Negative: Informal Return Agreements – not a problem

By “Coach Vance” Trefethen

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

Informal return agreements are deals between EU countries and outside nations (e.g. Ethiopia, Turkey, Gambia, etc.) regarding the return of their citizens caught in the EU and found not to be eligible for asylum or legal immigration. The EU would like to deport them, but the question is whether or under what conditions their country of origin will take them back. (Yes, countries can refuse to take back their own citizens) Informal agreements are not officially published (sometimes are even dishonestly denied by EU politicians) and are not “treaties” that are written in stone and legally binding. However, sometimes they are the only deal that can be done, because these countries don’t want to go on record as having made a specific deal with the EU, and the informality of the agreement allows for flexibility when circumstances change (rather than having to renegotiate a treaty and get it ratified all over again by two parliaments). AFF will argue that informal agreements don’t contain the necessary safeguards against “refoulement” (sending someone back to a dangerous situation they are fleeing from). AFF is concerned the EU is deporting (returning) too many migrants. (Actually, rates of return have declined since the “informal agreement” system started) This brief will argue that “formal” agreements don’t solve refoulement either, that the scope of the problem isn’t that big, and that trying to solve return of ineligible migrants through formal treaties will stir up so much controversy that the EU will disintegrate.   
NOTE: We have a lot of quotes in this brief from Olivia Diez 2019, who is believed to be quoted in the AFF case. She does not advocate repealing existing informal agreements, but she does generally oppose them and critiques them heavily. We disclose her position in the tag lines of cards that quote her. Diez advocates a number of reforms to both “informal” and “formal” agreements. AFF probably makes the mistake of simply arguing for “no more informal agreements” without specifying what to replace them with. Diez argues that a lot of formal agreements have the same problems as informal ones, so using her as a plan advocate for “abolishing informal agreements” is a misrepresentation of her views, if AFF is doing that. Diez explicitly says that without gathering more data on the scope of the refoulement problem, there is NO system of agreements (formal or informal) that will solve. In addition, a lot of Diez’s criticisms of EU policy are based on “proposed” new actions that it is not clear have ever been carried out.

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NEG: Informal Return Agreements – not a problem

MINOR REPAIR – Study first

Affirmative advocate Olivia Diez says: Before we talk about repealing informal agreements, we should study them first and minor-repair any that need improvement on refoulement risk

Olivia Sundberg Diez 2019 (Junior Policy Analyst, European Migration and Diversity, European Policy Centre) 4 Oct 2019 Diminishing safeguards, increasing returns: Non-refoulement gaps in the EU return and readmission system program <http://aei.pitt.edu/101046/1/Diminishing_safeguards.pdf>

An evaluation should be conducted of formal and informal readmission agreements at EU and national level, which fully reflects their implications, not only in terms of operability, but also respect for human rights and non-refoulement obligations. These reviews should be regular and periodic. This could be used to provide information on when refoulement has taken place, allow suspensive clauses to be included in these agreements, and be used in Country of Origin Information reports produced by EASO and member states to reduce future risks.

HARMS / SIGNIFICANCE

1. More study needed on refoulement harms

Affirmative advocate Olivia Diez admits: Nobody’s collecting data on refoulement, so we really don’t know

Olivia Sundberg Diez 2019 (Junior Policy Analyst, European Migration and Diversity, European Policy Centre) 4 Oct 2019 Diminishing safeguards, increasing returns: Non-refoulement gaps in the EU return and readmission system program <http://aei.pitt.edu/101046/1/Diminishing_safeguards.pdf>

Third, no system is in place to track individuals following their expulsion, so member states cannot guarantee their safety. The lack of monitoring mechanisms prevents a comprehensive evaluation of readmission agreements’ compliance with nonrefoulement. It also hinders the inclusion of suspension clauses or conditions on returnees’ protection in readmission agreements.

