

**Beyond Time and Presence. Exploring the Compatibility of Joseph
Carens' Theory of Social Membership with Digital Nomad Visa Programmes**

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Author's declaration

I, the undersigned, **Thomas Rimington-Light**, candidate for the MA degree in Political Science declare herewith that the present thesis: **Beyond Time and Presence. Exploring the Compatibility of Joseph Carens' Theory of Social Membership with Digital Nomad Visa Programmes**, is exclusively my own work, based on my research and only such external information as properly credited in notes and bibliography. I declare that no unidentified and illegitimate use was made of the work of others, and no part of the thesis infringes on any person's or institution's copyright.

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Vienna, 29/05/2025

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Abstract

This thesis seeks to explore the degree to which Joseph Carens' Theory of Social Membership remains a useful guide to our assessment of how individuals gain claim rights against states over time by virtue of their presence within a given territory. The phenomenon of a new mobile class of digital nomads, and the subsequent state development of dedicated digital nomad visas appears as a form of migration that stands in stark contrast to the migration forms originally considered by Carens. This thesis explores the relationship between digital nomads and Carens' theory. It identifies a number of tensions between the Theory of Social Membership and various harms associated with digital nomad's presence. As a result, the thesis proposes that the core criteria of time and physical presence that form the foundation of Carens' theory are insufficient to account for migration forms that differ from Carens' base assumptions. The theory, in its current form, appears incomplete. The thesis proposes a potential revision to the theory in the form of an additional criterion.

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Chapter 1: Introduction

Joseph Carens' 2013 book *The Ethics of Immigration* seeks to explore the normative implications of individuals' connections with states in which they reside, and especially the claims these individuals gain to recognition and rights within that state over time. Physical presence and the passage of time are the two essential criteria established by Carens as part of his Theory of Social Membership; he explains of how these two factors reliably serve as proxies for deeper connections that individuals develop over time as they reside within a territory.

Carens' work appears, broadly, convincing within the context of 20th and early 21st century migration. However, his theory appears to encounter problems in the face of evolving work patterns and technological developments. The phenomenon of digital nomadism, in particular, appears to challenge Carens' two base criteria. Digital nomads, arriving under specialised digital nomad visa programmes, appear capable of fulfilling Carens' criteria of being physically present over extended periods of time. Despite this, their work is often carried out at locations in their countries of origin, many hundreds of miles away from where they reside. Numerous problems appear to come alongside these arrangements. Aside from imbalances in earnings, economic security, and bargaining power with the state relative to traditional forms of migrants, and, potentially, residents and citizens in communities into which they relocate, there are further concerns as to the long-term effects that a privileged, yet mobile, class of workers might have on border and tax-systems designed for the placebound.

In this new world, Carens' criteria of presence and time struggle to account for the normative status of an emerging mobile and economically powerful, migrant class.

Should nomads, wielding superior economic power and leveraging powerful passports, gain claims to membership rights in a manner akin to traditional forms of migration? Intuitively, something appears to be wrong with this conclusion. How can a theory designed to inform our intuitions on the conveyance of right through 'belonging', truly cover a class of arrivals that, by nature of their profession and visa-class, may remain separate from their communities, both in terms of work-location and relative privilege?

This thesis seeks to explore this dilemma, examining, in depth, the foundations behind Carens' Theory of Social Membership and, in turn, the relationship between nomads and these core building blocks behind the formation of membership rights. Should nomads, regardless of harms associated with their presence, be given full membership rights, as Carens' theory seems to implicate, or can they be excluded from consideration outright? It appears that neither may be the case. Instead, nomads may, as individuals, fall under the considerations of the theory, yet, ultimately, be excluded by violations to base democratic principles entailed by their very route of entry.

Such an outcome indicates the need to revise Carens' theory. It appears problematic to suggest that a group may claim membership rights, yet, simultaneously, warrant exclusion after the fact based on their method of entry. Instead, there appears to be a need of adding a new criterion to The Theory of Social Membership, capable of accounting for developing routes of entry beyond those originally contemplated by Carens.

Chapter 2: Introducing Carens' Theory of Social Membership

2.1: Introducing the Theory of Social Membership

Joseph Carens, in his 2013 book *The Ethics of Immigration*, develops a theory exploring the degree to which people can be regarded as members of a society in a normatively relevant sense, regardless of their citizenship status. Specifically, he seeks to formulate ethical justifications for why social membership provides moral claims to specific rights (Carens 2013, 160). Importantly, Carens envisages social membership as normally prior to citizenship; his Theory of Social Membership applies to all and not just to migrants. The network of relationships he associates with membership transcend any one status, applying evenly regardless of social strata, ancestry, or identity. Carens builds the theory from an analysis of our conceptions of moral claims related to various relationships between an individual and the state in which they reside. Carens sees his account as directly relevant to how states should regulate admission and act towards those who have already arrived (Carens 2013, 3). From this, he draws conclusions to establish an all-encompassing Theory of Social Membership.

2.2: Democratic Principles

Exploring the ethical questions that arise from when exploring state regulations on migration, Carens notes that it is important to situate answers within a broader commitment to base democratic principles. He formulates these principles in a general sense to refer to broad moral commitments that justify contemporary political institutions (Carens 2013, 2). Acknowledging the general nature of such principles, Carens specifically highlights eight commitments that are central to any exploration

of immigration ethics. The *equal worth of all human beings*, the *importance of resolving disagreements through majority rule*, duties to respect *individual rights and freedoms*, the *importance of consent for legitimate government*, the *equality of all citizens under the law*, limitation of coercion *only being exercised in accordance with the law*, the *protection of people from discrimination*, and the importance of *respecting norms like fairness and reciprocity in government policy*. Carens uses the broad consensus in support of these principles as a base from which to explore the ethics of immigration. He seeks to show that commitment to these principles supports his account of what states owe to non-citizens living within their borders (Carens 2013, 3).

2.3: Claims to citizenship, introducing the relevance of time and physical presence

Carens opens his investigation by considering the reasons why states offer citizenship at birth for the children of citizens. He highlights that this is not some natural occurrence but is entailed by some set of rules (Carens 2013, 20). Here, he examines the reason why these rules make sense morally. The automatic granting of citizenship to those lacking the right to consent or ability to participate, Carens posits, seems, at first, to be unusual given that a more standard account of citizenship justifies it by appeal to political participation. In response, we must remember that automatic citizenship for these children protects them from the harms associated with statelessness. Through citizenship, they are afforded legal rights as moral persons, the state thus gains a duty to recognise and protect these rights (Carens 2013, 22). At this point, Carens raises the question of why citizenship is chosen as the method for addressing these issues. The answer, he suggests, lies in

the moral relevance of the connections that are established at birth between a particular baby and a particular political community.

Here, we see the establishment of a theme that will become central to the foundation of The Theory of Social Membership, that of ties to a given community. “Babies do not appear upon the earth unconnected to other human beings” writes Carens (Carens 2013, 23). He highlights that children are born with various relationships to different forms of community and these connections are central to a child’s wellbeing and identity. Where one lives will structure their relationship with others. When a baby is born to citizens, it can reasonably be expected that they will receive the majority of their social formation within that community, as a result, citizenship is a method of the state recognising a child as a full member even before they are capable of their own agency. In the event that a child grows up and does not remain in a community, Carens suggests that no great harm is done to that community by the baby’s citizenship and, when weighed against the potential harms arising from not granting citizenship, automatically gaining it at birth makes the most moral sense (Carens 2013, 25). Here, importantly, Carens highlights that states do not take into account the ancestry of the baby beyond its immediate parents. Citizenship is not contingent on anything else. From this core notion of why citizenship at birth for the children of citizens is morally required, Carens is able to draw parallels to expand these ideals to encompass the children born within a state to non-citizen parents. Here, whilst he notes that such children may possess slightly weaker claims owing to their parents’ ties to another country, the ties they form from actually being born within the country remain the most important consideration for very similar reasons to children born to citizens; they retain a deep interest in being part of a political

community and are likely to receive most of their social formation there in a manner akin to the children of citizens (Carens 2013, 30).

This normative relevance of social formation within a community can be expanded logically beyond the granting of citizenship to newborns. Carens uses it to expand his evaluation of state obligations to draw conclusions about what is owed to those who arrive in a country after birth. Children who settle in a country at a young age, he suggests, share grounds for citizenship with children born there. As long as they form their identity within a community, the fact that they possess citizenship in another country in which they were born should not act as a reason to deny them citizenship. Just like the children of immigrants born within a country, such children clearly have a deep interest in being seen by others as members of a political community (Carens 2013, 46); they have a strong claim to membership through having undergone social development in that country. Carens then argues that it is not sufficient to only recognise claims to membership in a community for children, noting that presence in a country provides strong moral claims to citizenship for those who arrive as adults as well. Here, two moral claims act in support of Carens' assessment. Social membership, again, provides weight to their claims and is joined in adults by the foundation of democratic legitimacy, namely, the right to a say that individuals have in laws that affect them (Carens 2013, 50). Whilst adult immigrants clearly do not receive the same level of social formation within a state, they do form a deep network of relationships within communities as they settle in. They acquire interests that are linked to other members of that society, and their lifestyle and choices are influenced by the state in which they reside. At some point, Carens states, they cross a threshold whereby they have been present long enough to be

regarded as members of a given community. At this point, they gain rights to participate in line with democratic legitimacy; they should have the opportunity to participate in the shaping of laws that govern them. In order to enjoy this opportunity, they should be granted citizenship, or at least the right to pursue it.

