Negative: Dublin Rule Reform

By Kirstin Erickson

***Resolved: The European Union should substantially reform its immigration policy.***

The “Dublin Rule” sets the parameters for what country has to take primary responsibility for processing a migrant who shows up unexpectedly/illegally at one of the borders of the European Union. The default rule is that the first country the migrant comes to has primary responsibility, but this places an extraordinary burden on EU countries that happen to be geographically disadvantaged to be close to crisis zones exporting many migrants.

The affirmative makes a strong case that the Dublin regulation has some serious flaws. When looking at the state of the European Union’s immigration policy, it seems to make sense that Dublin should be improved. However, there’s a crucial question that you can’t lose sight of. Why has Dublin reform been discussed and debated for so long (the latest version of the regulation was passed 7 years ago) yet no reform has actually been made? Why is this so difficult? Because as broken as the status quo might be – as much as we might like to make things better – no one can come up with a solution that is better than the current situation. The EU Parliament’s proposal is no different. You may hear about “the Wikström report” from the Affirmative side. It is an EU study published recently that advocates the AFF plan, which was also was recommended by the EU Parliament (but never adopted).

This NEG brief focuses on Solvency and Disadvantages. The underlying philosophy behind much of these cards is that the problems are caused by something other than Dublin, usually individual member states’ policies and the way they treat asylum applicants. Therefore, changing the Dublin regulation won’t solve for these deeper issues. On top of this issue of solvency is the transfers disadvantage. Interestingly, this is actually promoted as a good thing in the affirmative plan, as it intends to help with responsibility-sharing. Unfortunately, this “advantage” is shortsighted, as the EU’s immigration system is unequipped to deal with even current attempts at relocation. It would be irresponsible to overwhelm the system even further. Other disadvantages stem from the fact mentioned above that there are good reasons the SQ hasn’t reformed Dublin yet: Such reforms would surely fracture and divide the EU. And we provide here several serious impacted DA’s on why it’s bad if the EU is fractured/weakened.

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Negative: Dublin Rule Reform

NEGATIVE PHILOSOPHY

Do no harm

Prof. Alan Blinder 2016 (Professor of Economics and codirector of Center for Economic Policy Studies at Princeton Univ.; former vice chairman of the Board of Governors of the Federal Reserve System and was a member of Pres. Clinton's Council of Economic Advisers ) 25 Oct 2016 “Message to the candidates: Hands off the Federal Reserve” <https://www.brookings.edu/opinions/message-to-the-candidates-hands-off-the-federal-reserve/>

The presidential campaign may not be missing much by skipping a debate over monetary policy and the Federal Reserve — especially if that debate would resemble Donald Trump’s ignorant potshots at its chair, Janet Yellen. Instead, the nation would do well to remember Hippocrates’s wise counsel: “First, do no harm.”

SOLVENCY

1. Plan generally not practical / workable

The European Parliament’s report would not really solve Dublin’s harms

Prof. Francesco Maiani and Constantin Hruschka 2017 (Maiani is Associate Professor of European Law at the University of Lausanne. Hruschka is a senior researcher at the Max Planck Institute for Social Law and Social Policy in Munich) “The Report of the European Parliament on the reform of the Dublin system: certainly bold, but pragmatic?” 20 Dec 2017 <https://eumigrationlawblog.eu/the-report-of-the-european-parliament-on-the-reform-of-the-dublin-system-certainly-bold-but-pragmatic/>

These considerations seem all the more valid since under the ‘Wikström report’, most transfers would likely still have to be implemented without the consent of applicants. Indeed, the expanded ‘genuine link’ criteria would still probably apply in a minority of cases, and the positive ‘incentives’ to cooperate with quota-based allocation seem inadequate (e.g. the choice between the four least-burdened States, or group allocation ‘to the extent possible’). At the same time, the vast disparities that exist between the Member States – disparities in reception and protection standards, in economic opportunities, etc. – would make involuntary allocation unfair for applicants and evasion still attractive.

Unlikely to work in practice

Prof. Francesco Maiani and Constantin Hruschka 2017 (Maiani is Associate Professor of European Law at the University of Lausanne. Hruschka is a senior researcher at the Max Planck Institute for Social Law and Social Policy in Munich) “The Report of the European Parliament on the reform of the Dublin system: certainly bold, but pragmatic?” 20 Dec 2017 <https://eumigrationlawblog.eu/the-report-of-the-european-parliament-on-the-reform-of-the-dublin-system-certainly-bold-but-pragmatic/>

All of these factors contribute to a system that is unlikely to work in practice, and likely to produce a significant proportion of ‘in limbo’ situations and secondary movements. Overall, the ‘Wikström report’ sketches out a new model for the Dublin system. It is a step in the right direction, insofar as it attempts to take better into account the ‘genuine links’ that connect applicants and States, and even to give applicants an element of choice as to their destination. It also constitutes an attempt to move from unfair distribution ‘by default’ to a system that theoretically would lead to a fairer distribution of tasks and finances between Member States. As such, it is a clear signal against both the ‘emergency response’ model of the Commission proposal and the ‘no distribution’ model of the States that promote ‘flexible’ or ‘effective solidarity.’ Unfortunately, the report does not go far enough in its efforts to enlist the cooperation of applicants, while it leaves significant costs and risks on the few ‘first arrival’ and ‘preferred destination’ countries that are supposed to register protection seekers. A further, significant weakness lies in the sheer number of (predominantly involuntary) transfers that it would generate: probably unfeasible, and even if feasible destined to absorb an unjustifiable amount of financial and administrative resources.