Wait and see: Affirmative advocate Olivia Diez admits we don’t know yet whether new proposals will actually put individuals in danger

Olivia Sundberg Diez 2019 (Junior Policy Analyst, European Migration and Diversity, European Policy Centre) 4 Oct 2019 Diminishing safeguards, increasing returns: Non-refoulement gaps in the EU return and readmission system program <http://aei.pitt.edu/101046/1/Diminishing_safeguards.pdf>

This section outlines how elements of the Commission’s recent recast proposal, as well as the Council’s partial general approach, would restrict existing remedies and safeguards for returnees in order to accelerate the rate of returns. This increases the risk of inadequate assessments of the risks involved and therefore of reaching wrong decisions that put individuals in danger. Given the uncertainty around the fate of the Parliament’s report on the recast proposal at the time of writing, it is excluded from this analysis.

Affirmative advocate Olivia Diez admits: Data on refoulement doesn’t exist, so we don’t know how significant the risk of refoulement is

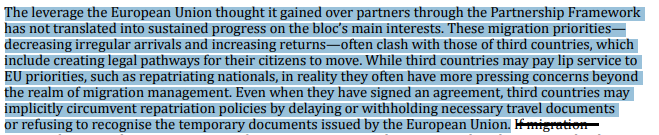
Olivia Sundberg Diez 2019 (Junior Policy Analyst, European Migration and Diversity, European Policy Centre) 4 Oct 2019 Diminishing safeguards, increasing returns: Non-refoulement gaps in the EU return and readmission system program <http://aei.pitt.edu/101046/1/Diminishing_safeguards.pdf>

There is a need for better public data on return practices from member states in order to monitor compliance with the Directive and non-refoulement obligations. The recast Return Directive proposal includes the establishment of national Return Management Systems. As part of these systems, member states should be expected to report basic parameters for each return decision, such as if voluntary departure was offered and accepted. In particular, there is a need for standardised public information on returns by country of destination that include the nationality of the returnee and whether the return was forced or voluntary. Current Eurostat data is incomplete and poorly adapted for a reality in which many individuals are not returned to their country of nationality, thereby preventing a full assessment of the risks involved.

2. Agreements don’t matter much

The “partner” countries ignore the agreements, and migrants aren’t actually being returned

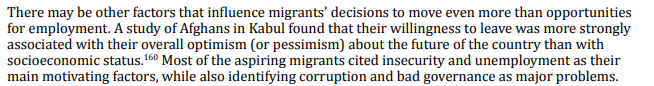
Elizabeth Collett & Aliyyah Ahad 2017 (Collett – master’s degree in foreign service from Georgetown Univ.; Founding Director of Migration Policy Institute Europe. Ahad – Associate Policy Analyst with Migration Policy Institute Europe, master’s degree in migration studies, master’s degree in public policy from Oxford) Dec 2017 EU MIGRATION PARTNERSHIPS – A work in progress <https://www.migrationpolicy.org/sites/default/files/publications/TCM-EUMigrationPartnerships-FINAL.pdf>



3. A/T “Afghanistan migrants harmed”

Afghan migrants aren’t fleeing persecution: they’re fleeing insecurity, corruption, unemployment and pessimism

Elizabeth Collett & Aliyyah Ahad 2017 (Collett – master’s degree in foreign service from Georgetown Univ.; Founding Director of Migration Policy Institute Europe. Ahad – Associate Policy Analyst with Migration Policy Institute Europe, master’s degree in migration studies, master’s degree in public policy from Oxford) Dec 2017 EU MIGRATION PARTNERSHIPS – A work in progress <https://www.migrationpolicy.org/sites/default/files/publications/TCM-EUMigrationPartnerships-FINAL.pdf>



No studies exist measuring status of Afghan migrants who were returned

European Council on Refugees and Exiles 2017. (European network of 105 NGOs in 40 European countries) EU Migration Policy and Returns: Case Study on Afghanistan, November 2017 (ethical disclosure: Article is dated “2017”; “November” is derived from internal references within the text) <https://www.ecre.org/wp-content/uploads/2017/11/Returns-Case-Study-on-Afghanistan.pdf>

Whilst there have been specific research projects as detailed above and there are attempts to harmonise reintegration support, for example, through the ERIN project, there is currently no common concept, tools, structures or indicators to measure the success of return or how reintegration programmes help. In terms of a more systematic approach in Afghanistan UNHCR and Samuel Hall Consultancy are working with the Afghan government as part of the reintegration working group to set up a Multi-dimensional Integration Index to provide baseline data for the first time on the integration of displaced and returnee groups to inform and measure the impact of programming.

