**Kareem:** The regulation should make it possible for people to be able to seek better livelihoods, where they might want to go. That regulation should not be used as a tool to restrict people from moving. So that's what I just wanted to add.

**Professor Sorensen:** I agree. I assume that your question was about cross-border migration. But I could answer your question a different way. And think about rural to urban migration. You know, for example, within all our countries of origin, rural to urban migration in the United States, in Ghana, in Nigeria, in Ukraine, that happens for reasons of economic opportunity, all the time, right? Cities and urban environments are areas of opportunity. And it is for that reason that rural to urban migration continues. The upside of living in an urban environment is greater than the potential upside, oftentimes, of living in a rural area. But again, we're all existing within a contract with our governments. So rural to urban migration still means that a local government can levy taxes, has certain expectations of its citizens, and that again can be within borders, not necessarily across borders.

**Question:** In what ways has corruption influenced migration and what solutions can you propose, despite the numerous policies that we have out there already in the field today?

**Professor Sorensen:** Corruption does indeed influence migration. It is closely tied to the phenomenon of economic migration that we've already discussed. It is well established that corruption is a growth killer. Corruption is defined as the abuse of public offices for private gain. That can be high office like the president of a nation, or it can be what we call petty corruption. It can be a local police officer, a traffic officer, a local inspector. It can be a local school

superintendent. Let's take the example of the health sector and a government that guarantees, for example, childhood vaccinations to its citizens. If I take my baby to the health center and the nurse charges me for a measles vaccine and a diphtheria vaccine, if I know the law, I'm able to know that that's not correct. That charge, that fee is going into that nurse's pocket, right? So, in a sense, it's a tax on me that I wouldn't otherwise pay, that would otherwise go to my household expenses, to feeding that baby, to schoolbooks for my older children. And so, an area with high levels of corruption impedes economic growth in so many ways.

From everyday life, like the example I just gave to, for example, foreign direct investment. If I am interested in setting up a factory in a particular country, but everywhere I turn, I'm being visited by some government official or inspector demanding a bribe for a building permit, for example, or a payoff to give permission related to intellectual property, I'm going to set up my factory somewhere else. From the perspective of the citizen, corruption is a tax. And we know from human behavior that people like to go places where they are not taxed, especially where they are not taxed unfairly or inequitably. And finally, and importantly, corruption as a tax has an outsized impact on poorer people and on poorer countries. So, yes, corruption is indeed an influence, even if it's an indirect influence, on migration.

**Question: Speaking of politics which cut across every sector, even in migration, can the increasing politicization of migration policies in certain countries undermine the rule of law? And if so, how?**

**Professor Sorensen:** An increased politicization of migration policies can certainly undermine the rule of law. But I want to take a step back. You are correct that there is no avoiding politics and geopolitics in migration under the law of nations and under our system of sovereignty. In some ways, this is not unreasonable. Let me give the example of Afghanistan and the United States. As you know, the US withdrew its military presence from Afghanistan in 2021. And almost immediately, Afghanistan, the Afghan government was taken over by the Taliban regime. The US, since the military withdrawal, has attempted to facilitate political asylum and resettlement of Afghan refugees.

In some ways, as an acknowledgment, not only of the human rights abuses that are ongoing in Afghanistan under the Taliban, but also as an acknowledgement that the US was in Afghanistan for 20 years before the withdrawal. So, is that politics? It is. But it is also an informed perspective and almost a sense of obligation. So if the US in a given year admits more Afghans as refugees or grants more Afghans asylum than another country, that may not be unreasonable per se. Now, where the rule of law and equal protection of the laws are threatened, migration policies can constitute invidious discrimination. And many countries, including the United States, have a sorry history of that. It is, like many issues in migration, not new. But it is certainly a threat to legal principles.

In the late 19<sup>th</sup> century in the United States, the US Congress passed a law that was called the Chinese Exclusion Act. The purpose of the law was to do just that. It was driven by fear of migration to the United States from China. That act was happily repealed a couple of decades later.

That is but one example. It is political leverage seeking to influence migration in a way that is inconsistent with the rule of law and equal protection of the laws. So once that inconsistency appears in it, then it has the potential to undermine the rule of law. Notwithstanding our discussion at the start of the hour about migration as a continuous phenomenon, human beings all too often forget that we all have more in common with each other than not. That can be used to stoke suspicion and resentment toward migrants and toward political ends.

