Negative: Frontex Reform

By Luke Vickers

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

The affirmative case argues that Frontex, the EU’s border control, needs greater accountability. They claim that Frontex routinely violates human rights and practices “refoulement” – illegally preventing migrants from living in the EU. This can be combated in several ways. First, you can argue there is no need for the Affirmative plan, since there are numerous accountability mechanisms already in place. Additionally, Frontex doesn’t illegally practice refoulement. You can argue that the accountability methods would be ineffective as the JPSG, the organization after which the affirmative models their accountability is ineffective. Finally, there are a couple of disadvantages to the affirmative plan. First, they use money for accountability that would otherwise strengthen Frontex and increase its effectiveness. Secondly, they allow migrants to challenge Frontex in court, which would lead to frivolous lawsuits from disgruntled immigrants.

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NEG: Reform Frontex

BACKGROUND

Frontex is also known as the European Border and Coast Guard Agency

Giulia Carbonaro 2020 (senior advisor at the Centre for Industrial Studies, Milan, and a fellow at QASER Lab, University College, London; worked at the European Investment Bank for almost 30 years.) Frontex explained: How does the EU border force work? 7 March 2020 <https://newseu.cgtn.com/news/2020-03-07/Frontex-explained-How-does-the-EU-border-force-work--OCw3PlfPlC/index.html>

During the migrant crisis of 2015-16 in Europe, Frontex was found to have very limited powers of intervention, insufficient to support the pressure EU member states were facing at their external borders. In 2016, its mandate was strengthened and its name changed to the European Border and Coast Guard Agency.

INHERENCY

1. Accountability

Status Quo accountability: Board with members from every EU country already oversees Frontex

Giulia Carbonaro 2020 (senior advisor at the Centre for Industrial Studies, Milan, and a fellow at QASER Lab, University College, London; worked at the European Investment Bank for almost 30 years.) Frontex explained: How does the EU border force work? 7 March 2020 <https://newseu.cgtn.com/news/2020-03-07/Frontex-explained-How-does-the-EU-border-force-work--OCw3PlfPlC/index.html>

The agency is managed by an executive director – since 2015 that's Fabrice Leggeri, who previously worked for the European Commission – appointed by a management board. This is composed of representatives of the heads of the border authorities of the 26 EU Schengen member states, plus two members of the EU Commission, who meet five times a year. The management board establishes the agency's annual budget. Once endorsed by the management board, the budget is presented to the European Commission and must be approved by the European Parliament.

Frontex is actively monitored by the country in which the operation is taking place – an officer in every vehicle

Giulia Carbonaro 2020 (senior advisor at the Centre for Industrial Studies, Milan, and a fellow at QASER Lab, University College, London; worked at the European Investment Bank for almost 30 years.) Frontex explained: How does the EU border force work? 7 March 2020 <https://newseu.cgtn.com/news/2020-03-07/Frontex-explained-How-does-the-EU-border-force-work--OCw3PlfPlC/index.html>

All officers deployed by Frontex work under the command of the authorities of the country where the intervention is taking place, with at least one officer from the host country present aboard every vessel, aircraft or patrol car.

2. New regulations in place

Frontex has new oversight, human rights protections, data protections, complaints process and independent observers

Dr Raphael Bossong 2019. (PhD; Associate in the EU / Europe Division at German Institute for International & Security Affairs) Expansion of Frontex - Symbolic Measures and Long-term Changes in EU Border Management SWP Comment 2019/C 47, December 2019 <https://www.swp-berlin.org/10.18449/2019C47/>

The new regulation should make it possible to carry out similar op­era­tions in geographically more distant states. Fourthly, Frontex will be subjected to more oversight and legal obligations to up­hold fundamental rights. The EU’s more recent data protection laws will be applied, as Frontex processes increasing volumes of personal data. The individual complaints mechanism for persons that may have been negatively affected by the actions of Frontex staff is to be strengthened. The executive director of Frontex now needs to justify his or her decisions with regard to such com­plaints. Furthermore, the latest Frontex regulation includes a general clause to hold the agency itself liable for damages. This may become pertinent given that a new category of EU border guards is to be cre­ated which could potentially exercise force or other coercive measures. The Frontex Fundamental Rights Office is to be better equipped and will in future draw up assess­ments of deployment plans and cooperation projects with third countries, as well as a produce an annual report on the activities of the agency. Finally, independent observ­ers are to be deployed to all Frontex border security missions and return operations to ensure respect for human rights and refu­gee law.