4. Refoulement returns aren’t actually happening

Affirmative advocate Olivia Diez admits: despite the agreements, few migrants are actually being returned and current policies have not succeeded at increasing the return rate

Olivia Sundberg Diez 2019 (Junior Policy Analyst, European Migration and Diversity, European Policy Centre) 4 Oct 2019 Diminishing safeguards, increasing returns: Non-refoulement gaps in the EU return and readmission system program <http://aei.pitt.edu/101046/1/Diminishing_safeguards.pdf>

The Commission has issued several communications on the implementation of the Return Directive in recent years. All of them, most notably the 2017 Renewed Action Plan on a more effective return policy, were aimed at increasing the rate of returns and addressing the consistently large gap between issued return decisions and actually executed returns. The rate of effective returns to third countries has remained at 36-37% since 2014 (exceptionally at 45.8% in 2016), yet drops to a low 27% if returns to the Western Balkans are excluded. The low rate of returns is largely due to practical challenges, such as in identifying returnees’ nationality, and to a lack of cooperation from third countries, such as in issuing travel documents.

5. No EU moral responsibility to aid foreign job seekers

If they were genuine asylum seekers, they would have claimed asylum in the first safe country, rather than passing through several countries to get to Libya so they could then go to Europe

**Analysis: The EU cannot be held morally culpable for declining to assist people immigrating illegally looking for better jobs.**

NBC News 2019 (journalist Saphora Smith) 2 Feb 2019 “Europe grapples with distinction between refugees and economic migrants” <https://www.nbcnews.com/news/world/europe-grapples-distinction-between-refugees-economic-migrants-n965161> (brackets added)

“There is more and more emphasis that those who travel to Europe are economic migrants, as if they were real asylum-seekers they would have stayed in the conflict region and claimed asylum” in the first safe country they arrived in, [Univ. of Birmingham migration researcher Nando] Sigona said. According to the United Nations, a refugee is someone who is “unable or unwilling to return to their country of origin owing to a [well-founded fear of being persecuted](https://www.unhcr.org/uk/what-is-a-refugee.html)” and has the right to asylum in another country. An economic migrant is generally considered to be someone who leaves their country in search of work or a higher standard of living, not to flee persecution.

They’re coming from Africa to Europe looking for better jobs

Jesper Bjarnesen 2015 (Senior Researcher at the Nordic Africa Institute) Sept 2015 “Rethinking the Mediterranean crisis: Advice for policy makers facing a humanitarian catastrophe” <https://www.files.ethz.ch/isn/194142/FULLTEXT01.pdf>

It is evident that a considerable number of those arriving as refugees begin their journeys as aspiring labour migrants in Sub-Saharan Africa. Most labour migrants travel from Africa to Europe by air and possess enough resources to settle. Those who cross the sea generally have fewer options, but it is not the poorest or least educated who leave home. A known labour migration strategy consists of a family or a group of families pooling their resources to finance one person, who is selected on the premise that he or she has the best capabilities for succeeding

Most of the “poor struggling refugees” are actually workers and came to Libya to work or to look for work in Europe

Omer Karasapan 2020 (Middle East and North Africa Region's Knowledge and Learning Coordinator at Brookings Institution; served for 30 years at the World Bank.) 20 May 2020 “Libya and its migrants confront new threats” <https://www.brookings.edu/blog/future-development/2020/05/20/libya-and-its-migrants-confront-new-threats/>

Yet Libya continues to act as a magnet for large numbers of migrants who come to work there or go on to Europe. Untold numbers of households from Chad to Egypt to Sudan depend on remittances from Libya. [IOM estimates that in February 2020 there were at least 654,000 migrants in Libya.](https://migration.iom.int/reports/libya-%E2%80%94-migrant-report-29-jan-feb-2020) The [top 5 nationalities](https://migration.iom.int/reports/libya-%E2%80%94-migrant-report-29-jan-feb-2020) were Nigerien (21 percent), Chadian (16 percent), Egyptian (15 percent), Sudanese (12 percent), and Nigerian (8 percent). Men constituted 89 percent of migrants, women 11 percent, and 7 percent were children of which 24 percent were unaccompanied. Of the migrants, 83 percent were employed and it cost them an average of $1,000 to reach Libya. They sent home $160 a month on average with monthly accommodation costs of around $50.