2. Lack of asylum capacity.

Goal of “burden sharing” won’t work without member states building their asylum capacity

Elizabeth Collett 2018 (was Founding Director of Migration Policy Institute Europe and Senior Advisor to MPI's Transatlantic Council on Migration, currently with the International Organization for Migration. Former Policy Analyst at the European Policy Centre, a Brussels-based think tank, and was responsible for its migration program. Also a member of the Advisory Board of the International Centre for Migration Policy Development.) “Borderline Irrelevant: Why Reforming the Dublin Regulation Misses the Point” Jan 2018 <https://www.migrationpolicy.org/news/borderline-irrelevant-why-reforming-dublin-regulation-misses-point>

Rather than placing the emphasis on responsibility-sharing of asylum claims per se, the EU conversation needs to be reframed around several more pressing concerns:

* The long-term value of Schengen for Europe. Repeatedly asking Visegrad states to uphold their asylum responsibilities has born little fruit thus far. Asking those same states to consider their interests in Schengen is essential. Greece has already been de facto excluded from many of the benefits of Schengen, and Romania and Bulgaria face an uphill struggle in convincing their fellow governments to double down on Schengen enlargement while its overall sustainability is in question. The value for these states is clear. It should be made clearer for others, emphasizing the importance of asylum as part of a grander bargain on mobility.
* Building national asylum capacity. Finding ways to ensure that states meet their existing obligations, and build contingent capacity for future uncertainties in flow will be essential whether or not Dublin reform is realised. Without such capacity, responsibility sharing remains in name only.

3. Confusion about “family unification” policies & definitions

Dublin fails to reunite families, but it’s because of member states’ restrictive definition of “family members” [not solved in the AFF plan]

Danish Refugee Council 2018 (humanitarian, non-governmental, non-profit organization working in more than 30 countries throughout the world) “When the Dublin system keeps families apart” May 2018 <https://drc.ngo/media/4530554/drc-policy-brief-when-the-dublin-system-keeps-families-apart-may-2018-final.pdf>

The definition of family members in the Dublin III Regulation implies that while members of a nuclear family can unite under the Dublin III Regulation, it is often more difficult for adult children, siblings and unmarried couples, who have not been able to live in a stable relationship to unite. UNHCR’s study on the Dublin III Regulation from 2017 illustrates that many families are separated by the Dublin system due to the Member States’ restrictive interpretation of family. The ‘dependency clause’ allows for asylum seekers to reunite with ‘siblings’ and ‘parents’ in case of dependency due to serious illness, severe disability or old age. A broader group of ‘family relations’ can be brought together on humanitarian grounds based primarily on family or cultural considerations under the ‘humanitarian clause’. The CJEU has stated that the dependency clause and the discretionary clauses should be interpreted in line with the objectives of keeping families together on humanitarian grounds and ensuring effective access to the asylum procedure. In reality, however, many Member States lack national guidance on how dependency should be assessed and have a very high threshold for the application of the ‘dependency’ clause, which result in very rare application.

Children 18-22 regulated at the discretion of member states

Danish Refugee Council 2018 (humanitarian, non-governmental, non-profit organization working in more than 30 countries throughout the world) “When the Dublin system keeps families apart” May 2018 <https://drc.ngo/media/4530554/drc-policy-brief-when-the-dublin-system-keeps-families-apart-may-2018-final.pdf>

When children turn 18 years they become adults in legal terms, and thus age out of the special guarantees which the Dublin III Regulation provides for children. Independently of their situation – economically and emotionally – adult children age 18-22 years are not covered by the definition of ‘family members’ in the Dublin III Regulation. It is thus left to the discretion of the Member States to decide whether adult children should be reunited – or allowed to remain – with their parents and siblings under the Dublin III Regulation, either based on ‘humanitarian grounds’ or based on the existence of a ‘dependency relationship’. As the Member States’ use of the discretionary clauses is very limited, many parents and siblings in practice end up separated from their families.