3. Human rights abuse

Abuse claims are investigated

MARION MACGREGOR 2019 (Has extensive experience in journalism; holds an MA from the Univesity of Melbourne) 10 September 2019 “Frontex: A harder border, sooner” <https://www.infomigrants.net/en/post/19415/frontex-a-harder-border-sooner>

In August, media reports claimed that Frontex border guards had tolerated violence against migrants and were themselves responsible for inhumane treatment of refugees and asylum seekers. Frontex denied that any of its officers had violated human rights. A spokesperson for the European Commission, Mina Andreeva, said the allegations would be followed up.

4. Human Rights Training

Frontex staff already receives human rights training

The Frontex Official Website from 2011 or later (no date is listed but it references a policy enacted in 2011) Fundamental Rights at Frontex <https://frontex.europa.eu/fundamental-rights/fundamental-rights-at-frontex/>

Before they are deployed, all Frontex staff, as well as board guards and members of other relevant authorities from Member States that participate in Frontex operations receive training on fundamental rights, access to international protection, and, where appropriate, search and rescue. Fundamental rights are always included in operational briefings for officers deployed by Frontex. In addition, safeguards and obligations for reporting potential violations of fundamental rights are integrated into all operational plans. Following the 2011 amendments to the Frontex Regulation, a Fundamental Rights Officer and a Consultative Forum on Fundamental Rights were created and embedded into Frontex’s structure.

5. Refoulement / Refugee treatment improving

Frontex is increasing cooperation with other EU governments to improve its identification of legal and illegal migrants

Michał Jarocki 2020 (an independent, Warsaw-based defence expert who has reported on security issues and developments from a qualified “insider” position for many years) 3 March 2020 Ready to Meet New Challenges <https://euro-sd.com/2020/03/allgemein/16500/frontex-ready-to-meet-new-challenges/>

In cooperation with national authorities and selected EU institutions, international agencies and organisations, Frontex will seek to implement an effective, integrated strategy to better manage the movement of people, including legal visitors, across the EU’s external borders in order to monitor and control this process. As a result, the agency and its national and international partners will be better able to distinguish between legal visitors entering the Schengen area and migrants or refugees, in particular those wishing to cross the EU’s borders illegally, unchecked and uncontrolled.

HARMS / SIGNIFICANCE

1. Refugee rights not violated

1) There is no “right to be rescued.” 2) EU Countries have the right to refuse entry at seaports. 3) Migrants could/should go to Middle East/North African ports instead

Prof. [Achilles Skordas](https://www.mpil.de/en/pub/institute/personnel/academic-staff/askordas.cfm) 2020 (Professor of International Law, Univ of Bristol; Senior Research Fellow, [Max Planck Institute for Comparative Public Law and International Law](https://www.mpil.de/en/pub/news.cfm), Heidelberg) May 2020 The Twenty-Day Greek-Turkish Border Crisis and Beyond: Geopolitics of Migration and Asylum Law (Part II) <http://eumigrationlawblog.eu/the-twenty-day-greek-turkish-border-crisis-and-beyond-geopolitics-of-migration-and-asylum-law-part-ii/> (brackets added)