Here, then, we see Carens introduce us to another concept that will become central to his theory, the relevance of the passage of time in assessments of moral claims. Carens goes on to explore whether any additional factors should be considered by states alongside time in the granting of citizenship. He highlights that this cannot be contingent on what a person thinks or believes. Rights to freedom of speech, privacy, religion, and any other elements of living life as one desires should be protected as long as an individual respects the law. Utilising citizenship as a coercive method for enforcing the 'correct' views from the perspective of the state would be inimical to these rights and basic democratic principles. Next, he considers other potential requirements of behaviour, competence, and renunciation of other citizenships. Here, Carens questions the justification for requiring renunciation of other citizenships, suggesting that people can be loyal to multiple states at the same time, and highlighting the hypocrisy of states having no such issue with dual citizenship arising from children acquiring it at birth (Carens 2013, 54). On the requirement of good behaviour, Carens is similarly sceptical. Such requirements, he suggests, invite discretionary regulations that fail to satisfy democratic principles and are, as such, an abuse of state power. Similarly, testing on competence risks violating these principles. Such tests risk denying citizenship to those who would otherwise have a moral right to it. Even for reasonably easy tests, Carens believes that they rely on problematic conceptions of dividing citizens into two groups, those capable of

participation, and those incapable. Tests correlating to socioeconomic or physical capability would violate notions of democratic equality. Given the problematic nature of assessing an individuals' claims to membership through any of these methods, Carens argument suggests that time and presence alone are sufficient to assess an individual's claim to membership.

2.4: Membership-specific human rights

Carens takes these arguments, in particular his assessment of the relevance of time and presence and utilises them to explore the treatment of citizens and permanent residents. Why do residents have rights that are not afforded to those merely visiting a country? Carens suggest that democratic principles constrain the distinctions that can be drawn between citizens and residents. "Once people have been settled for an extended period, they are morally entitled to the same civil, economic, and social rights as citizens", he writes (Carens 2013, 89). Here, he is further emphasising the relevance of time as a central element of his calculations. Shortly after an individual's arrival he regards it as permissible to limit some of the rights they enjoy. As time passes, however, and the person grows deeper roots in the respective society, their moral claims become stronger, and the state can no longer justify curtailing their rights. Mostly, Carens suggests, the distinction between citizens and residents has come to matter much less than it used to, with certain distinction still apparent in rights to voting and employment in public office. For the most part, however, there has been a trend towards social and legal acceptance of the thought that certain rights should be enjoyed merely in virtue of residing in a given state.

At this point, we see Carens tie in the relevance of this second core element, physical presence. The reason for this shift, he suggests, is the recognition of the responsibility that democratic states have towards those subject to their jurisdiction. The state has exclusive control over legitimate use of violence, and in order to justify this, it cannot apply this power arbitrarily, it must apply equally to all present in a country (Carens 2013, 94). Why, then, do residents have rights that visitors do not? Carens highlights that the biggest gap in rights is not between citizens and permanent residents, but between permanent residents and visitors. It is here that Carens formally introduces the relevance of membership to his argument. There is an intuitive difference, he suggests, between how we regard the right to work from the perspective of permanent residents and visitors. Denying residents the right to work would be considered a violation of their rights, because this would take away their opportunities to earn a living, yet we have no such scruples about restricting this right for tourists. This, Carens concludes, suggests that there is a type of human right derived from one's social location (Carens 2013, 97). He goes on to distinguish these types of rights from general, moral, human rights that all states should respect in relation to each individual, whether or not a citizen. He highlights the relevance of social membership in the justification of special human rights, which states only owe to some individuals. He calls these '*membership-specific human rights*', those that stem from an individual's membership in a given community.

These rights are important to Carens' broader theory as they reveal that the thing which matters most for assessing what rights individuals have is not merely physical presence, or even full citizenship, but social membership. This forms the basis of his broader theory. In turn, membership-specific human rights are presented as

inextricably linked with time. In exploring why long-term residents should be protected against deportation, Carens calls upon the amount of time they have been present in a community. “They belong”, he states, “and that matters morally” (Carens 2013, 102). Once again, the general principle he defends is that, given how important social embedding is for people’s wellbeing and identity, the longer one has been present, the stronger their claim to membership. He suggests that a similar principle should apply to assess when residents should be eligible to claim citizenship. After a certain period of time has passed, they gain protection from being asked to leave a society, because they already belong to it.

As we have seen, Carens gives significant weight to time and physical presence as factors in how we should assess claims from permanent residents and citizens within a state. Beyond these groups, he believes that they are sufficiently powerful to guide our moral assessment of the rights of other categories of individuals, such as those on temporary work visas. Such visas, Carens states, are only morally justifiable if workers are truly only temporary (Carens 2013, 113). Such is the power of time in conferring claims to those within a country, that if temporary workers were to remain for long enough, under Carens’ assessment of rights they would gain claims akin to those of residents. He builds on the normative significance of time and physical presence, expanding his considerations to factor in irregular migrants as well. Citing the example of an 80 year old who moved to the UK as a child, lived all her life there, but never acquired either citizenship or permanent residency, Carens highlights the injustice of immigration officers treating her as an irregular arrival after her first trip abroad at 80 (Carens 2013, 148). Here, he invites us to examine our moral intuitions that this is wrong, and investigates why we think this way. The reason for this

intuition, he suggests, is the passage of time. This principle seems clearest for those who arrive as young children, as per the argument of children's claims to citizenship earlier, but it also seems to apply for adults such as the 80-year-old in this example, in virtue of the duration of their stay (Carens 2013, 148).

There are numerous elements in Carens' analysis of irregular migrants that echo his earlier considerations about the claims of permanent residents. Key here is the view that, particularly for children, legal status does not impede the formation of identity and social connections that are formed through physical presence over time. An individual will form connections just the same regardless of whether the state recognises the legality of their residence. Even for adults, Carens, in line with his example, states that there "is clearly some period of time beyond which it is unreasonable to deport people who have settled without authorisation". If we accept this principle, then we acknowledge the power that time and presence wield when considering moral claims. Carens addresses the potential objection that he fails to afford sufficient weight to intensity of social ties that an individual has formed as opposed to solely focussing on passage of time. He rejects this for a similar reason to his rejection of criteria beyond time in assessing rights to claim citizenship, he believes that the formation of more criteria beyond time only serves to allow greater potential for inaccuracies in subjective assessments of individual claims (Carens 2013, 152).

2.5: Claims under the Theory of Social Membership

From these ideas, Carens moves on to formulate his overarching conclusion: that living within a state makes an individual a member of that society, and that this

membership generates moral claims associated with one's status in a political community. These claims only strengthen over time. Carens sums up this concept succinctly: "social membership matters morally" (Carens 2013, 158). He highlights that accounts of justice and democracy usually presuppose that relevant individuals are citizens. He notes that when we introduce immigrants into this conversation, we need to explore what elements form the basis of moral claims to citizenship. Here, we need something more than formal citizenship to inform what should form the basis of these moral claims. Carens proposes his Theory of Social Membership as an answer to this question, suggesting that "almost every moral claim to citizenship rests upon facts and expectations about social membership" (Carens 2013, 160). Here, he argues that social membership provides the normative foundations for all moral claims about citizens' entitlements. Thus, a core element of Carens' argument is that moral claims to rights cannot be answered purely by assessing an individual's citizenship status. Social membership, to Carens, is normatively prior to citizenship. The Theory of Social Membership becomes relevant here as the claim that people can be members of a society regardless of their citizenship status, and it is this membership that grants them (most of) the rights that are conventionally believed to belong to citizens. Carens offers this theory as a corrective to cosmopolitan thought that simply being within a state means that an individual should enjoy the same rights as those that reside there. He discusses membership-specific human rights, and the core differences between residents and visitors, as the key differentiating factor from such views.

Residence and time, then, are offered by Carens as the sole criteria for assessing social membership claims under the Theory of Social Membership. He suggests that

they act in tandem as sufficient proxies for “richer, deeper forms of connection”, arguing that limiting the theories’ requirements to these two criteria serves “practical and principles reasons” (Carens 2013, 165). He acknowledges that, on the face of the matter, it might appear problematic to base his theory on just two criteria. To this, he responds that all that truly matters is a measure of the “dense network of relationships and associations” that one gains through living in a state. Residence and length of stay are clear and easily assessable factors in determining the development of such networks. He suggests that it would be impractical to conduct a more in-depth analysis, by assessing the degree of social embeddedness of each individual when determining their social belonging; it would also break from established norms in assessing individuals by introducing too many opportunities for arbitrary evaluations. He cites the example of assessing children’s normative status – their entitlements and duties – as they age. Whilst some children are morally responsible at a young age, others are not well into adulthood. We would not usually expect the state to reasonably assess the capacities of each individual on a case-by-case basis. Thus, a base assessment of the passage of time is used to set the age at which children are deemed to be morally responsible. Passage of time as a sufficient measure of the development of membership, suggests Carens, should thus play a similar role. In addition, relying solely on the passage of time serves to protect against the risk of discrimination resulting from biases on the part of an assessing state agent. Age applies to everyone regardless of other characteristics.

Carens goes on to address concerns of whether residence and time are truly sufficient measures. He imagines a scenario in which an immigrant has established no relationships with others despite being present for a significant period of time. He

counters such examples by highlighting that physical interaction with those who reside in a country is not all that is meant by membership. “The air people breathe, the streets they walk, the buildings in which they live and work, the money they use, the taxes they pay, the laws they must obey, the language in which most social institutions function”, he writes, “all these are concrete realities linking the lives of immigrants to the new society where they live” (Carens 2013, 167). Even in the case of an immigrant who is truly a recluse in every way, Carens regards the Theory of Social Membership as sufficient to justify their acquisition of claims. He notes that we would not suggest that legal rights should be taken away from the reclusive citizen by virtue of their withdrawal from society and concludes that it would be unjust to treat immigrants in a different way.