No moral or legal duty: Job seekers don’t qualify for protection under the 1951 Refugee Convention, nor any who aren’t fleeing specific persecution

Ionel Zamfir 2015 (with European Parliamentary Research Service) 27 Oct 2015 “Refugee Status Under International Law” <https://epthinktank.eu/2015/10/27/refugee-status-under-international-law/>

Refugees are a special class of migrants who under international law deserve specific protection by their host state. According to Article 1 of the 1951 UN Convention, as modified by the 1967 Protocol, a refugee is defined as a person who ‘owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.’ This definition implies that several qualifying conditions apply to be considered a refugee: (1) **presence** **outside home country**; (2) **well-founded fear of persecution** (being at risk of harm is insufficient reason in the absence of discriminatory persecution); (3) **incapacity to enjoy the protection of one’s own state** from the persecution feared. The definition of refugees was actually **intended to exclude** internally displaced persons, economic migrants, victims of natural disasters, and persons fleeing violent conflict but not subject to discrimination amounting to persecution.

Most of them are economic migrants (not “refugees”)

**(And no, fleeing Boko Haram doesn’t qualify as “refugee” either. See the last sentence in the card above.)**

Louise Hunt 2019 (journalist) 30 July 2019 “Salvini’s Crackdown on Migrants in Italy Is Creating a Crisis, Not Solving One” <https://www.worldpoliticsreview.com/insights/28080/salvini-s-crackdown-on-migrants-in-italy-is-creating-a-crisis-not-solving-one>

Grinding poverty is the main push factor for migration from West Africa, although some people are also fleeing conflicts, such as the fight against Boko Haram, a terrorist group active across the northern regions of Nigeria, Chad and Cameroon.

6. No “right to not be returned”

Claim that anyone has a right to migrate to Europe and not get sent back 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/>

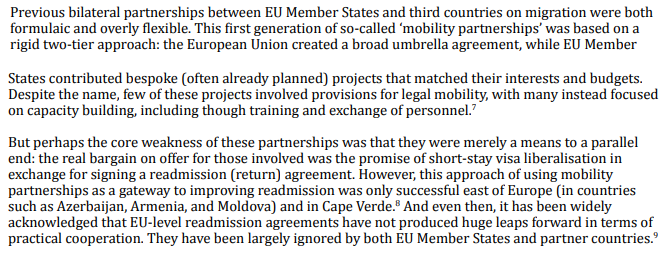
Similar questions might arise with regard to the arguments that those coming from Sub-Saharan Africa have a[right to leave Africa by sea in order to attempt to arrive to Europe](https://academic.oup.com/ejil/article/27/3/591/2197244), that they have an expectation to be rescued and be brought to a (European) 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.

SOLVENCY

1. Already tried and failed – in general

The reason we have the current system is because the previous way of negotiating migration agreements failed

Elizabeth Collett & Aliyyah Ahad 2017 (Collett – master’s degree in foreign service from Georgetown Univ.; Founding Director of Migration Policy Institute Europe. Ahad – Associate Policy Analyst with Migration Policy Institute Europe, master’s degree in migration studies, master’s degree in public policy from Oxford) Dec 2017 EU MIGRATION PARTNERSHIPS – A work in progress <https://www.migrationpolicy.org/sites/default/files/publications/TCM-EUMigrationPartnerships-FINAL.pdf>



2. Already tried and failed – in Libya

Link: Italy & Libya signed a formal treaty (They were doing exactly what AFF wants!)