The EU Parliament’s proposal for Dublin reform doesn’t solve for children & families

Danish Refugee Council 2018 (The Danish Refugee Council is a humanitarian, non-governmental, non-profit organization working in more than 30 countries throughout the world) May 2018 “When the Dublin system keeps families apart” <https://drc.ngo/media/4530554/drc-policy-brief-when-the-dublin-system-keeps-families-apart-may-2018-final.pdf>

The current proposal on the Dublin IV Regulation by the European Commission and the suggested amendments by the European Parliament include several good initiatives such as the expansion of the definition of family member and the access to quick family reunification, but more needs to be done to ensure the rights of children and families in the Dublin procedure.

Dublin has failed to protect rights because of individual member states’ dysfunctional systems

Sergio Carrera, Marco Stefan, Roberto Cortinovis and Ngo Chun Luk 2019 (Sergio Carrera is Senior Research Fellow and Head of the Justice and Home Affairs unit at CEPS and part-time Professor at the Migration Policy Centre, European University Institute in Florence. He is also Visiting Professor at the Paris School of International Affairs (PSIA) at Sciences Po (France). Marco Stefan is Research Fellow, Roberto Cortinovis and Ngo Chun Luk are Researchers at CEPS Justice and Home Affairs unit) “When mobility is not a choice: Problematising asylum seekers’ secondary movements and their criminalisation in the EU” Dec 2019 <https://www.ceps.eu/wp-content/uploads/2019/12/LSE2019-11-RESOMA-Policing-secondary-movements-in-the-EU.pdf>

A key lesson learned from more than twenty years of implementation of the EU Dublin system is that the ‘presumption of safety’ between EU member states has been a powerful source of protective failures due to dysfunctions of asylum systems in member states to which asylum seekers have been transferred according to Dublin criteria. This circumstance has forced asylum seekers, subsidiary protection beneficiaries and refugees into situations of destitution, social exclusion, extreme poverty, and institutional discrimination.

4. Lack of cooperation / Poor compliance

Poor compliance: Some EU member states won’t take relocation efforts seriously

John Psaropoulos 2018 (independent journalist based in Athens, with two decades of experience covering Greece, Cyprus and southeast Europe. He is currently a freelance correspondent for Al Jazeera International, NPR . Worked for CNN Headline News and CNN International in Atlanta. BA and MA in Ancient Greek from King's College London) “Europe stumbles forward in search for migration policy” 9 Jan 2018 <https://www.aljazeera.com/news/2018/01/europe-stumbles-search-migration-policy-180109190142662.html> (ellipses in original)

Greek Migration Minister Yannis Mouzalas has lashed out at six European Union countries for "sabotaging" the bloc's refugee relocation scheme and undermining efforts to craft a common asylum policy. An original European Commission proposal seeking to redistribute 160,000 asylum seekers throughout the EU from overcrowded camps in Greece and Italy fell significantly short after completing just 31,000 relocations by its end last September. "We were slow to implement the proposals," Mouzalas said on Tuesday. "There were member states … which sabotaged these proposals; and it took a great struggle on the part of the Commission and the ministries to prevent this sabotage from leading to a failure of the programme." Mouzalas was referring to Hungary, Poland and Denmark, who refused to participate in the programme. Austria, the Czech Republic and Slovakia all together took in just 45 people.

Mistrust between member states blocks solutions

Blanca Garcés-Mascareñas 2015 (Senior Research Fellow in the area of migration and Research Coordinator at the Barcelona Centre for International Affairs) “Why Dublin "Doesn't Work"” Nov 2015 <https://www.cidob.org/en/publications/publication_series/notes_internacionals/n1_135_por_que_dublin_no_funciona/why_dublin_doesn_t_work>

Dublin grew out of the need to harmonise the asylum policies within a European area of free movement, but it fell short. First, because it only established some criteria for distributing responsibility. Second, because even as a minimum policy, Dublin does not work. The preference of asylum seekers and the distrust between member states, whether for letting asylum seekers pass or for not guaranteeing certain minimum rights, have left the foundations of the system in tatters. And without Dublin, there is no worthwhile Schengen.

Significant differences in the way member states approach asylum applications

Alberto Tagliapietra 2019 (Masters’ student at the School of International Studies of the University of Trento) “The European Migration Crisis: A Pendulum between the Internal and External Dimensions” May 2019 <https://www.jstor.org/stable/pdf/resrep19673.pdf?refreqid=excelsior%3A7ed48e7b59f3eaeda72ea02b3964f592>

As noted by the Asylum Information Database (AIDA), it is still possible to find significant differences in the time requested to process an asylum application: while in Italy 33 days are needed to decide on an asylum application, in Greece up to 180 days are required. Furthermore, there are EU countries in which being granted asylum status is a far simpler procedure than it is in others. According to an AIDA report, asylum recognition rates in 2016 differed widely between member states – with situations such as that of Germany, in which 71 per cent of applicants received protection, and in Hungary, where only 8 per cent did so. The main problem with the CEAS is that, being based on a harmonisation approach through the implementation of directives, it requires states’ willingness to cooperate in order to achieve a reasonable degree of harmonisation – a precondition that is not always attained.