Chapter 3: The Phenomenon of Digital Nomadism, benefits, and harms

3.1: Introducing digital nomads

Standing in stark contrast to traditional forms of migration, Digital nomadism has rapidly emerged as a growing trend alongside technological developments in remote working. The draw of working not just outside of an office, but outside of one's own country has increasingly gained traction amongst citizens of wealthy, technologically advanced, countries and industries. Citizens of these countries are often able to leverage passports with greater practical value in terms of ease of entry. There is an understandable appeal to the concept of working in whatever country suits one's individual preferences. Exacerbated by Covid-19 and made increasingly accessible to a wider array of careers, nomad numbers have risen dramatically in recent years with American nomads alone increasing by 131% between 2019 and 2023 (Cook 2023).

3.2: States and nomads

In response to these rising numbers, an increasing number of countries have started offering dedicated digital nomad visas, hereafter referred to as DNVs. In the early years of the phenomenon, nomads primarily utilised tourist visas to gain entry to countries (Kc and Triandafyllidou 2025, 22), but states have increasingly sought to clamp down on such approaches and have designed various kinds of dedicated visa programmes designed to capitalise on nomad's presence. Kc and Triandafyllidou note that, in locations with economies centred around tourism, DNV offerings frequently display similarities with the traditional tourism visas that were originally used by early nomads (Kc and Triandafyllidou 2025, 8). In such locations, there is

often an emphasis on shorter-term stays with limited or no ability to renew visas or establish grounds for staying permanently. In contrast, Mancinelli and Molz highlight other countries that seek to attract a different kind of nomad, one less interested in touristic qualities (Mancinelli and Molz 2024, 201). These countries seek to utilise DNV programmes as a method of talent capture or to develop new fields of their economy. Mancinelli and Molz suggest that such DNV offerings, as well as those in more tourist-centric economies, situate all current DNV programmes into one of two typologies: those countries seeking to boost existing industry with short term, transient arrivals, and those seeking to boost their economy in new industries through attracting those interested in longer-term offerings. In contrast to the short programmes offered by tourism-based states, those provided by countries more interested in talent capture and development are often much longer, with more opportunities for renewal. Portugal, for example, allows for immediate renewal and extension of its DNV programme, allowing individuals to remain in the country for years (Koskela and Beckers 2024, 414). Whilst Barbados and Estonia were some of the first countries to introduce visas specifically targeting remote workers in 2020 (Koskela and Beckers 2024, 408), around fifty countries now offer versions of such schemes as of early 2025 (Kc and Triandafyllidou 2025, 5), with programs varying greatly in restrictions, benefits, requirements, and duration (Casi-Eberhard, Mardan, and Stage 2023, 11). From the perspective of these states, there are clear benefits to attracting high-paid and highly skilled individuals to their territories. DNVs allow locations otherwise lacking in knowledge or economic capacity to capitalise on the success of wealthier states. Technological developments in worker mobility, from the state perspective, allow for the potential to gain benefits from the success of other, more economically powerful, countries and their associated talent pools.

3.3: Entry Requirements

Through DNVs, states seek to entice, and filter for, specific individuals to stay for longer periods, associating their presence with economic benefits emerging from the high incomes of many nomads. Indeed, many countries attach strict and often substantial income requirements (Casi-Eberhard, Mardan, and Stage 2023, 11). European states offering short-term DNVs in desirable locations often demand especially high incomes, with Iceland's six-month DNV requiring a salary equivalent to an annual income of over \$90,000, and Estonia's requiring earnings over \$37,000 within a three-month period (Marting 2004). Longer-term DNV offerings in European countries require lower salaries per month but often expect annual salaries higher than those of locals. Examples include Portugal's minimum \$35,400 annual requirement in 2024 which compared to average national salaries of around \$22,000 (The Portugal News 2025), and Croatia's DNV minimum of around \$32,000, which is around 2.5 times the average national wage (Koskela and Beckers 2024, 414). Spain adopts a similar linked policy with income requirements standing at twice the national average (Koskela and Beckers 2024, 416), whilst Greece's minimum requirement of over \$44,000 compared to national averages of a little over \$19,000 (Giannopoulos 2024). In comparison to Europe, DNV programmes in Asia can vary dramatically in their required minimum salaries. Malaysia's requests a comparatively modest \$24,000 minimum, whilst Taiwan requires \$67,000. These are, however, significantly higher than average local salaries, with those in Malaysia averaging \$7,800 per year (Baharudin 2024), and Taiwanese earning around \$13,600 (Tzu-yu and Huang 2025).

Tax requirements attached to DNV programmes vary dramatically yet as reflected upon by Mancinelli and Molz often reflect a tension between evolving mobility and tax systems designed for the sedentary (Mancinelli and Molz 2024, 198). Some offer particularly low-tax schemes for those that shift their tax residence from the nation where their work is actually carried out. These are identified by Casi-Eberhard et al as, essentially, tax avoidance schemes (Casi-Eberhard, Mardan, and Stage 2023, 6). DNV's offered by tax havens often have little or no attached expectations that individuals actually live or work within the country. Others, such as Spain's recently released DNV offering, requires that applicants become tax residents, and at the same rate as local workers (Koskela and Beckers 2024, 417). This contrasts with other programmes, such as that offered by Portugal, which expressly requires applicants to commit to not leave the country for more than eight months in total in a three-year period (Cave 2025), or Croatia that requires visa holders to stay for nine months of the year with no more than 30 consecutive days out of the country (Koskela and Beckers 2024, 414). Such countries often also offer reduced tax incentives, with Greece allowing nomads to pay half the normal tax rate (Buckley 2023), and Portugal offering a flat 20% tax regardless of income (Martins and Andrade 2025). In addition to financial requirements and incentives for nomads, states often attach restrictions to DNV visas which heavily restrict nomad access to state support or right to local employment (Casi-Eberhard, Mardan, and Stage 2023, 11). From the perspective of states, this arrangement is clearly beneficial as it allows them to extract tax income whilst not shouldering additional expenses on providing services to nomads.

3.4: Distinguishing nomads from other migrants

At first glance, nomads might appear a rather unproblematic group from the perspective of classic immigration concerns. The strict requirements attached to visa application processes often explicitly prohibit nomads from seeking local employment, avoiding competition with locals, and, similarly, are heavily restricted in terms of the support they are able to claim from the state, often having to demonstrate that they will not be a burden (Koskela and Beckers 2024, 417). Such requirements seem to allay concerns of draining state finance or exacerbating unemployment, both common features associated with immigration discourse. It appears that both nomads and states appear to regard DNV programmes as distinct from traditional migration methods. Mancinelli and Molz note the tendency of nomads to see themselves more as tourists than migrants (Mancinelli and Molz 2024, 199), and, further, the point to states themselves seeking to draw a distinction between nomads and classic forms of migration. Here, they suggest that DNV's by their design, are intended to draw "a clear line between relatively affluent, and thus welcome, migrants and other categories of mobile people such as labour migrants, asylum seekers, or refugees" (Mancinelli and Molz 2024, 199). Indeed, Mancinelli and Molz point to states actively competing to attract nomads, an approach that contrasts sharply with their attitudes towards many other forms of migrant.

This divergence in the relationship between governments and nomads as a class of migrant, and traditional forms of migration is stark and represents, in some ways, an inversion of the power relationship often evident between migrant and state. Holleran and Notting highlight the concept of 'motility', the link between mobility and socioeconomic status (Holleran and Notting 2021, 1343). Here, DNVs stand

separate to traditional forms of temporary work visa. Whereas temporary work visas are traditionally associated with lower paid, tenuous, and vulnerable working arrangements, nomads are presented by Kc and Triandafyllidou as “an emerging global meritocratic professional elite” (Kc and Triandafyllidou 2025, 4). Numerous studies in the phenomenon of DNVs highlight the unique nature of this relationship between state and migrant. Mancinelli and Molz point to what they refer to as ‘border artistry’ on the part of the state as DNVS are crafted to pursue utility-maximising policies targeting specific niches of individuals (Mancinelli and Molz 2024, 189). At the same time, they highlight that nomads employ their own artistry, leveraging the power of their passports to enjoy significant freedoms in the pursuit of their own personal conceptions of the ‘good life’. Crucially, they further highlight that the ability to enjoy this freedom depends on relative privilege arising from economic, cultural, and social capital. Citizens of geopolitically powerful countries enjoy disproportionate access to this power. Similarly, Kc and Triandafyllidou suggest that DNVs specifically create mobility for citizens of powerful countries (Kc and Triandafyllidou 2025, 15). Indeed, they highlight that relative passport power ensures that it is predominantly people from wealthy countries that are actually able to capitalise on the mobility that DNVs provide (Kc and Triandafyllidou 2025, 5), an observation that is shared by Mancinelli and Molz who note that nomads in their study were “predominantly, though not exclusively, white, well-educated professionals” (Mancinelli and Molz 2024, 193).

3.5: Problems associated with nomad presence

It is, perhaps, due to the nature of arrivals under DNV programmes, that these forms of migration escape much of the usual vitriol levelled towards traditional forms of

migration. Despite this apparent avoidance of classic concerns attached to migration discourse, however, nomads do not escape criticism as the he novel nature of nomad's presence creates new challenges. These are particularly apparent with relation to the communities into which they move. Increasingly, studies highlight the problems of geoarbitrage, the relocation of high-income individuals to areas with lower costs of living, attached to nomad communities (Holleran and Notting 2021, 1348). The arrival of large numbers of individuals with much higher salaries than local averages can have detrimental effects on communities through gentrification and accommodation costs. Further, such problems can become entrenched, perpetuated by states themselves. Mancinelli and Molz point to states in the global south increasingly highlighting practices of geoarbitrage, such as dramatically reduced costs of living, in advertising campaigns for DNV programmes, indirectly encouraging these damaging practices (Mancinelli and Molz 2024, 202). McElroy, studying digital nomadism in Romania, goes even further, suggesting that geoarbitrage through digital nomadism can appear as a form of coloniality as privileged individuals from wealthy countries leverage the power and wealth of their country of origin to extract benefits from poorer countries (McElroy 2020, 3). The harms resulting from nomad presence stand in stark contrast to traditional forms of migration. They will be examined in greater depth later, as we explore tensions between nomads and local communities.