The disembarkation of migrants has to be agreed by the States concerned, which may decide on their resettlement. The[Joint Declaration of Intent on a Controlled Emergency Procedure](https://www.europeansources.info/record/519826/) – Voluntary Commitments by Member States for a Predictable Temporary Solidarity Mechanism (known as the Malta Declaration) of 23 September 2019, taken in accordance with Resolution MSC.167(78) of the International Maritime Organisation (IMO) ([MSC 78/26/Add.2](http://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Maritime-Safety-Committee-%28MSC%29/Pages/MSC-2004-06.aspx)) offers an example of such an international practice, but should preferably include also MENA [Middle East / North Africa] countries, which are close to the areas of rescue. Ultimately, there is no ‘right to be rescued’, taken in a comprehensive sense that includes rescue in a narrow sense, entering into a port and disembarking, either under the law of the sea, or under human rights law, or even under a contextual interpretation (see Proelss, Law of the Sea and Refugee Law in:. Øystein Jensen, Elise Johannsen and Nele Matz-Lück (eds.), Interaction of the Law of the Sea with other fields of International Law, forthcoming 2021; and Papastavridis[here](http://www.qil-qdi.org/is-there-a-right-to-be-rescued-at-sea-a-skeptical-view/%22%20%5Ct%20%22_blank)).

2. Frontex isn’t so bad

Refugees are glad to see Frontex because it makes the local guards treat them better

**In an article criticizing Frontex for not doing more to uphold human rights, Apostolis Fotiadis in 2020 admits QUOTE:**

Apostolis Fotiadis 2020 (freelance journalist covering EU border control, migration and asylum policy. He is a member of the Migration Newsroom, an investigative journalism collaboration among leading European media) 6 Feb 2020 “FRONTEX’S HISTORY OF HANDLING ABUSE EVIDENCE DOGS BALKAN EXPANSION” <https://balkaninsight.com/2020/02/06/frontexs-history-of-handling-abuse-evidence-dogs-balkan-expansion/>

According to an advisory notice dated October 2017, Frontex officials deployed in the region were tasked with “border surveillance activities” and “interception of irregular migrants” inside Hungary within an area up to eight kilometres from the EU’s external border with Serbia. However, they were specifically advised that escorting migrants to transit zones was to be “exclusively performed by Hungarian authorities”. “Frontex was always there at the beginning but they were never there in the end,” said Lydia Gall, a human rights lawyer at Human Rights Watch, who was working in the region at the time. “I remember many migrants telling me they were happy to have foreign police around since their presence meant better treatment by Hungarian border guards.”

3. Exaggerated claims of “human rights” of migrants

**[Analysis: Anyone who hops in a boat does not have a “right” under any natural or human law to automatically claim that they “must” be allowed to live in Europe or anywhere they want to. But that’s the mindset of the AFF team…]**

Claim that anyone has a right to migrate from Africa to Europe by sea is a big exaggeration with lots of inconsistencies

Prof. [Achilles Skordas](https://www.mpil.de/en/pub/institute/personnel/academic-staff/askordas.cfm) 2020 (Professor of International Law, Univ of Bristol; Senior Research Fellow, [Max Planck Institute for Comparative Public Law and International Law](https://www.mpil.de/en/pub/news.cfm), Heidelberg) May 2020 The Twenty-Day Greek-Turkish Border Crisis and Beyond: Geopolitics of Migration and Asylum Law (Part II) <http://eumigrationlawblog.eu/the-twenty-day-greek-turkish-border-crisis-and-beyond-geopolitics-of-migration-and-asylum-law-part-ii/>

Similar questions might arise with regard to the arguments that those coming from Sub-Saharan Africa have a[right to leave Africa by sea in order to attempt to arrive to Europe](https://academic.oup.com/ejil/article/27/3/591/2197244), that they have an expectation to be rescued and be brought to a (European) safe port, and, finally, not be returned, even if they have no right to protection under EU law and the Geneva Convention, because return would allegedly violate their Art. 3 ECHR rights. I do not exclude that there may be situations that fit into this chain of argument. However, it is often ignored that this construction is so heavily fact-dependent, that it constitutes a possible scenario and not a coherent legal principle. Moreover, many of the arguments in the chain are construed in such a way that the gaps and inconsistencies are dressed in a legal language that hides policy objectives.