Conditions, standards, and rules vary tremendously among member states

Blanca Garcés-Mascareñas 2015 (Senior Research Fellow in the area of migration and Research Coordinator at the Barcelona Centre for International Affairs) “Why Dublin "Doesn't Work"” Nov 2015 <https://www.cidob.org/en/publications/publication_series/notes_internacionals/n1_135_por_que_dublin_no_funciona/why_dublin_doesn_t_work>

As well as distributing responsibility, rethinking a common asylum policy also involves approaching how to harmonise standards on both asylum procedures and reception conditions. With this aim, in 2013, the European Asylum Procedures Directive and the Reception Conditions Directive were approved. So far, however, they have been ineffective. Currently, recognition rates remain tremendously diverse: in 2014, according to Eurostat, they ranged from 9% in Hungary and 11% in Croatia all the way up to 94% in Bulgaria and 67% in the Netherlands via 44% in Spain, 42% in Germany and 22% in France. The conditions of accommodation, food, health, employment and medical and psychological attention also vary considerably between the various member states.

The current European Commissioner for Home Affairs, Dimitrios Avramopoulos warned in September 2015 that, “It is of crucial importance that all Member States implement the same rules and the same standards to protect the rights of the migrants but also avoid secondary movements within the EU.” It should also be added that without common rules and standards the transfer of asylum seekers between member states ceases to be legitimate and even − following the intervention of the courts − legal. In summary, without common standards the three basic Dublin principles fail: the applicants seek asylum more than once, they do not necessarily do it in the country assigned according to the Dublin criteria and their transfer is problematic. A report by the European Migration Network (EMN, 2014) points out that to guarantee the application of common standards it is necessary to establish independent mechanisms of control both at national (for example, by an ombudsman) and international levels (through the UNHCR and other organisations).

Large numbers of transfers will neither be efficient nor respect human rights

Prof. Francesco Maiani and Constantin Hruschka 2017 (Maiani is Associate Professor of European Law at the University of Lausanne. Hruschka is a senior researcher at the Max Planck Institute for Social Law and Social Policy in Munich) “The Report of the European Parliament on the reform of the Dublin system: certainly bold, but pragmatic?” 20 Dec 2017 <https://eumigrationlawblog.eu/the-report-of-the-european-parliament-on-the-reform-of-the-dublin-system-certainly-bold-but-pragmatic/>

Finally, neither document proposes a credible answer to the question of how a manifold increase in the efficiency of transfers is supposed to come about. The barely sketched-out transfer of responsibilities to the proposed EU Asylum Agency merely appears to shift the problem while leaving unaddressed the core difficulty: that ‘moving’ large numbers of persons against their will, while respecting fundamental rights, is a daunting task, and quite possibly one that is not feasible.

Even current attempts at relocation have failed

Lana Maani 2018 (Candidate for Juris Doctor, Notre Dame Law School) “REFUGEES IN THE EUROPEAN UNION: THE HARSH REALITY OF THE DUBLIN REGULATION” 19 May 2018 <https://scholarship.law.nd.edu/ndjicl/vol8/iss2/7/>

The EU has made efforts to attempt to relocate refugees into other Member Countries, but the relocation schemes have had mixed results. Specifically, the 2015 Emergency Relocation scheme proposed that 120,000 people in need of protection be relocated from mainly Greece and Italy. The relocation would be based on a “mandatory distribution key using objective and quantifiable criteria (40% of the size of the population, 40% of the GDP, 10% of the average number of past asylum applications, 10% of the unemployment rate).” As of early February 2017, it does not appear that the proposed Emergency Relocation scheme was enacted or that it will be implemented in its entirety any time soon.

Enforcement would fail: Member states would have an incentive not to cooperate and funding cut threats wouldn’t be sufficient to motivate

Prof. Francesco Maiani and Constantin Hruschka 2017 (Maiani is Associate Professor of European Law at the University of Lausanne. Hruschka is a senior researcher at the Max Planck Institute for Social Law and Social Policy in Munich) “The Report of the European Parliament on the reform of the Dublin system: certainly bold, but pragmatic?” 20 Dec 2017 <https://eumigrationlawblog.eu/the-report-of-the-european-parliament-on-the-reform-of-the-dublin-system-certainly-bold-but-pragmatic/>

Similarly, it is far from certain that the system of incentives and disincentives designed to secure the cooperation of Member States would be effective. On the one hand, considerable costs would still be left on the State of application, as well as all the risks related to the (non-)execution of allocation decisions. On the other hand, allocation States would still have obvious incentives not to cooperate, and as noted, it is doubtful that the threat to reduce access to EU funding would be sufficient to counterbalance them. Short of being capable of attracting cooperation from the applicants and Member States in a majority of cases, the system would need to rely on coercion and heavy administrative procedures, that is on vastly increased financial and administrative capacities. This seems to be the least thought through aspects of the ‘Wikström report’ (and of the Commission proposal). Both seem to start from the premise that involuntary transfers on a large scale self-evidently will work, oblivious to the contrary evidence accumulated under both the Dublin system and the relocation schemes. Furthermore, neither the ‘Wikström report’ nor the Commission proposal justifies the massive increase in resources and time that would have to be devoted to the ancillary task of allocating and enforcing responsibility. Those resources would be subtracted from the fundamental aim(s) of the CEAS, i.e. to provide decent reception and to examine protection claims.