Nomad acknowledgment of their relative privilege and the extent to which their presence causes damage varies dramatically. In a survey of nomad opinions, Holleran and Notting note that nomad communities in some countries display “a pronounced lack of awareness”, whilst others convey a recognition and sense of

responsibility (Holleran and Notting 2021, 1343). They highlight that, in lower income and tourist orientated countries, nomads' reactions to inequalities tend to mirror those of regular tourist. They may seek to neutralise recognised inequalities in pursuit of personal conceptions of how things should be, these conceptions are often romanticized and west-centric views on what local communities 'need' in order meet a given nomad's views on what a healthy community would look like. Alternatively, they may respond by acknowledging inequalities but resigning themselves to simply feel lucky in comparison, or, otherwise, by purposefully distancing themselves and seeking to rationalise inequalities (Holleran and Notting 2021, 1344). Collins highlights how, particularly in the global south, those possessing DNV's are increasingly recorded worrying about the gentrifying effects of geoarbitrage (Collins 2023). Subsequently, pro-nomad blogs have become increasingly popular as communities seek to create 'ethical checklists' for having a positive impact. Such checklists may focus on considerations such as increasing familiarity with local culture and history, prioritising spending at locally owned businesses, the importance of cultural exchange, the importance of giving back through local volunteering initiatives, and avoiding needless spending that might contribute to rising costs (Deel 2024). In other places, nomad groups have sought to establish collectives based on an ethos of 'giving back'. Madeira Friends, a group based in the autonomous island of Portugal have established volunteer run social programmes across the region, where nomads tour schools providing coding and technology lessons in an effort to increase local access to different career paths ('Madeira Friends' n.d.).

3.6: Nomads as a unique group

It is clear, then, that there are a number of key elements that situate digital nomads, as a form of migrant, separately from traditional migrants. Firstly, there is a particular and highly fluid relationship between migrant and state. Nomads enjoy greater freedoms of choice over destination than classic migrants, this entails a degree of competition from states over particular types of nomad. This power is not, however, one way. Through 'border artistry', states shape DNV offerings with specific policy goals in mind, seeking purely touristic benefits, boons to existing industries, or talent capture in fields they wish to develop. These aims, in turn, drive specific and often strict requirements that seek to filter arrivals and ensure that, from the state's perspective, nomads represent no additional burden. This filtering process allows nomads to escape many of the problems commonly associated with migrant arrivals such as accusations of exacerbating unemployment or depleting welfare funds. Instead, however, filtering for specific and, often, elite groups of nomads creates unique challenges in the form of power and wealth imbalances between nomads and the communities into which they move.

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Chapter 4: Nomads and Carens' Theory of Social Membership

4.1: Situating potential responses to nomads in Carens theory

If “almost every moral claim to citizenship rests upon facts and expectations about social membership”, as claimed by Carens whilst formulating his Theory of Social Membership (Carens 2013, 160), what moral claims do digital nomads have under his theory? As we have seen, this is a form of migration that differs significantly from that considered by Carens when he originally formulated his theory, offering unique challenges in terms of their relationships with state and community. It is immediately apparent that nomads fall outside his traditional assumptions about migrants, and that their inherent relationships between work and proximity are upended from the norms Carens assumes. As we have seen there are visible harms associated with nomads' presence, as well as potential benefits. Do we disregard potential risks in the face of the fact that the Theory of Social Membership is designed to support claims for all groups, and take the view that nomads can plausibly be regarded as falling under the normative guidelines of the theory? If so, nomads should gain moral claims to membership regardless of social harms that might arise from their presence. Something about this conclusion appears unsatisfactory, however. Is there, instead, some wider conflict in claims arising from these harms that might validate their exclusion? To be sure, there seem to be significant barriers that must be overcome if we are to argue that nomads warrant exclusion from Carens' theory. Carens' own formulation of the Theory of Social Membership presents it as an all-encompassing foundation, normatively prior, even, to citizenship. To suggest that nomads, alone as a group, should be treated differently from all others in a society is a claim that calls for significant justification.

4.2: Are nomads covered by Carens' original formulation of this theory?

We should start by considering which of the forms of migration that do feature in Carens' text most closely resemble digital nomads' situation and examine his treatment of this group to better understand where nomads align and differentiate. It may be possible to suggest that nomads, despite their differences from Carens' original focus, do, in fact, sufficiently align with a group already considered and accepted under the Theory of Social Membership. Such an outcome would serve to alleviate our concerns outright. Broadly, it seems logical to suggest that temporary workers are the most comparable group. "Some people are admitted to democratic states for work", Carens writes, "but with restrictions on how long they can remain and what they can do while present" (Carens 2013, 110). This assessment clearly seems to cover nomads arriving with various arrangements on the duration of their visas, the forms of work they can partake in, and even whether this work can be conducted for local companies. Carens goes on to quote David Miller on the nature of temporary workers, "their position is better understood in contractual terms: what rights they get should depend on what agreements they have made" (Carens 2013, 111). Again, this appears to broadly reflect the arrangements that nomads agree to and partake in through DNV programs. Certainly, it appears to echo the view from the state's perspective in their creation of such visas. It is worth stressing that, with respect to temporary workers, Carens challenges perspectives such as Miller's which see any terms of admission as morally acceptable as long as they have been consented to. The reason for his moral qualm with views like Miller's concerns the risk of leaving temporary workers, such as those in Hong Kong and Singapore, with few rights and at severe risk of exploitation by mere virtue of their 'consent'. The exchange between Carens and Miller serves to highlight a significant problem with

the suggestion that nomads are broadly comparable to the temporary workers discussed by Carens' theory.

Here, we see the problems identified by Carens completely flipped on their head. Nomads, far from arriving at the mercy of others, are likely to be far wealthier than traditional forms of temporary worker and enjoy freedoms of exit that may be unavailable to others. Moreover, they are also likely to have higher incomes than the local population. We can, in fact, draw a direct contrast here. Like Singapore and Hong Kong, Dubai is known for exploitative temporary worker programmes. It also offers a DNV program. To apply for the nomad program, an individual must earn a minimum of \$5,000 a month (UAE Information and Services 2024). In contrast, the legal minimum salary for those employed in the country's temporary worker schemes can earn fewer than \$400 dollars a month (McQue 2023). One might think this discrepancy is explained by the fact that Dubai is not a democratic country, but we see similar, if less extreme, outcomes in Portugal. As mentioned earlier, the minimum salary requirement for the country's D9 visa is €3,480 per month (Cave 2025). In contrast, the legal minimum monthly salary for Portugal's temporary farm workers was just €600 in 2021 (Faget 2021). Carens notes, in his examination of temporary worker programs, that, in principle, such programs are acceptable, but only if the duration of an individual's stay is truly limited. In the event that they stay for longer and a given period of time – Carens suggests five years – they gain claims to belong under the Theory of Social Membership (Carens 2023, 114). Beyond divergent outcomes in security, nomads, in some cases, appear broadly incomparable in this regard as well. Whilst some programs last for shorter durations, there are others that allow for renewal beyond the five-year limit envisaged by Carens (Koskela and

Beckers 2024, 415). A further area of comparison might be seen in the restrictions on fields of work that nomads and traditional temporary workers can engage in. Again, though, this parallel appears only superficial in so far as nomads and temporary workers face restrictions. Being restricted to a single field of work within a country is clearly much worse than nomads being restricted to working outside of a country, yet with the means to do so and complete freedom in the nature of such work. Taking all this into account, it seems problematic to suggest that nomads normatively align to Carens' conceptions of temporary workers sufficiently to conclude that they warrant the same considerations under the Theory of Social Membership.

4.3: Can nomads be excluded outright from consideration under the claims of social membership?

There are, clearly, significant differences apparent between nomads and many of the traditional migrants considered by Carens. Even temporary workers, the form of migrant that, at first glance, appears most similar, seem incomparable when we factor in the contrasting freedoms and powers enjoyed by nomads and by traditional temporary workers. We might, thus, suggest that by mere virtue of nomad's sheer normative divergence from any of the groups discussed by Carens, it would be justifiable to simply conclude that the Theory of Social Membership cannot plausibly be applied to them at all. However, such a conclusion appears deeply problematic. Aside from the aforementioned notion that excluding nomads, alone, warrants significant justification, the idea that Carens might not explicitly account for them appears irrelevant when they still appear to be fully sufficiently covered by the core criteria of residence and time. One might respond that, given the nature of their presence, they do not establish the relationships and connections envisioned by

Carens. Such a view is directly countered by Carens' own reply to the hypothetical situation of the immigrant who forms no connections despite being present for an extended period of time. If we remember the realities he established that link this individual to a community: walking the streets, residing in a home, using the local currency, obeying the laws, interacting with institutions in the local language (Carens 2013, 167), all can be applied to nomads. Even the realities of paying taxes, not always the case under nomad visa arrangements, can still be seen through nomads' significant financial payments to attain visas, or through the property and sales taxes they contribute while present. It seems that at the surface level, at least, nomads are covered by the Theory of Social Membership.