4. A/T “Greece abused migrants coming from Turkey”

Turkey was at fault. Greece did the right thing and followed the law

Prof. [Achilles Skordas](https://www.mpil.de/en/pub/institute/personnel/academic-staff/askordas.cfm) 2020 (Professor of International Law, Univ of Bristol; Senior Research Fellow, [Max Planck Institute for Comparative Public Law and International Law](https://www.mpil.de/en/pub/news.cfm), Heidelberg) May 2020 The Twenty-Day Greek-Turkish Border Crisis and Beyond: Geopolitics of Migration and Asylum Law (Part II) <http://eumigrationlawblog.eu/the-twenty-day-greek-turkish-border-crisis-and-beyond-geopolitics-of-migration-and-asylum-law-part-ii/>

Turkey clearly violated numerous aspects of the obligation of cooperation to prevent and combat the smuggling of migrants. As the known facts and official public statements prove, Turkish officials guided the movement of migrants to the Greek border. If Turkish officials have also encouraged and facilitated the actions of smugglers, they may also incur individual criminal responsibility under Art. 6(2)(c) of the Protocol and Turkey may face international responsibility for not launching criminal investigation against these individuals. This sequence of events and the violation of multiple provisions of the Protocol should also be taken into account when making the legal assessment of the Greek response. By closing the border, Greece ensured that Turkey did not succeed in making the Protocols obsolete, prevented the illegal en mass border crossings, and preserved the *effet utile* of the Protocols. The enforcement of the Protocols by the Greek authorities corresponds to the obligations of Turkey under the law of State responsibility ‘to cease the wrongful conduct and ‘to re-establish the situation which existed before the wrongful act was committed’ ([ILC Articles](https://www.un.org/en/ga/sixth/71/resp_of_states.shtml) 30 and 35, Responsibility of States for internationally wrongful acts, UNGA Res. 56/83, 28.01.2002, my italics).

Not Frontex fault: Greek border violence was started by the refugees, caused by Turkey trying to send migrants over the border

MARION MACGREGOR 2020 (Has extensive experience in journalism; holds an MA from the Univesity of Melbourne) 5 June 2020 “Frontex expects more migrants will try to enter EU from Turkey” <https://www.infomigrants.net/en/post/24629/frontex-expects-more-migrants-will-try-to-enter-eu-from-turkey>

In late February, Turkish president Recep Tayyip Erdogan declared that the door was open for migrants to travel to the EU. Following the announcement, thousands of migrants approached the Turkish-Greek border and tried to cross into Europe, triggering violent clashes.

5. Blame the smugglers, not the EU

The UN says: Smugglers are responsible for the deaths of migrants, not the EU governments trying to stop them

Prof. [Achilles Skordas](https://www.mpil.de/en/pub/institute/personnel/academic-staff/askordas.cfm) 2020 (Professor of International Law, Univ of Bristol; Senior Research Fellow, [Max Planck Institute for Comparative Public Law and International Law](https://www.mpil.de/en/pub/news.cfm), Heidelberg) May 2020 The Twenty-Day Greek-Turkish Border Crisis and Beyond: Geopolitics of Migration and Asylum Law (Part II) <http://eumigrationlawblog.eu/the-twenty-day-greek-turkish-border-crisis-and-beyond-geopolitics-of-migration-and-asylum-law-part-ii/> (ellipses in original)