Solidarity among member states is difficult to achieve

Kris Pollet 2019 (Senior Legal and Policy Officer at the European Council on Refugees and Exiles) “All in vain? The fate of EP positions on asylum reform after the European elections” 23 MAY 2019 <http://eumigrationlawblog.eu/all-in-vain-the-faith-of-ep-positions-on-asylum-reform-after-the-european-elections/>

While further reform of the legal framework of the CEAS is required to address structural flaws, in particular in the Dublin system, it is difficult to see how EU institutions will be able to untie the Gordian knot of solidarity, a precondition to successful conclusion of the asylum package, anytime soon after the elections, if at all on the basis of the current Commission proposals.

5. System overload

Unsustainable number of transfers would overwhelm the system and defeat the “fair sharing” goal

Prof. Francesco Maiani and Constantin Hruschka 2017 (Maiani is Associate Professor of European Law at the University of Lausanne. Hruschka is a senior researcher at the Max Planck Institute for Social Law and Social Policy in Munich) “The Report of the European Parliament on the reform of the Dublin system: certainly bold, but pragmatic?” 20 Dec 2017 <https://eumigrationlawblog.eu/the-report-of-the-european-parliament-on-the-reform-of-the-dublin-system-certainly-bold-but-pragmatic/>

No matter how important the strengthened protection for family and other ‘genuine’ links, the revolutionary element of the report is automatic quota-based allocation as soon as the ‘genuine link’ criteria have been found not to apply. This innovation would fundamentally change the system from one that is essentially based on ‘responsibility’ (for entry) to one that is essentially based on ‘solidarity’. The gains in terms of distributive fairness between Member States would (theoretically) be considerable, while the expansion of ‘genuine link’ criteria would also make the system fairer for applicants. However, the system would probably prove unsustainably ‘transfer-heavy’. Under the current system, transfers are rare. Most frequently, lack of accepted evidence pointing to a responsibility criterion leaves responsibility with the State where the application has been lodged. Or else, time-limits for Dublin requests or transfers are transgressed and responsibility shifts to the State where the applicant is already present. Even so, Member States have been consistently unable to implement about two thirds of agreed transfers – just as they have been unable to implement most of the ‘relocations’ that had been agreed under the 2015 schemes. Under the ‘Wikström report’, the number of transfers to be implemented would be far greater: allocation to another State would become the ‘default’ rule, and the responsibility-shifting effect of time-limits would be deleted in most cases. Without a massive (and therefore highly unlikely) increase of transfer capacities, ‘in limbo’ situations would multiply, and could only be ‘solved’ by a large scale application of the sovereignty clause. This, in turn, would heavily impact the stated fair-sharing objective.

DISADVANTAGES

1. Masking Disad. Plan distracts us from real solutions

We need an alternative solution besides legislative reform of Dublin

Elizabeth Collett 2018 (was Founding Director of Migration Policy Institute Europe and Senior Advisor to MPI's Transatlantic Council on Migration, currently with the International Organization for Migration. Former Policy Analyst at the European Policy Centre, a Brussels-based think tank, and was responsible for its migration program. Also a member of the Advisory Board of the International Centre for Migration Policy Development.) “Borderline Irrelevant: Why Reforming the Dublin Regulation Misses the Point” Jan 2018 <https://www.migrationpolicy.org/news/borderline-irrelevant-why-reforming-dublin-regulation-misses-point>

Regardless, should EU policymakers be pinning their hopes on Dublin reform to solve so many ailments? There are plenty of reasons to believe that they might be asking too much of this contentious set of rules. As previous iterations of the Dublin Regulation and other EU asylum rules have revealed, legislation alone is insufficient to manage flows. The asylum systems of several EU Member States remain chronically weak despite their paper commitments, as does cooperation between their governments. This suggests more robust methods to ensure stronger registration, reception, and adjudication processes would be more effective than legislative tinkering.