Another avenue for justifying nomads' exclusion might be found through an analysis of Carens' argument by Sarah Song. Song, in her article *Immigration and Democratic Principles: On Carens' Ethics of Immigration*, questions where exactly the networks of relationships that are central to Carens theory are actually formed. She suggests a discrepancy in his argument, highlighting that many of the close relationships he examines occur in purely local settings, affording little claim on the state as a public entity. She, thus, reimagines Carens community at the state level as a broader 'political community' (Song 2016, 3). Here, Song notes two distinct features that make up membership of a political community; membership is typically not voluntary, and it involves shared subjection to the coercion of the state. This approach might afford a different avenue for differentiating nomads from other forms of migrant. Clearly, there is a voluntary aspect attached to the acquisition of DNV's. Not only does a prospective nomad engage in researching different countries' nomad visa options, essentially forming a catalogue of different options to choose from, but

entering into one of these programs involves voluntary acquiescence to a form of contract. From this perspective, there would seem to be a clear dividing line between nomads and the broader political community. Such a divide would appear to hold nomads apart from both citizens and other migrants, with the first category having a more voluntary relationship with the state on whose territory they reside. There are, however, problems associated with this approach. For a start, if such a divide is proposed as a justification for excluding nomads from the Theory of Social Membership, then it would also appear to suggest that any migrants who voluntarily choose to move to a country will also fall outside of Song's 'political community', an outcome that would clearly be rejected by Carens. Further, it is not clear whether Song's reimagining of Carens' community from the local to the national is truly compatible with his original intentions. As part of his analysis of the ways individuals form connections, Carens explicitly discusses the way individuals come to develop a strong sense of identification with the local political communities in which they live. This seems to directly contrast with Song's interpretation that presents his argument as one of individuals forming connections with the wider state. Instead, the political community in Carens' formulation is clearly envisioned as a more localised affair which, in turn, feeds into a relationship with the wider state in which this locality exists. It is not clear why forming localised connections should exclude a connection with the wider state. As Carens writes, an individual's life within their community will be shaped "in central ways by the state's laws and policies" (Carens 2013, 24). Ultimately, it appears that nomads fulfil the core criteria of time and presence required by Carens. If we cannot establish a clear justification for the outright exclusion of digital nomads from claims generated by the Theory of Social Membership by appealing to their incompatibility with Carens' original vision, or by

suggesting that they in some way fall outside of the communities necessary to generate claims in the first place, we must instead, engage with the Theory of Social Membership itself in search of an answer. Can we resolve the dilemma through an analysis of the internal arguments present within Carens own formulation of the theory, seeking a justification within the theory itself for excluding one particular group?

4.4 Can the Theory of Social Membership normatively exclude nomads outright?

Examining Carens' text for suggestions that he would exclude nomads from consideration under the Theory of Social Membership, we encounter a caveat in the formation of claims through birth. Here, Carens raises the question of why children of visitors do not, and should not, gain claims to citizenship in line with those afforded to the children of residents. Central to Carens' exclusionary caveat here, is the expectation that such children will not be raised in the state where they were born (Carens 2013, 36). Assumptions of intention are central to this disqualification. We assume that the child will be raised elsewhere, thus birthplace is discounted as a compelling force in the formation of claims. If expectation can play a relevant role in our moral intuitions about normative claims, might we apply a similar logic to digital nomads? We could, for example, suggest that nomads, by mere virtue of their presence in a state under the auspices of a visa specifically named to denote the idea of roaming from place to place, might reasonably be expected to move on without seeking the forms of connections essential to the formation of membership-specific human rights. A problem with such an approach, however, is that Carens is most likely to reject such an interpretation. In line with his views on problems

inherent to formal citizenship testing, he is likely to regard intention as a poor guiding principle for assessing rights to belong. The notion of subjectively judging intention as necessary to disqualify nomads from state's obligations, aside from being open to abuse, would seem risk disqualifying any migrants from consideration under the theory under the unprovable suggestion that they might wish to move on in the future.

What about the similar notion of 'interest' raised by Carens in his examination into claims formed by the children of immigrants? Here, he notes that moral claims from such children arise through their "profound interest" in being seen as a member of a given community (Carens 2013, 46). This seems to go some way to elucidating a divergence between migrants and nomads that plausibly escapes some of the subjectivity issues attached to assumption. It certainly seems reasonable to suggest that nomads may well not share the same profound, objective, interest in being seen as members. They may regard it as beneficial, but by virtue of the contractual pre-established relationship with the state, and the nature of their presence, their interests are clearly different to those of young children, or those who arrive for work or asylum. Whilst there is plausible divergence here, it does not seem solely sufficient to do the justificatory work for excluding nomads. Just as we rejected intention as a disqualifier, it seems implausible to imagine that interest might somehow be accurately measured in its place. Whilst we may perhaps reasonably suggest that the objective interests of a nomad in being seen as a member are not on par with those of an asylum seeker, it is impossible to rule out the idea that nomads may possess a genuine objective interest in wishing to escape the negative associations of nomadism and arbitrage and sincerely wish to embed themselves as

a member of a given community. The presence or absence of such a legitimate desire can never be truly established. Any attempt to exclude nomads under such interpretations of Carens text fall foul of his core notion that we cannot add complex criteria to the assessment of claims to membership beyond his core criteria of physical presence over an extended period of time.

4.5: Residence and Time, and the human rights contingency

Residence and time, Carens writes, are the only criteria taken into account under the Theory of Social Membership, together serving as sufficient proxies for deeper forms of connection (Carens 2013, 164). It seems reasonable to suggest that not all digital nomads fulfil these requirements. As we have seen, some DNV programs such as those offered by Thailand only last for a period of months and have residence requirements. Due to the limited nature of their stay, these nomads clearly fall outside of Carens' theory as they accurately adhere to the 'truly temporary' clause of his treatment of temporary workers (Carens 2013, 113). For individuals in a country such as Portugal, however, their physical presence in the country for extended periods of time over several years, with additional restrictions on how much time one is allowed to spend outside of Portugal, clearly qualifies them for consideration under the Theory of Social Membership.

From the theory's perspective, nomads belong. They both live and participate in society on an ongoing basis and should be assumed to develop exactly the forms of roots and ties that Carens associates with the generation of rights. If longer-term nomads meet the core criteria of residence and time, are there any additional factors that might suggest that such individuals should be regarded differently within the

scope of Carens' assessment? A possible area where divergence might be visible is through Carens' assessment of human rights related to employment opportunities. Here, he notes that it is a clear violation of human rights for a regime to make it impossible for someone living within a society to find employment opportunities in that society (Carens 2013, 97). This clearly singles out nomads, whose visa often expressly restrict their freedom to seek local employment. Despite this, such arrangements are expressly agreed by nomads under conditions that we usually think make agreements binding (e.g., not under any kind of duress), and, due to their remote work options, their freedoms and rights are unimpeded by this restriction. Unlike the traditional migrants discussed by Carens, nomads would clearly not regard such restrictions as a violation of their rights. Here we see an important element that we will return to later. This is the separation between resident and state perceptions of nomads that must be accounted for when examining their relationship with the Theory of Social Membership, the idea that, within the theory, something may appear impermissible from the perspective of one group, yet perfectly acceptable for another. Returning, for now, to the adherence of long-term digital nomads to Carens' criteria, a contingency specified by Carens is of note. Specifically, he adds that claims from social membership can be supplanted by democratic states' "moral responsibility to protect the general human rights of every person within its jurisdiction regardless of their membership claim" (Carens 2013, 162). Here, then, we see a promising avenue for further examination. Carens' contingency is powerful and would certainly appear weighty enough to meet the high barriers required to exclude nomads from the formation of claims under his theory. Digital nomads, even if they normatively fulfil all the relevant criteria for membership-based claims under the Theory of Social membership, may be justifiably excluded if it can be

demonstrated that their membership in some way impacts the rights of others to a degree sufficient to require the state to step in. It is thus worth revisiting the potential harms raised in our earlier examination into the phenomenon of digital nomads in order to assess whether any are sufficient to trigger Carens contingency.

4.6: Harms associated with nomads' presence

Examining potential harms associated with the presence of digital nomads, a primary source of tension appears as a result of nomad's salaries and lifestyle, which often differ significantly from those of citizens and permanent residents in the community. Holleran highlights a commonly cited issue associated with nomads' presence, the negative impacts on communities which result from gentrification and reduced housing availability that have followed the rise in popularity of DNVs. Here, the nature of many nomads' accommodation needs incentivises local landlords to prioritise short term rental options such as Airbnb over the provision of longer-term housing, reducing the number of options available for those who live in the community on a long-term basis (Holleran and Notting 2021, 1348). Constrained housing, while often levelled as an argument against the admittance of large numbers of nomads, does not appear sufficient to invite accusations that the presence of nomads is detrimental to the general human rights of others. A key problem in sustaining such an accusation in this case is that many housing problems are associated with nomads on shorter stays, who would not qualify for consideration under the Theory of Social Membership in the first instance.

What about nomads on longer term visas? Problems in housing are also evident in many Portuguese cities with high numbers of nomads who may be present on the

longer-term D9 visa. Here, one-bedroom apartments may cost as much upwards of 60% of the average local salary per month, a price that Cook squarely attributes to the presence of nomad's high salaries (Cook 2023). Even here, however, it is difficult to firmly attribute responsibility – in a causal sense – directly to nomads. Cook references a Portuguese housing rights activist who believes the problems lie just as much with poor government regulation. If states themselves can reasonably be blamed for poor outcomes that are associated with but not directly the result of nomads presence, it seems unconvincing to suggest that we have sufficient evidence of nomads themselves setting back the rights of community members, as opposed to merely exacerbating problems created by the state.

If nomads' impact on local housing through their physical presence is not sufficient to invite plausible accusations of them setting back the rights of citizens and permanent residents, what about the disparity between their income, and that of the local average? Certainly, the often-vast differences between the salaries of nomads, arriving on contracts that often require them to possess high-paying work, and those of locals seems to risk significant problems. Not only do such individuals often limit financial interactions with the local economy to short-term accommodation costs, and limited participation in the service economy (Holleran and Notting 2021, 1348), but the huge imbalance in earnings risks the pricing out of locals and gentrification of entire neighbourhoods. The minimum annual salary to qualify for a DNV is almost double the average Portuguese salary (Cook 2023). A result of this imbalance is the pricing out of locals in certain city locations as we noted earlier, as well as exacerbating the incentives for landlords to switch housing stock from long-term rental to Airbnb. Related, Holleran points to the problem of geoarbitrage, where

nomads concentrate in countries with comparatively low costs of living, leveraging salaries that are many times the national average as a form of gaming the system (Holleran and Notting 2021, 1348). Such approaches are particularly problematic in the global south where nomad salaries can be so much higher than local averages that prices of food and drink in areas where they concentrate can inflate to the point of being entirely unaffordable to locals (Collins 2023). Here, as with the problems associated with nomads' presence in poor housing availability outcomes, we are either likely to establish that such issues are not primarily the result of short-term nomads, who are already discounted from consideration under the Theory of Social Membership, or that they are the result of poor state policy and merely exacerbate preexisting issues. In either case, responsibility would not fall on nomads with long term visas. Geoarbitrage represents a significant problem, and certainly one that we might reasonably suggest imposes harms on the rights of other community members but is also a problem primarily associated with low-income countries which have emerged as nomad hotspots such as Thailand. Here, DNVs have limited timespans of a few months ('Destination Thailand Visa (DTV)' n.d.). They can still be renewed, but Holleran suggests that the interchangeability of countries, is often the feature that draws nomads to such locations (Holleran and Notting 2021, 1348).