The main question is not, whether a *pro persona* principle should be applied in cases of normative ambiguity, or whether human rights law is at the top of normative hierarchy, but to whom the loss of life in an irregular mass migration movement is to be attributed: to the State actors that attempt to prevent the movement, or to the smugglers who encourage it. The answer to this question will determine the interpretive approach.
Systemic integration is a crucial rule of legal interpretation, whereby the relevant rules of international law are taken into account in treaty interpretation (Art. 31(3)(c) Vienna Convention on the Law of Treaties). Among them, the UN Security Council resolutions and practice play a prominent role, because they bind all Member States and prevail over any other treaty obligations (Arts. 25 and 103 UN Charter; see also Skordas, in[Aust/Nolte,](https://global.oup.com/academic/product/the-interpretation-of-international-law-by-domestic-courts-9780198738923?cc=de&lang=en&) pp. 309-314). Since resolution 688/1991, the Security Council has created a consolidated practice, according to which mass irregular movements of migrants and refugees constitute[a threat to the peace](https://brill.com/view/book/edcoll/9789004226166/B9789004226166-s012.xml?language=en). Furthermore, resolution[2240/2015](https://digitallibrary.un.org/record/806095) determined the existence of a Chapter VII situation as the result of mass and irregular migration from Africa to Europe. The Council made here an authoritative determination, by attributing responsibility for the loss of life and for the drowning of migrants in the Mediterranean as follows:

‘The Security Council, …. affirming the necessity to put an end to the recent proliferation of, and endangerment of lives by, the smuggling of migrants and trafficking of persons in the Mediterranean Sea off the coast of Libya, and, for these specific purposes, acting under Chapter VII of the Charter of the United Nations,’ (last paragraph of the preamble).
Therefore, the Council determined that the loss of life is attributable to the actions of the smuggling and trafficking networks and not to the deterring action of EU Member States. Therefore, *smuggling and trafficking are legally the proximate causes for the drowning of migrants and deploy their nefarious effects as long as the paths of irregular mass migration remain open.* According to the preamble of the same resolution, States should also (and obviously) comply with their obligations under international law, including human rights law and international refugee law, but within the context of implementing and enforcing the resolution and putting an end to the ‘big business’ of smuggling and trafficking networks. Closing the illegal migration markets puts practically an end to the smuggling and trafficking business.

6. Refoulement

Non-refoulement only prevents removal when it would put the migrant in serious danger

Pieter Boeles 2017 (visiting professor migration law, University Amsterdam; emeritus professor University Leiden) 14 January 2017 “Non-refoulement: is part of the EU’s qualification Directive invalid?” <http://eulawanalysis.blogspot.com/2017/01/non-refoulement-is-part-of-eus.html>

Basically, the dogmatic point of departure is simple: the EU principle of non-refoulement is anchored in Article 19(2) of the Charter of Fundamental Rights of the EU, which contains a prohibition to remove, expel or extradite any person to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment. The Charter should govern the uniform interpretation of the principle of non-refoulement in Union law, both in the Treaties and in secondary legislation (like the Returns Directive and the Qualification Directive). As the prohibition of refoulement is absolute in the ECHR, it should universally be interpreted to be absolute regardless of the legal context of EU law in which it appears. Article 19(2) of the Charter corresponds to Article 3 ECHR, and so must be interpreted the same way (Article 52(3) of the Charter).

Frontex is allowed to send migrants to countries in which they are not in danger

Pieter Boeles 2017 (visiting professor migration law, University Amsterdam; emeritus professor University Leiden) 14 January 2017 “Non-refoulement: is part of the EU’s qualification Directive invalid?” <http://eulawanalysis.blogspot.com/2017/01/non-refoulement-is-part-of-eus.html> (brackets in original)

The discussion on this topic is complicated by a number of circumstances. First, refoulement only refers to deportation to the country where the person is in danger. Non-refoulement as such does not stand in the way of expulsion to other countries (as can be seen in Article 32 of the Refugee Convention allowing a limited possibility of removals to other countries, even if a refugee is ‘lawfully in [the] territory’). Further, the protection granted by the Qualification Directive takes the form of issuing statuses and residence permits, among other things, to protected persons. What follows from this? Status and residence permit are two different things, as can be seen in Article 24 Qualification Directive. Revoking a residence permit cannot lead to the revocation of the refugee status (*H.T.* judgment, para. 74). Neither will the status of subsidiary protection be affected by revocation of the residence permit. What does the distinction between status and residence permit mean? And what is the relationship between a status and the obligation of non-refoulement?