2. Reduced world stability from fracturing the EU

Link: Discussion of Dublin reform drives EU members apart because it’s all based on mistaken assumptions fundamental to EU membership

**Analysis: This card tells us that there is a good reason why the SQ hasn’t moved forward with the AFF Plan already. It is too disruptive and dangerous to EU cohesion because the issues it raises are so fundamental to basic differences among the members that they can’t resolve them.**

John Psaropoulos 2018 (independent journalist based in Athens, with two decades of experience covering Greece, Cyprus and southeast Europe; freelance correspondent for Al Jazeera International, NPR, the Daily Beast and others. Worked for CNN Headline News and CNN International in Atlanta. BA and MA in Ancient Greek from King's College London) “Europe stumbles forward in search for migration policy” 9 Jan 2018 (brackets and ellipses in original) <https://www.aljazeera.com/news/2018/01/europe-stumbles-search-migration-policy-180109190142662.html>

The spat over the bloc's Relocation Programme has now opened up a gulf between EU members over how to reshape a future asylum policy. "The idea of institutionalising relocation has become part of the Dublin reform discussion, and it has become deeply contentious within that," Elizabeth Collett, director of the Migration Policy Institute, Europe, told Al Jazeera. "[It] is one of the reasons why the Dublin reform discussion has largely stalled." [Greek Migration Minister Yannis] Mouzalas said that the dispute has weakened, rather than strengthened, the prospect of a common EU migration policy. "The EU, through its institutions, tried to create a common treatment," he told Al Jazeera. "I think that in the first phase … this failed … Xenophobic parties are playing en ever-larger role in the formation of the political agenda. There is a turning. One cannot say whether this will win in the end," he said. Collett agreed that EU members had "moved further apart", arguing that the problem lay in mistaken assumptions as Europe expanded eastwards. "The events of the last three years raised a question that had conveniently been sidestepped," she said. "When Europe went through its major enlargement in 2004 [with the accession of 10 new countries], the question was never put, 'Are you willing to host large numbers of refugees?' I think it was assumed by existing member states that acceding member states understood this, and by acceding member states that it would never be required of them. "What happened in 2015 or 2016 [at the height of the refugee crisis] was that the question was asked and the answer came back, 'No, we're not ready to do that.' That placed a fundamental political question on the table: on what basis is Europe collectively prepared to do protection? That question has yet to be resolved, and we seem to be moving further apart with each passing month."

Example: Disagreement over immigration policy was a major reason Britain left the EU

Max Boot 2016 (leading military historian and foreign policy analyst. He is the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations in New York) July 2016 “Brexit: Isolationism or Atlanticism?” <https://www.hoover.org/sites/default/files/issues/resources/strategika_issue_33_web.pdf>

Britons might never have voted to leave the European Union had it not been for the refugee crisis that hit Europe as a result of the Syrian civil war. Even though Britain has accepted only some 5,000 Syrian refugees, German premier Angela Merkel agreed to take in 800,000, thus fueling fears across the continent of an influx of possible terrorists. Those fears were exploited by elements of the “Leave” campaign, principally Nigel Farage and the UK Independence Party, and no doubt contributed crucial momentum to the final outcome.

Brink: EU faces an uncertain future with multiple crises threatening unity and increasing division

Meagan Araki, Annie Chang, Troy Lindell, Alison Wendler 2017. (members of the “Challenges to European Unity Task Force” at the Henry M. Jackson School of International Studies, Univ. of Washington) March 2017 CHALLENGES TO EUROPEAN UNITY: OPTIONS FOR U.S. POLICYMAKERS <https://jsis.washington.edu/wordpress/wp-content/uploads/2017/12/Task-Force-J-Report-2017_Lorenz.pdf>

Today, Europe faces an uncertain future. The migration crisis, rise in terrorism, economic downturn, mounting external pressures and a responsive populist movement, have threatened the basis of European stability. The major influx of refugees into Europe has placed immense pressure on the EU’s infrastructure and capacity to integrate refugees into the European identity. Europe has experienced a growing number of terrorist attacks, leading to nationalist and xenophobic policies. Additionally, Russia’s encroachment into Eastern Europe has strained Russia and Europe’s relationship. The Euro crisis has furthered the divide between the core and peripheral EU countries, revealing the inequality between European citizens and growing stagnant employment and growth opportunities.

Link: EU stability promotes US ability to maintain global security and stability

Meagan Araki, Annie Chang, Troy Lindell, Alison Wendler 2017. (members of the “Challenges to European Unity Task Force” at the Henry M. Jackson School of International Studies, Univ. of Washington) March 2017 CHALLENGES TO EUROPEAN UNITY: OPTIONS FOR U.S. POLICYMAKERS <https://jsis.washington.edu/wordpress/wp-content/uploads/2017/12/Task-Force-J-Report-2017_Lorenz.pdf>

Policies that encourage the unity between EU member states should be strongly supported. It is significant that the United States demonstrate support in this ongoing migration crisis, as it will help relieve the pressures member states are experiencing, as well as help mend existing tensions. The cohesion, stability, and cooperation of European Union serve a key interests of the United States. With these aspects, a more unified European Union can strengthen its position as a global actor, as well as strengthen its existing relations with the United States. This can further United States’ objectives of security and stability throughout the international community.