**Question: International conventions are supposed to regulate migration, and nations who ratify those conventions are bound by those conventions. What role do international treaties, such as the Refugee Convention, play in shaping national laws, and what impact do they have on national laws regarding migration?**

**Professor Sorensen:** International treaties, such as the Refugee Convention, of course, play an important role in shaping national migration laws, most of all, for those countries who are signatories to the treaties. However, I must add that the existing treaties are insufficient, both in terms of countries who are not members of the treaty body, who have not signed or ratified the treaty, and in terms of the subject matter, the forms of migration that they address. For example, we've already talked about economic migration. That is not encompassed by the Refugee Convention. There is no such thing as an economic refugee. Refugees, by definition, are fleeing persecution, and persecution is defined under the law. Perhaps trickier is the fact that climate migrants are also not covered by the Refugee Convention. Sometimes you hear the term "climate refugee." That has no meaning legally, because climate migration, under international law, is not considered fleeing pursuant to persecution. So, a climate migrant, by law, is not a refugee. In an era of climate change, there is a legal vacuum when it comes to climate migration, which will continue to occur.

And I believe that the international community must come together to address this in the form of international law, whether that is by amending the Refugee Convention, or by setting forth a different international treaty that relates to climate migration. I also mentioned those countries that are not signatories to the Refugee Convention. I will give one recent example, the country of Lebanon. Lebanon, for many years, was the home to displaced people. Was the home to displaced Syrians. And of course, Lebanon is a tiny country. And after the civil conflict in Syria a decade ago, Lebanon for a period of years had fully one fifth of its population as Syrian displaced. Lebanon is not signatory to the Refugee Convention. So, the country entered a series of MOUs with the UN High Commission on Refugees, which would then provide funds, materials and forms of support for Syrian displaced. But it was not an ongoing obligation for the signatory country, which is an inefficiency and poses other problems. So, that's an example of what I meant when I said that the existing international treaties are incomplete in terms of not just the content but the signatories.

**Question: We do see countries trying to harmonize immigration. They try to control it. Let's take, for example, the EU that has a common economic region do try to harmonize migration**

**among themselves and to control it. What are the challenges in coordinating those migration policies among these nations if there are any?**

**Professor Sorensen:** There are a lot of challenges. And the US has periodically tried to do this, particularly within the Americas. So, asking Mexico, for example, to serve as a way station for individuals who are hoping to migrate from other places in Latin America into the United States and hoping to apply for asylum in other countries in Central America. The United Kingdom recently got attention and criticism for seeking to broker an agreement with Rwanda in terms of detaining or housing migrants and our system of sovereign nations is not a system of co-equal power. That really has never been the case. Even when countries respect each other's borders, some countries are vastly wealthier than others. Some countries possess nuclear weapons, or other military might not. So, a cross-border deal may be negotiated regarding migration. But there is an imbalance of power such that you must question who holds more bargaining chips going into that negotiation and whether human rights and the rule of law is jeopardized. That is one example.

Truly, there are so many aspects to migration policies that I am reluctant to give a laundry list of major challenges. I will return to Lebanon to give one other example. There are legitimate challenges of infrastructure when it comes to migration. How those challenges can be balanced and coordinated in a way that is again, equitable towards migrants and also towards those in the country to which they have migrated is a difficult question to answer. In the case of Lebanese schools, for example, the infrastructure was such that they could not accept the children of the Syrian displaced in classrooms for the entire school day. What did they do? They divided school days and in half: Lebanese school children in the morning, Syrian school children in the afternoon. But what's the result of that? Nobody gets a full day in school and everyone is short changed. So the solution can sometimes be very elusive. And I don't mean to dismiss the legitimate challenges that countries have in seeking to instill policies that are fair, humane and common sense.

**Question: I think it is no doubt that there is a global crisis relating to migration. As you mentioned, we have seen an influx of refugees from one country to another. We have seen climate migrants who have been hit by disaster, and they must be evacuated and moved from one place to another. And poverty has been one of the driving forces of migration. What do you think are the urgent legal reforms that we could put in place to minimize this crisis that is associated with global migration?**

**Professor Sorensen:** I'm going to name two: one is national, and one is international. Regarding the international, as I indicated before, I believe it is essential to establish an international law or at least an international policy related to climate migration. Again, this is a driver of migration that will only increase, and it is a driver of migration where, in some instances, people are fleeing for their lives, fleeing for their personal safety and security. So, I think it is essential for the international community to recognize that and to act. In terms of the national, what I believe is most urgent is to put in the infrastructure that processes migrants, whatever their status may be, and when possible, provide them with documents and the ability to seek legal employment in the country they have migrated to. And ultimately legal residency. We know it is well established that migration always happens, but immigration is an enormous driver of economic growth. As I said before, corruption kills growth, but immigration drives growth.

The United States' economic growth and the size of the U.S. economy has always been driven by immigrants to the U.S. Immigrants are entrepreneurs. They don't take away jobs. They create jobs because they start businesses, and they hire people and those businesses grow. And that is true from tiny businesses to large businesses. Now, again, this is not to say, because you asked earlier about the human right to economic migration. This is not to say everybody should come and start a business with no concurrent obligations, but it is to acknowledge **the wealth of evidence** that immigration brings many benefits. And that should be the premise for equitable immigration reform on a national level, because as a policy, it's a good thing.