SOLVENCY

1. JPSG model (in AFF plan) won’t work

**[Analysis: AFF plan uses the Europol JPSG “Joint Parliamentary Scrutiny Group” as a model for their parliamentary oversight policy for Frontex. But if the Europol JPSG doesn’t work, then neither will their plan.]**

Europol JPSG depends on effective burden sharing between the EU Parliament and the JPSG, which they haven’t been doing

Valentin Kreilinger 2017 (PhD. Policy and Research Coordinator Liberal Forum; Research Fellow, Jacques Delors Institut) 12 June 2017 “A WATCHDOG OVER EUROPE’S POLICEMEN: THE NEW JOINT PARLIAMENTARY SCRUTINY GROUP FOR EUROPOL” <https://hertieschool-f4e6.kxcdn.com/fileadmin/user_upload/20170612_WatchdogoverEuropol-Kreilinger-1.pdf>

In the relations between national parliaments and the European Parliament more competences for one do not mean less competences for the other and interparliamentary scrutiny does not take away competences – it is not a zero-sum game, but can rather help to fill a scrutiny gap. This is only possible if the constituting parliaments overcome their old reflexes. Making the JPSG work effectively now depends, above all, on the concrete burden-sharing between the European Parliament (with its existing scrutiny of Europol) and the new JPSG in which 16 MEPs will participate alongside up to 112 national parliamentarians. In addition to that, a quick adoption of ambitious Rules of Procedure is necessary. If these two conditions are met, the JPSG could become a model for interparliamentary scrutiny.

JSPG regulation can be superficial – they don’t actually scrutinize daily work

Matthias Monroy 2016 (scientist, activist and member of the editorial board of Bürgerrechte & Polizei/CILIP) 26 June 2016 New Europol regulation due to enter into force from May 2017 – oversight is likely to remain superficial <https://digit.site36.net/2016/06/29/new-europol-regulation-due-to-enter-into-force-from-may-2017-oversight-is-likely-to-remain-superficial/>

Yet the new opportunities for parliamentary oversight and access to information provided for by the regulation are likely to remain superficial. The explicit intention is not to scrutinise Europol’s day-to-day work. The idea is merely to “politically monitor Europol’s activities”. This includes examining their impacts on “the fundamental rights and freedoms of natural persons”. If the members of parliament do indeed identify problems, they may draw up “summary conclusions” and submit them to the Parliaments.

The Europol JSPG’s effectiveness is very limited because JPSG denies members of parliament (MEP’s) important info

Matthias Monroy 2016 (scientist, activist and member of the editorial board of Bürgerrechte & Polizei/CILIP) 26 June 2016 New Europol regulation due to enter into force from May 2017 – oversight is likely to remain superficial <https://digit.site36.net/2016/06/29/new-europol-regulation-due-to-enter-into-force-from-may-2017-oversight-is-likely-to-remain-superficial/> (MEP = member of European Parliament)

In practice, these new opportunities to exercise scrutiny are thus a blunt sword. Neither does the JPSG have any wider rights to gain information. Europol is supposed to transmit “relevant documents” including “threat assessments, strategic analyses and general situation reports”, as well as the results of studies and evaluations commissioned by Europol. However, this only applies to non-classified documents and thus continues a previous practice denying MEPs access to important information. The European Parliament does not have access to Council documents classified as LIMITE or RESTREINT, which contain important information on Europol’s activities. The parliamentarians in Brussels are thus reduced to downloading these papers from the website of the civil rights organisation Statewatch.

DISADVATAGES

1. Reduced effectiveness against illegal immigration

Link: AFF plan reduces Frontex’ independence

It’s in their plan.