An additional economic angle of examination can, however, be established with regards to income and taxation. Here, the taxation of income can be seen as an area with clear lines of distinction between nomads and others within their communities. As mentioned earlier, until very recently Portugal featured arrangements in its DNV program which allowed nomads to enjoy extended periods of paying much less tax than others within their community if they shift their tax residency to Portugal, thus

benefiting from avoiding tax in their home countries (Brittany 2025). A revised version of this scheme is currently planned which will still offer the potential for some nomads to continue benefitting from similar benefits (Cave 2024). Even for programs where such incentives are absent, nomads can often utilise tax treaties to avoid paying equivalent income tax to others in the country in which they reside (Cave 2025). This situation is apparent in numerous European contexts, with Greece serving as a comparable example of a country with lower average wages and a DNV offering 50% tax rates compared to standard rates (Casi-Eberhard, Mardan, and Stage 2023, 18). Casi-Eberhard et al. highlight state reasoning behind such offers lying in the high-income individuals they target (Casi-Eberhard, Mardan, and Stage 2023, 12). Not only can application costs run into thousands of euros, providing immediate revenue, but high salary requirements mean that even if an individual in Portugal is paying half the tax of their fellow community members, their salary is often many times higher, leaving the government better off for their presence.

A key element, here, is the accompanying requirement that individuals shift their location of tax residency from the nations where their work is actually conducted to the place where their nomad visa is issued in order to benefit from the reduction.

Casi-Eberhard et al. claim that, as a result, even limited increases in remote working trends could have a significant impact on tax income in some wealthy countries such as the US and UK (Casi-Eberhard, Mardan, and Stage 2023, 15). Given the disproportionate leaning of remote working allowance towards higher salaried positions, a trend of higher tax mobility for those individuals in nomad's origin countries inevitably shifts tax burdens towards middle and lower-income individuals who lack such mobility. This argument, as opposed to our previous avenue of

investigation, succeeds in going some way towards producing claims against nomads from the perspective of communities in their countries of origin, but it does not yet provide a case for their harming of communities they move to. Interestingly, however, it introduces a new consideration, that of a disparity in fairness between a nomad's arrangement with the state and that of the citizens and permanent residents in their community. I now turn to examining this consideration.

Chapter 5: Conflicting moral claims between nomads and communities

5.1: Introducing fairness claims

Fairness, as a relevant factor to social membership, does feature in Carens text at numerous points. Carens notably places an emphasis on fairness whilst formulating his conception of the political community. Whilst discussing inclusion within communities, he notes that democratic ideals require that individuals within a community should be able to interact with others on a basis of respect and fairness (Carens 2013, 63). Carens clearly approaches fairness here from the perspective of immigrants, but there is no reason that we shouldn't consider the inverse. If it can be established that resident members of a given community are not able to interact with nomads from a mutual position of fairness, there would appear to be something amiss.

Such concerns are clearly considered as weighty by Carens. He introduces the importance of fairness as a relevant consideration at the start of his argument when he notes the importance of respecting norms of fairness as a democratic principle. He initially cites this principle when discussing dual citizenship. Here, Carens appears to offer up a demonstration of what he may count as a breach of democratic principles. Chiefly, he highlights the concerns of some opponents of dual citizenship. Such individuals suggest that split loyalty and commitment that may manifest in individuals torn between different countries (Carens 2013, 40). Here, opponents of dual citizenship argue that having additional options conflicts with norms of fairness and opportunity among citizens. Regardless of the validity of such arguments with regard to dual citizenship, they provide us with an indication that fairness is a

fundamental principle for Carens, and hence with an important avenue of investigation with regards to digital nomads and the adherence of DNV programmes to democratic principles. Carens rejects criticisms of dual citizenship, yet he does so on the grounds that he does not regard the characteristics of dual citizenship as breaching democratic principles. That he engages with these arguments, however, tells us that he regards potential breaches in fairness and equal opportunities as sufficiently weighty to warrant consideration when formulating his argument.

It is, thus, reasonable to suggest that a breach of these principles would, indeed, be sufficient to warrant exemption from the Theory of Social Membership under the human rights contingency. Central to Carens' rejection of dual citizenship as a reason for concern is his assessment that "it does not create any advantages for a person within the state where she is living" (Carens 2013, 42). In this area, we see a clear divergence between nomads and the holders of dual citizenship that Carens examines. As we have already noted in the discussion around the risks of arbitrage associated with short-term nomads, as well as disparities in power arising from relative passport strengths, there is clearly a potential for nomads to hold a very real advantage. Is this advantage sufficient to invite concerns on their impact on broader principles of fairness and equality? It is to this question that we now turn.

5.2: DNV Accessibility

As noted earlier, a developing factor in state's DNV design is what Mancinelli and Molz termed 'border artistry', the creation of programmes that specifically filter for desirable individuals (Mancinelli and Molz 2024, 199). They noted the tendency of states to target only relatively affluent, predominantly white, individuals from wealthy countries. DNVs created with touristic purposes and shorter terms tend, primarily, to be more accessible to wider pools of applicants. Such visas, however, by virtue of their short durations, are not pertinent to our investigation. Those of the second typology, involving greater economic participation and physical presence, are much stricter. KC and Triandafyllidou build on this, highlighting that while DNVs outwardly suggest mobility and flexibility, they increasingly represent freedom of mobility only for those from countries which possess the greatest political and economic power (Kc and Triandafyllidou 2025, 15). Such arguments align to Holleran and Notting's concept of motility, and the links between mobility and socio-economic status (Holleran and Notting 2021, 1343).

This state of affairs immediately appears to conflict with Carens' conception of fairness. With some exemptions on moral grounds, Carens states that "in democracies there is not supposed to be a privileged class" (Carens 2013, 68). Here, he is making an assessment on rules within a given democratic community, but we can extend the argument to the migrant community. There appears to be a clear unfairness between nomads and other residents in the countries to which they move. Carens is explicit in his rejection of the policy of states granting citizenship to descendants of emigrants (Carens 2013, 30). He regards it as wrong to think of citizenship as a form of right conferred by the privilege of lineage. It seems likely that he would similarly reject the notion of presence by virtue of privileges conferred by

motility. This potentially leads us to a partial justification for the exclusion of nomads from the rights that Carens thinks other residents have, for reasons of fairness. It appears problematic to suggest that individuals who only fulfil the presence criteria by virtue of arbitrary weightings of geopolitical power between states or, otherwise, luck arising from socioeconomic stations, should be regarded equally under the Theory of Social Membership.

But is this sufficient? DNV programmes only discriminate on the basis of socioeconomic status. This specifically rewards those with powerful passports, frequently from western countries, but those with sufficient skills and career paths from less privileged countries can still access the same opportunities. The status-quo of nomads' disproportionate access is clearly problematic, but the potential for changing trends or revision of eligibility criteria for DNV programmes in the future allow for the possibility that fairness concerns may be addressed in the future. It thus seems that we need to go further in search of an unequivocal trigger of the Human Rights Contingency. It is when we analyse the fairness principle from the perspective of nomads and the communities that they join that we begin to note a more intrinsic incompatibility posed by nomad's presence.

5.3: Fairness within communities

When exploring the ethics of temporary work visas, Carens highlights an argument against permitting temporary workers to be subjected to inferior workplace conditions than citizens and permanent residents. He suggests that this would “undermine the ethos that is necessary for a democratic state to maintain itself.” He continues, “democratic institutions and practices require a democratic culture. Part of that

democratic culture must be that people in the society can see themselves as equal” (Carens 2013, 116). We can turn Carens’ assessment, here, on its head, assessing whether nomads enjoy superior conditions. It seems clear other migrants might reasonably assess that nomads enjoy significant relative privileges, in line with the previous section. We can plausibly, however, go further and suggest that nomads enjoy advantages relative to placebound citizens and residents that similar undermine the ethos of democratic equality. Webb, writing in 2024, guides us towards this conclusion.

Exploring the relationship between nomadism and social citizenship, Webb explores the gradual erosion of social citizenship based on territorial sovereignty (Webb 2024, 302). This possibility is also, briefly, acknowledged by Mancinelli and Molz, who highlight that the emergence of DNVs risks disrupting traditional relationships between the individual and the state in the future (Mancinelli and Molz 2024, 204). Webb explores this subject in depth, noting that decreasing relevance of where one is located as opposed to what they offer has the potential to reduce inequalities between states, but worsen inequality within them (Webb 2024, 302). This analysis echoes the concerns of Case-Eberhart and Stage that were noted earlier, namely, the redistribution of tax burdens towards lower income groups (Case-Eberhard, Mardan, and Stage 2023, 15). Of particular interest to our investigation, Webb introduces the concept of power imbalances between the mobile and the place. He highlights the degree to which the mobile increasingly possess significantly higher bargaining power, “extracting resources from rich sectors and countries while consuming at a discount in poorer or middle-income zones” (Webb 2024, 303). This, Webb suggests, disrupts practices of social citizenship. This conclusion

would certainly seem to echo Carens' own thoughts, particularly those on the importance of the principles of fairness to the functioning of democratic societies. His thoughts on the importance of avoiding a privileged class are crucial. He notes that societal rules "work better if those subject to them feel the rules ought to be obeyed" (Carens 2013, 73). We can draw a clear parallel here to conflicts between the mobile and the placebound. If one group appears to be exempt from standard norms in society, this risks a broader breakdown in trust within that political community, as well as weakening the incentives for acting in accordance with a greater societal good.