Impact: World peace & prosperity at risk without US influence. US hegemony is key to global peace & prosperity

Capt. M. V. Prato 2009 (United States Marine Corps,Command and Staff College, Marine Corps Combat Development Command, Marine Corps University) “The Need for American Hegemony” 20 Feb 2009 <http://www.dtic.mil/dtic/tr/fulltext/u2/a508040.pdf>

The world witnessed a vast shift in the polarity of geopolitics after the Cold War. The United States became the world’s greatest hegemon with an unequalled ability to globally project cultural, political, economic, and military power in a manner not seen since the days of the Roman Empire. Coined the “unipolar moment” by syndicated columnist Charles Krauthammer, the disparity of power between the U.S. and all other nations allows the U.S. to influence the world for the mutual benefit of all responsible states. Unfortunately, the United States is increasingly forced to act unilaterally as a result of both foreign and domestic resentment to U.S. dominance and the rise of liberal internationalism. The United States must exercise benevolent global hegemony, unilaterally if necessary, to ensure its security and maintain global peace and prosperity.

3. Populism and Authoritarian Government

Link: AFF plan weakens / fractures the EU

Cross apply the evidence in DA-2. Plan creates big divisions within the EU.

Link: Fear, anxiety and skepticism about the EU leads to the rise of populist authoritarian figures

Meagan Araki, Annie Chang, Troy Lindell, Alison Wendler 2017. (members of the “Challenges to European Unity Task Force” at the Henry M. Jackson School of International Studies, Univ. of Washington) March 2017 CHALLENGES TO EUROPEAN UNITY: OPTIONS FOR U.S. POLICYMAKERS <https://jsis.washington.edu/wordpress/wp-content/uploads/2017/12/Task-Force-J-Report-2017_Lorenz.pdf>

Additionally, the complications surrounding EU accession and instability in Turkey and the Balkans present unique challenges to the dynamic of the EU. These real and perceived threats have induced fear and anxiety into the European public. As these security threats have worsened with little to no progress made, Euroscepticism has grown and enabled the populist movement. By capitalizing on this sentiment, populist parties have gained increasing support throughout Europe. Populists promise to take back power from the corrupt and inefficient political elite, and give it back to the general public. Europeans have increasingly turned to strongman figures who value strength and security over tolerance and unity.

Brink & Example: Hungary now has authoritarian government, putting EU at high risk right now

Philippe Dam 2020 (master’s degree in international administration; Human Rights Watch’s advocacy director for Europe and Central Asia) 1 Apr 2020 “Hungary’s Authoritarian Takeover Puts European Union at Risk” <https://www.hrw.org/news/2020/04/01/hungarys-authoritarian-takeover-puts-european-union-risk>

On Monday, under the pretext of addressing the COVID-19 public health emergency, [Hungary's](https://www.hrw.org/europe/central-asia/hungary) parliament gave [green light to the Orban-led government](https://www.hrw.org/news/2020/03/23/hungarys-orban-uses-pandemic-seize-unlimited-power) to rule with unlimited power for an indefinite time. Prime Minister Viktor Orban can now suspend any existing law and implement others by decree, without parliamentary or judicial scrutiny. Elections have been suspended. The law allows for new criminal penalties of five years in prison for publishing vaguely defined “false” or “distorted” facts – another blow to media freedom in the country. With this law, Hungary becomes the first country in the European Union to virtually abolish all democratic checks-and-balances. How has it come to this? In the past [10 years](https://www.hrw.org/report/2013/05/16/wrong-direction-rights/assessing-impact-hungarys-new-constitution-and-laws), the government has spared no efforts to [curb judicial independence](https://www.hrw.org/europe/central-asia/hungary), restrict [civil society](https://www.hrw.org/news/2018/07/17/hungary-determined-silence-any-critics-left-standing) activities, and gain near full [control over the media](https://www.euronews.com/2019/06/12/don-t-be-fooled-hungary-s-government-remains-a-threat-to-european-values-view). Having repeatedly failed to appreciate the gravity of the situation, EU institutions risk making the same mistake again.

Link & Impact: Weak EU leads to rise of dictatorship and loss of freedom for millions more

Kenneth Roth 2020 (executive director of Human Rights Watch, one of the world's leading international human rights organizations; former federal prosecutor in New York; graduate of Yale Law School) 27 Apr 2020 “Stopping the Authoritarian Rot in Europe” [https://www.hrw.org/news/2020/04/27/stopping-authoritarian-rot-europe#](https://www.hrw.org/news/2020/04/27/stopping-authoritarian-rot-europe)

Rot tends to spread when it encounters no resistance. Dictator wannabes prey upon weakness. EU and member state leaders now need to ask themselves: is the EU only a trading bloc or also a club of democracies? The answer to that question used to be obvious. Sadly, it no longer is. Ten million EU citizens now live under authoritarian rule. How many millions more will have to suffer the loss of their freedoms before Europe’s leaders draw the line?

4. Economic recession (from weakening / fracturing the EU)

Link: AFF plan weakens / fractures the EU with greater division

Cross-apply DA 2 evidence.