Link: Strong, independent Frontex is key to managing or solving migration crisis situations

Michał Jarocki 2020 (independent, Warsaw-based defence expert who has reported on security issues and developments from a qualified “insider” position for many years) 3 March 2020 “Ready to Meet New Challenges” <https://euro-sd.com/2020/03/allgemein/16500/frontex-ready-to-meet-new-challenges/>

As a consequence of the above-mentioned migration crises of 2011 and 2015, which had far-reaching consequences for the internal security and policies of the EU, the European nations understood the need to create an independent, solely managed force responsible for the protection of the EU’s external borders and guaranteeing a prosperous future for the Schengen area. Shortly after, EU member states and institutions took a decision to reform Frontex by giving it a stronger mandate and more adequate resources in order to improve its border protection and control capabilities and creation of a European Border and Coast Guard standing corps.

Link: Must seek balance between reducing/limiting Frontex’ powers and expecting them to substantially reduce irregular immigration

Dr Raphael Bossong 2019. (PhD; Associate in the EU / Europe Division at German Institute for International & Security Affairs) Expansion of Frontex - Symbolic Measures and Long-term Changes in EU Border Management SWP Comment 2019/C 47, December 2019 <https://www.swp-berlin.org/10.18449/2019C47/>

The EU must seek a balance between these positions in the coming years. Mem­ber States are pressing for a measurable reduction in irregular immigration and for more people to be expelled from the EU. By contrast, the new EP and the responsible LIBE committee will continue to stress that the EU Charter of Fundamental Rights and the current standards under the Common European Asylum System must be observed.

Uniqueness: Illegal immigration is currently very low

Alice Tidey 2020 (Journalist) 10 January 2020 “Irregular migration to EU 'at lowest level since 2013' says Frontex border agency” <https://www.euronews.com/2020/01/10/irregular-migration-to-eu-at-lowest-level-since-2013-says-frontex-border-agency>

Irregular migration detected at the external borders of the European Union was at its lowest level in six years in 2019, Frontex has revealed. Preliminary data from the bloc's border and coast guard agency found that illegal border crossings along the EU's external borders dropped by 6% year on year to 139,000 last year, its lowest level since 2013. "This is 92% below the record number set in 2015" when the migrant and refugee crisis was at its peak. Frontex flagged in a statement.

Impact: Higher crime. We need Frontex to combat smuggling and human trafficking

Kylie Bielby 2020(Kylie Bielby has more than 20 years' experience in reporting and editing a wide range of security topics) 2 May 2020 “Frontex Announces Annual Border Crimes Statistics and Considers the Impact of COVID-19” <https://www.hstoday.us/subject-matter-areas/border-security/frontex-announces-annual-border-crimes-statistics-and-considers-the-impact-of-covid-19/>

Beyond migration, the results of Frontex joint operations and EU joint action days as well as Member States’ data for 2019 shed some light on the sizable extent of cross-border crime. Smuggling of firearms, drugs, stolen vehicles and other illicit goods, as well as people smuggling and trafficking in human beings is happening every day on the EU’s external border. The complex character of cross-border crime threats necessitates a comprehensive operational response at the borders.

Impact: Frontex addresses threats and strengthens the border

Michał Jarocki 2020 (an independent, Warsaw-based defence expert who has reported on security issues and developments from a qualified “insider” position for many years) 3 March 2020 “Ready to Meet New Challenges” <https://euro-sd.com/2020/03/allgemein/16500/frontex-ready-to-meet-new-challenges/>

Under the new regulation, Frontex will put more pressure on strengthening Europe’s ability to respond to any kind of challenges or threats at its border, whether its illegal migration, drug trafficking of smuggling of weapons, by sharing relevant information and gathered intelligence within particular EU member states, as well as other pan-European security institutions. The Agency will also conduct more frequent and in-depth risk analyses, which will focus on detecting weak spots in EU`s border protection system and finding ways to eliminate them, as well as predicting the challenges which lay ahead of Europe’s external border protection policies for years to come.