The role of incentives in society, Carens notes, is to reinforce specific behavioural norms through migrants seeing themselves as having interests that are similar to other community members. As a result, social interaction incentivises accepting the way that things are usually done within that community. People act in this manner because they regard doing so to be in their interest. An example of such an incentive given is learning the local language, "your social options will be very limited if you don't learn to speak that language", writes Carens (Carens 2013, 80). Further, he notes that "anyone who wants to have a reasonable range of economic opportunities will have to learn the language that most people speak" (Carens 2013, 81). It is clear that such incentives are absent for many digital nomads. Not only can technology increasingly substitute foreign language skills for basic interactions, but nomads' work is almost certain to be conducted in their native language. They can, thus, be present, yet have few incentives to respond to local norms. In the context of traditional migrants who arrive and have little incentive or desire to integrate with wider communities, we might expect the state to take action. In the case of digital nomads, however, power imbalances away from the traditional relationship between

migrants and state risk making states turn a blind eye to such problems. Indeed, Casi-Eberhard et al suggest that, in an age of higher mobility opportunities for high-earners, competition is likely to develop between states for the economic benefits of their presence (Casi-Eberhard, Mardan, and Stage 2023, 14). Such competition seems likely to affect precisely those states where nomads are likely to stay the longest, exacerbating a problem that is less prominent in tourism-centric, short-term DNV locations. Competing for higher earning or specialised nomads, states may be incentivised to offer ever more generous DNVs, regardless of concerns of fairness among their place-bound populations. In such a world, where states have plausibly good reasons to be unwilling to restrict nomads, power inequalities inherent to their presence risk becoming entrenched.

A problem becomes apparent as a result of this entrenched inequality. Webb highlights that “traditional spheres of exchange and complex equality have a communitarian logic”, before noting that these traditional approaches are “ill-suited” to the presence of nomads (Webb 2024, 305). A key worry, as noted by Webb, is that “inequality poisons social relations” (Webb, 2024m 309). Such concerns echo Carens thoughts on the importance of avoiding a ‘privileged class’ within democratic societies (Carens 2013, 68). Webb builds his argument in line with similar thoughts from Anderson who, while exploring our thoughts on democratic equality, wrote that “democratic equality conceives of equality as a relationship among people” (Anderson 1999, 336). Webb builds on this, highlighting arguments that “solidarity among compatriots are the key underpinning of welfare states”, further noting that “solidarity shares burdens based on membership” (Webb 2004, 309). There are a

number of elements of Webb's analysis that appear to be particularly relevant for our assessment of nomads' adherence to democratic principles.

5.4: Nomads and Democratic Principles

There are, clearly, a number of highly relevant elements here in our assessment of whether nomads normatively trigger Carens' Human Rights Contingency. State competition over nomads risks the exacerbation of fairness concerns within receiving communities, as nomads appear to benefit from increased bargaining power with the state relative to citizens, residents, and, in particular, other migrants within their communities. They also appear capable of simply ignoring many of the standard incentives to adhere to within-community norms and, by virtue of their digital lifestyle, can largely exist separately to others. Through trends towards remote technologies, as well as the potential for states needing to compete over nomads, such inequalities risk becoming entrenched. Given the risks this outcome would pose to community cohesion and solidarity in a scenario where nomads are able to increasingly leverage multiple-citizenships and state competition, this state of affairs would appear to plausibly violate the democratic principle of *fairness and reciprocity in government policy*. Further, we can return to the notion, introduced in section 3.5, of separate perspectives, to question whether nomads' presence adheres to broader principles of equality. Whilst examining the notion of employment restrictions, it appeared relevant to consider that such restrictions, from Carens' state perspective, were a violation of rights. When applied to nomads, however, they appeared permissible. Examining community solidarity when nomads are present on long-term visas, it seems plausible to invert this approach. From the perspective of the nomads, they should qualify under Carens Theory of Social Membership, they

belong in every way that Carens migrant-centric approach requires. From the perspective of the community, however, we may challenge this view. Democratic equality clearly qualifies as a general human right in Carens' view, yet, in line with Webb's analysis, this may be undermined by increased within-group inequality resulting from power imbalances introduced by nomads. In such an event, it seems plausible to suggest that nomads' presence in communities over extended periods of time breaks the democratic *principle of equality within communities*.

From this analysis, it seems likely that the phenomenon of digital nomadism, violates at least one set of the democratic principles established as necessities by Carens. In the first instance, it seems plausible to suggest that DNVs themselves, by virtue of the selective and privilege-centric nature of state application and selection processes, violate the principle of *equal worth of all human beings* but, as noted earlier, such violations may be avoided through reformation of digital nomad programmes towards more equitable requirements over time. Harder for DNVs to escape, however, is the accusation that they violate principles of respecting *equality of all citizens under the law*, and *respecting norms like fairness and reciprocity*. It appears reasonable to conclude that the phenomenon of digital nomadism in itself violates these principles due to the advantages that nomads' mobile lifestyles afford them over others within their communities. Avoidance of such damage when there are few plausible incentives for nomads to participate in furthering community solidarity, chiefly as a result of the very nature of their work and visa requirements, is a high barrier for the phenomenon of digital nomadism to clear. It, thus, appears that nomads are likely to violate at least two sets of Carens' central democratic principles, potentially even three if patterns of privilege in visa allocation do not develop. As

such, they clearly appear to trigger Carens' Human Rights Contingency and should not be considered to generate rights under the Theory of Social Membership.

5.5: Permissibility of Digital Nomad Visas

This leads us to a position where we should consider the ethics of DNV programmes themselves. It is beyond the scope of this paper to consider whether such programmes, due to their inherent problems, are morally impermissible and should be abolished. As noted prior, not only is there the potential for eventual reform within DNV entry criteria towards a more equitable future, but states do have clear incentives to continue offering these programmes, and perhaps they are, all things considered, justified in doing so to the extent to which they use the revenues in order to advance domestic justice. There are clear and significant benefits to smaller or less economically powerful nations in terms of revenue and talent acquisition. Indeed, Webb's observation that DNVs offer the potential to reduce inequality within states highlights the potential that digital mobility has to shake up entrenched global inequalities. These positive elements suggest that the continued provision of DNV programmes might be permissible. That said, there are inescapable and significant harms inherent to the very nature of DNVs. Aside from their potential to entrench and possibly amplify power imbalances between those privileged with capacity for economic mobility and those who lack such capacities, nomads' presence under such visas appears to violate core democratic principles within the communities into which they move. To be sure, it is not nomads themselves that are, necessarily, culpable for violating the rights of others. Rather, it is the process through which they are granted entry, and the manner in which they gain superior bargaining power

relative to the state compared to others within their community that is incompatible with these principles.

It seems, then, that it is this disjoint that explains Carens' Theory of Social Membership's struggle to account for them: In focussing specifically upon the individual, it neglects adequate consideration of lawful routes of entry that display unjust or otherwise morally problematic elements. In the case of DNVs, the continuation of such programmes may or may not be permissible. What is clear, though, is that the Theory of Social Membership fails to inform us how to think of nomads, given that the program under which they enter and settle into communities is itself morally objectionable. The continued existence of such schemes and the potential for further future developments invites us to consider the makeup of the theory itself. Can it adapt to a new world, or does it risk obsolescence.

Chapter 6: A Revised Theory of Social Membership

6.1: Flaws in the Theory of Social Membership

In the event that digital nomads can truly be established to fall outside of Carens' Theory of Social Membership, what does this mean for the viability of the theory? In an increasingly mobile and technology-enabled world, it seems clear that further rapid developments are likely, and it is not clear that Carens' theory, in its current form, can account for how we should normatively assess the moral claims from states gained by migrants. As established, there are various harms uniquely associated with digital nomads' presence, and the evident power imbalances between nomads, traditional migrants, and even residents and citizens within a given state community invites numerous problems. Similarly, the perpetuation of socioeconomic privilege conferred by the application processes of such visas increasingly risks the entrenchment of the power of mobility within elite groups. Whilst it may be possible to simply exclude nomads from consideration under the Theory of Social Membership through Carens' Human Rights Contingency, such a solution seems insufficient? for guiding how we should normatively assess the rights of individuals to belong in the first instance. It appears problematic to suggest that the theory remains a valid set of guidelines if members of a given group are recognised as belonging by the theory's core criteria, only to later warrant specific exclusion under the premise that this group, as a whole, risk harming the broader rights of communities they join. The Human Rights Contingency appears as a viable solution for excluding specific individuals or limited groups who are culpable of wrongdoing, but reliance on it to exclude an entire category of migrants whose presence on a territory is authorised by the state, even if the result is significant

harm, seems problematic in light of the theory as a whole. Such groups, clearly, do not belong to communities in the manner assumed by the core criteria of Carens' theory.

6.2: Towards a Revised Theory of Social Membership

It appears, as noted previously, that the cause of this divergence lies in the nature of entry. Whilst nomads meet the criteria of social membership, problems associated with their presence all originate from their relationship with the state. More specifically, from the manner in which the state grants them rights to residence. The Theory of Social Membership fails to account for this problem. If it is to remain relevant in an evolving world, we must examine whether it is capable of being revised in some manner to account for changing pathways of entry, thus allowing for its continued relevance. Given the enduring potency of the theory in assessing the rights of traditional migrants, it appears that the core foundation of Carens' theory is, indeed, strong. As such, it seems prudent to seek a revision which might allow for its continued application in a highly mobile world in which migration is appealing to the privileged. In this chapter, I will explore potential avenues for such a revision.