Link: EU unity is necessary for beneficial trade deals

Julian Bonte-Friedheim 2020 (head writer at The Perspective) “IS THE EU BETTER OFF DIVIDED OR TOGETHER?” (month is not cited in the article publication)  <https://www.theperspective.com/debates/businessandtechnology/is-the-eu-better-off-divided-or-together/>

Better trade deals can be negotiated from within the EU. For any European nation, negotiating trade deals with other countries is much more advantageous as part of the EU rather than as an independent economy. As one of the world’s [biggest economic unions](https://www.thebalance.com/world-s-largest-economy-3306044), the EU has a lot more leverage when brokering a deal with China or India. Being able to offer (or withhold) access to its many consumers is a strong bargaining tool. Additionally, there is [free trading](https://www.ft.com/content/1688d0e4-15ef-11e6-b197-a4af20d5575e) between members of the EU, as it is a customs union. Individual countries, while able to create their own terms, are unlikely to reach deals as beneficial as the EU does on its own.

Brink: Cracks already being seen in EU unity, and even partial non-cooperation will eventually bleed it to death

Hans Vollaard 2020 (Lecturer in Dutch and European Politics at Utrecht University, the Netherlands.) “One down, many to go? European disintegration after Brexit” 23 Mar 2020  <https://blogs.lse.ac.uk/brexit/2020/03/23/one-down-many-to-go-european-disintegration-after-brexit/>

Even though there may not be other instances of European disintegration like Brexit, dissatisfaction may lead to other forms of disintegration. Not by countries leaving the EU entirely, but only partially. These partial exits involve member states not complying with the EU rules, for instance with respect to public finances in the Eurozone (Italy), or the Schengen rules, many member states have introduced “temporary” national border surveillance since the migration crisis of 2015. Another partial exit is the desire to pay less money to ‘Brussels’, such as expressed by the so-called Hanseatic group of EU member states led by the Netherlands. Disintegration can also occur involuntarily, when one member state wants to exclude another member state, such as the calls to push Greece out of the euro or the Schengen area. These partial forms of disintegration undermine the functioning of the EU. Its rules are less respected, and it gets fewer resources to function properly. In such a scenario, the EU would gradually ‘bleed to death’.

Impact: Devastating economic impact. Financial recession

Mauro Guillen 2016 (holder of the Zandman Endowed Professorship in International Management at the Wharton School. He served as Director of the Lauder Institute of Management & International Studies between 2007 and 2019. PhD in sociology from Yale University and a Doctorate in political economy from the University of Oviedo in Spain.) “On the Brink: How a Brexit Could Fracture a Fragile Europe”  13 June 2016 <https://knowledge.wharton.upenn.edu/article/on-the-brink-how-brexit-could-fracture-a-fragile-europe/>

The European Union is the largest economy in the world. It’s not as rich as the U.S., but it is bigger in terms of gross domestic product if you combine those 28 countries. If there is a crisis of confidence that undermines consumer spending and business confidence, then you are going to get into maybe even a third recession. That would be devastating for Europe itself, but it would be really bad for everybody else in the world that has business with Europe, including the United States. Exporters to Europe and American companies that have investments in Europe are going to suffer. Companies such as GE or GM or Boeing, 20% to 30% of their business is in Europe, so it could have a large impact.

Past precedent: Brexit caused serious economic damage

Kimberly Amadeo 2020 (over 20 years of senior-level corporate experience in economic analysis and business strategy. She is a U.S. Economy expert for The Balance and president of WorldMoneyWatch, which produces publications about the global economy) last updated 14 March 2020 “Brexit Consequences for the U.K., the EU, and the United States” <https://www.thebalance.com/brexit-consequences-4062999>

The day after the Brexit vote, the currency markets were in turmoil. The [euro fell 2% to $1.11](https://www.thebalance.com/what-is-the-euro-to-dollar-conversion-its-history-3306091).﻿ The pound fell 8% to $1.36.﻿ Both increased the [value of the dollar](https://www.thebalance.com/value-of-us-dollar-3306268). That strength is not good for U.S. [stock markets](https://www.thebalance.com/what-is-the-stock-market-how-it-works-3305893). It makes American shares more expensive for foreign investors. A weak pound also makes U.S. exports to the U.K. more expensive. The United States has an $18.9 billion trade surplus with the U.K. In 2018, it exported $141 billion while importing $122 billion.﻿ Brexit could turn this surplus into a deficit if a weak pound makes U.K. imports more competitive. Brexit dampens business growth for companies that operate in Europe. U.S. companies invested $758 billion in the U.K. in 2018.﻿ Most of this was the finance sector with some manufacturing. These companies use the U.K. as the gateway to free trade with the EU nations. U.K. businesses invested $561 billion in the United States. Brexit puts at risk jobs in both countries. In addition, there were 716,000 U.K. immigrants in the United States and 215,000 U.S. immigrants in the U.K. in 2019.

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