Impact: Stronger Frontex is needed to prevent slavery and human smuggling

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Furthermore, the Agency will also continue to strengthen the role, which it plays in foreseeing, detecting and fighting all other types of cross-border crime, such as weapons trafficking or smuggling of minors or slaves. In this regard, Frontex identifies the urgent need for reinforcement of cooperation between all EU member states. This relates not only to those countries, which share their part of the EU’s external border, but also the ones deep within the Schengen area, like France, Germany or the Netherlands, which very often are the final destination of smugglers and traffickers.

A/T “Frontex is currently ineffective” Frontex plans to expand from 1,500 to 10,000

Ida Karlsson 2019 (Journalist and editor for interpress service) 16 May 2019 “Frontex Mandate Expanded” <http://www.ipsnews.net/2019/05/frontex-mandate-expanded/>

BRUSSELS, May 16 2019 (IPS) - The European Union plans to deploy 10 000 armed border guards by 2027 to patrol its land and sea borders. The force will have the power to use armed force on the EU’s external borders. The European Border and Coast Guard agency, Frontex, currently employs 1 500 border guards and works alongside national border control agencies. The plan is to significantly strengthen the existing force. The EU guards would intercept new arrivals, stop unauthorised travel and accelerate the return of people whose asylum claim have failed. The guards could also operate outside of the bloc — with the consent of the third country governments concerned.

1. Frivolous litigation – allowing foreign migrants to sue for human rights abuses = more lawsuits

Link: The AFF plan establishes EU fundamental rights complaint procedure allows non-EU citizens to sue the EU over alleged rights abuses

This is another avenue immigrants can purse to gain entry into the EU. If they are denied entry, they can claim their rights were abused and sue.

Sharks on the prowl: They’re already looking to start lawsuits for illegal immigrants denied entry

PAUL ANTONOPOULOS 2020 (MA in International Relations; Project Director and a Research Fellow on MENA and Latin America Studies at the Center for Syncretic Studies) May 2020 “NGO seeks illegal immigrants to help sue Greece” <https://greekcitytimes.com/2020/05/17/ngo-seeks-illegal-immigrants-to-help-sue-greece/>

A so-called Non-Government Organization that has no website and little information about it, has announced that it is looking for immigrants who illegally entered Greece and were returned to Turkey so they can sue the Greek government. The Consolidated Rescue Group, which has nearly 35,000 followers on Facebook and posts mostly in Arabic, often says how Turkey is a humanitarian country and that Greece is not. However, they are now escalating their anti-Greek agenda, saying they will take Greece to court, without specifying which court exactly.”
[**END Quote – the article continues later QUOTE]**“Of course this does not matter to the NGO as it is serving a Turkish agenda to flood Greece with illegal immigrants.”

Impact: Fear of lawsuits impacts officers’ ability to act and can cost lives

*Donald J. Mihalek 2020 (executive vice president of the Federal Law Enforcement Officers Association Foundation and a retired senior Secret Service agent and former police officer) 22 June 2020 “*Qualified immunity protects against frivolous lawsuits*”* <https://thehill.com/opinion/criminal-justice/503963-qualified-immunity-can-prevent-frivolous-lawsuits>

Had this case gotten to the point of a lawsuit, if the trooper’s conduct was found to be unconstitutional or unethical, he may have been left exposed by his agency to any legal ramifications from that unethical conduct. If his conduct was found justified though a constitutional question was raised, then the doctrine of qualified immunity would apply and although he may still be sued, he would not be liable if the result was unfavorable.  This example speaks to the need for qualified immunity, especially since all lawyers know how to file lawsuits and their actions are not bound by an investigation. The fear of these frivolous types of complaints and lawsuits could impact officers’ ability to act and could cost lives.

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