6.3: Moral Permissibility of Entry

It seems, to me, that the simplest form that such a revision might take would be the introduction of criteria capable of assessing the degree to which individuals arriving in different circumstances under different agreements are truly capable of becoming members in a normative sense. There is a need to filter for developments that might otherwise confound Carens' original criteria of time and physical presence. In an increasingly digital world, it is reasonable to assume that such criteria will become

less capable of sufficiently acting as proxies for deeper connections necessary for membership. This, intuitively, points us towards an additional criterion that consistently accounts for changing relationships between people and places. Regardless of the overall permissibility of DNV programmes, it is clear that the nature of such entry routes and the role that privilege and power play in application processes make digital nomad's residence permits under them morally problematic.

Base assessments of morally legitimate entry appear to offer a starting point for a criterion capable of accounting for DNVs. Such a criterion would convincingly explain how nomads are able to normatively fulfil the requirements set out by Carens yet still fail to generate claims as members. Such a criterion need not be onerous to assess. It seems reasonable to suggest that one can plausibly judge whether a method of entry seems morally just. Where one gains visa privileges exclusively through leverage of personal power that is unavailable to people who might otherwise have stronger normative claims to residence, there appears to be something wrong. Such a criterion appears to capture the innate concern that we might feel towards privileged groups such as nomads from forming claims under Carens' theory.

Is this sufficient, however? It would appear that one must answer that it is not. Moral assessments of entry route alone fail to capture the nuances of different cases, some of which may plausibly act as mitigating factors in the permissibility of that entry after the fact. Imagine, for example, an accomplished, knowledgeable, and wealthy doctor being granted residence by a state on account of their privileged status. Skills-based visas appear, from the perspective of such a moralistic criteria, problematic in a similar manner to DNVs, yet we do not necessarily think of each of

their instances as similarly problematic. Further, and much more problematic, is the seeming omission of refugees or, otherwise, those arriving via irregular methods of entry from consideration. Carens would clearly balk at the notion of a revised Theory of Social Membership which excludes those vulnerable migrants who perhaps have no option for legal entry routes to a given country.

Moral permissibility of entry, then, cannot stand alone as a criterion, which, if failed, rules out some residents from full rights. What is it that informs our intuitions that skills-based and irregular arrivals should normatively be covered by the Theory of Social Membership, whilst Digital Nomads should not? The answer appears to lie in assessments of important objective interests that are at stake, both on the side of the receiving communities and on the side of migrants.

6.4: Interest-based assessments

As noted earlier, in Section 3.4, we can identify a core difference between nomads and traditional migrants in their relative interest in being seen as a member of a given community. Whereas nomads, by virtue of their digital lifestyle, can treat membership as optional, placebound migrants cannot. This divergence is intrinsic to each form of migrant class and appears to offer a replicable and consistent differentiating factor between migrants able to leverage the privileges of mobility or technology, and placebound individuals. Of course, as noted earlier, it is implausible to imagine an objective measure of interest. Any attempt to do so would fall foul of Carens' core notion that we cannot add complex and subjective criteria to the assessment of claims to membership.

What may be possible, however, is the assessment of plausible interests held by both migrants and, separately, communities into which they move. Utilised as an additional element to a permissibility-based criterion, objective interest appears to explain the divergence in our normative assessment of the doctor and irregular arrivals, from our views on nomads. In the case of the doctor, the interests of the community in having access to their desirable skill set carries weight. For irregular arrivals, the interests of the migrants themselves appear sufficiently weighty, in line with Carens' own assessment on irregular migration. In both cases, then, interest is sufficient to alter our base calculations on the moral permissibility of entry. As noted in Section 4.4, different perspectives can lead to different conclusions under the Theory of Social Membership; this accounts for why assessments of relative interest can allow us to think different of those arriving on DNVs as opposed to through skills-based or irregular pathways.

This leads us towards the conclusion that it might be possible to utilise comparative, plausibility-based, assumptions to overcome the difficulties of objectively assessing a subjective state of mind, namely interest in becoming community members. This can be combined with normative assessments of moral permissibility of entry to act a preliminary criteria to the Theory of Social Membership.

6.5 Practicality considerations

How would such an approach look in practice? In the first instance, one identifies the base moral permissibility of a given individual's presence. In the case citizens, residents, or those on temporary short-term work visas such as those identified by Carens the permissibility of their presence seems clear. For those whose presence

results from the leveraging of power such as those on skills-based visas or DNV programmes, as well as those who arrive via irregular means, the moral permissibility of their presence requires further consideration. At this point, interest-based assessments become relevant. As identified previously, there is clear plausible interest from the community in skilled individuals filling gaps in the local workforce. Equally, as identified by Carens, traditional migrants arriving via irregular means have a clear interest in becoming a part of that community. In both cases, plausibility itself is able to guide our assessment on whether a given migrant convincingly meets a minimum level of permissibility in the first instance. At this point we can apply Carens' original criteria to assess whether that individual normatively gains claims under the Theory of Social Membership.

How does such an approach interact with, and produce different outcomes for, its treatment of DNV arrivals? As with our previous examples, by virtue of the nature of their entry, we are able to plausibly suggest that their presence is morally problematic. We thus move to an interest-based assessment of their presence. It is here that the revised criterion is able to distinguish them. In contrast to those arriving to perform skilled labour locally, community interest in nomads gaining membership rights is lacking in the first instance, by virtue of the remote nature of their work. Further, the potential harms and violation of democratic principles associated with their presence led us to the conclusion that communities will plausibly lack an interest in nomads forming membership claims. What about the interests of nomads themselves? As noted in Section 3.4, nomads may, indeed, hold a genuine interest in disengaging themselves from practices of geoarbitrage and fully embedding themselves in a given community. Is the plausibility of this interest, however, equal to

or greater than that of traditional migrants? I would suggest that it is not. By virtue of the remote nature of their work, they will always possess access to a constant connection to another community as part of their everyday lived experience.

Migrants who lack this virtual connection will, necessarily, possess a greater interest in forming connections. I suggest that such a criterion would reliably account for current and future developments in remote access and other motility-based concerns, continuing to offer coverage for other, traditional forms of migration, whilst automatically excluding those for whom community bonds, by virtue of lifestyle, may be optional. In this manner, we see that an interest-based criterion making normative assessments of a given individual prior to their consideration under Carens' criteria of time and physical presence can go a long way in addressing the trouble the base theory has in accounting for these individuals.

This criterion does, naturally, attract reasonable critiques. Firstly, it is clear that there are exceptions that it would fail to adequately capture. Skilled arrivals who either fail to provide sufficiently beneficial services or those who, at the same time, do not plausibly provide the community with an actual interest in their presence appear as one such exception. We might imagine that such individuals will, ultimately, not remain for a sufficient period of time to qualify for membership rights under Carens' base criteria, but the potential for such an occurrence is there. Notably, however, such instances can reasonably be assumed to be the exception. As opposed to the base Theory of Social Membership's failure to account for entire categories of migrants, the revised theory functions as a superior guide that fits to our base normative assumptions on whether a given individual belongs.

In addition, one might raise the objection that, when multiple interests are considered, this leads us to complications. Does a criterion acknowledging the interests of preexisting communities escape the common sentiment of hostility towards any migrant arrivals in those communities? Can acknowledging the plausibility of such hostility be instrumentalised to reject all arrivals under a revised theory? I do not think that we arrive at such a result. Beyond the plausibility of preexisting communities having reasonable interest in skilled arrivals, the recognition of multiple points of view within an interest-based criterion also helps us avoid this outcome. In the event that we can plausibly assume that a given migrant has sufficient personal interest relative to other migrants, they sufficiently fulfil this element of the criterion, thus community feelings are irrelevant. They should be considered under Carens' original measures of time and physical presence also activate.

Chapter 7: Conclusion

To conclude, whilst Carens' Theory of Social Membership continues to serve as an informative and powerful guide on how we should assess the formation of membership claims for many of the traditional forms of migrant, this thesis shows that the theory struggles to account for changing mobility trends in the modern world. Digital nomad visa programmes, as well as any future development in migration routes available to wealthy or, otherwise economically and educationally privileged individuals, appear to render core assumptions made by the theory on within-community power dynamics to be obsolete. The theory's failure to adequately account for the relative moral permissibility of entry methods causes it problems in its handling of individuals whose very presence results from processes that may violate other important principles.

In addition to its problems with digital nomad visa programmes and other potential migration streams in the future, it is important to note that there may be other classes of extant visa which fail to meet the normative assumptions of Carens' base theory. Golden visa programmes, either for wealthy investors or retired individuals from economically powerful countries appear as examples that may, similar to digital nomads, cause problems for the Theory of Social Membership, despite the normative alignment of those who gain entry through such routes with Carens' core criteria. The degree to which these privileged-based entry methods cause significant problems in a manner akin to DNV programmes warrants further investigation, but, regardless of the outcomes of such research, it is clear that the Theory of Social Membership as formulated by Carens is incomplete.

Thus, it appears that revision of the theory is required for it to remain relevant in a changing world. This thesis suggests that a core problem faced by the Theory of Social Membership is its failure to account for morally problematic methods of entry. The addition of an additional criterion which seeks to account for this problem may represent a solution. Such a criterion need not violate Carens' core notion that assessments of social membership should not rely on subjective and complicated judgements. It appears reasonable to suggest that a plausibility-based first-instance assessment of the permissibility of a given individual's entry route may be invoked and, subsequently, measured against a judgement of the interests of both individual migrants and the community into which they move. Such an approach appears to align to our intuitive normative assessments on who should be assessed by Carens' base criteria in the first instance. This revision would appear to offer the potential to invigorate Carens' powerful base theory in the face of developments that would otherwise threaten to weaken its ability to guide our judgements on the formation of membership rights.

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