Elizabeth Collett & Aliyyah Ahad 2017 (Collett – master’s degree in foreign service from Georgetown Univ.; Founding Director of Migration Policy Institute Europe. Ahad – Associate Policy Analyst with Migration Policy Institute Europe, master’s degree in migration studies, master’s degree in public policy from Oxford) Dec 2017 EU MIGRATION PARTNERSHIPS – A work in progress <https://www.migrationpolicy.org/sites/default/files/publications/TCM-EUMigrationPartnerships-FINAL.pdf>



Failure: Italy/Libya treaty didn’t uphold human rights. In fact, it made things worse.

Eric Reidy 2020 (journalist) 10 Aug 2020 “The legal battle to hold the EU to account for Libya migrant abuses” <https://www.thenewhumanitarian.org/analysis/2020/08/10/Libya-migrant-abuses-EU-legal-battle>

In 2008, former Italian prime minister Silvio Berlusconi signed a friendship treaty with Libyan dictator Muammar Gaddafi that, among other things, [committed](https://www.hrw.org/report/2009/09/21/pushed-back-pushed-around/italys-forced-return-boat-migrants-and-asylum-seekers) the two countries to working together to curb irregular migration. The following year, Italian patrol boats began [intercepting](https://www.hrw.org/report/2009/09/21/pushed-back-pushed-around/italys-forced-return-boat-migrants-and-asylum-seekers) asylum seekers and migrants at sea and returning them to Libya. In 2012, the European Court of Human Rights, an international court based in Strasbourg, France – which all EU member states are party to – [ruled](https://www.asylumlawdatabase.eu/en/content/ecthr-hirsi-jamaa-and-others-v-italy-gc-application-no-2776509) that the practice violated multiple articles of the European Convention on Human Rights.

3. Lack of data on refoulement (reference HARMS/SIGNIFICANCE #1 response) means no solvency

Affirmative advocate Olivia Diez admits: lack of data on refoulement means we can’t know whether any other type of migration agreement would improve things. The problem would continue “indefinitely”

Olivia Sundberg Diez 2019 (Junior Policy Analyst, European Migration and Diversity, European Policy Centre) 4 Oct 2019 Diminishing safeguards, increasing returns: Non-refoulement gaps in the EU return and readmission system program <http://aei.pitt.edu/101046/1/Diminishing_safeguards.pdf>

As reports from several countries of readmission have highlighted, post-return, no institution collects information on the conditions, integration prospects, or further mobility of returnees. Whereas member states are obliged to monitor conditions throughout the return process, this obligation ends at the point of arrival in the third country. In receiving states, in turn, provisions for continued monitoring and support for returnees’ integration tend to be extremely limited. Much of the available infrastructure is run by the International Organisation for Migration (IOM), with member states facing increasing pressure to develop reintegration programmes, but this has so far been limited to cases of voluntary return. Those subject to forced return, who are most at risk, are not tracked or supported. In effect, individuals are “returned and lost”. The lack of data on returnees’ fate has several implications:   
- First, it prevents a comprehensive evaluation of the fundamental rights compliance of any readmission agreement, in particular with regard to non-refoulement. Where evaluations have been conducted, such as progress reports of the EU-Turkey Statement, these have been criticised by the European Ombudsman for a lack of analysis, specificity, or consideration of human rights risks. Problematic readmission agreements and returns to dangerous third countries risk remaining operational indefinitely. For instance, when consequences for returnees remain obscured, they do not inform assessments of conditions in the country for future return decisions.   
- Second, the lack of information hinders the inclusion of non-refoulement conditions in readmission partnerships.

Affirmative advocate Olivia Diez admits: “Formal” agreements don’t solve for lack of refoulement data either

Olivia Sundberg Diez 2019 (Junior Policy Analyst, European Migration and Diversity, European Policy Centre) 4 Oct 2019 Diminishing safeguards, increasing returns: Non-refoulement gaps in the EU return and readmission system program <http://aei.pitt.edu/101046/1/Diminishing_safeguards.pdf>

In 2011, a Commission evaluation of readmission agreements recommended the introduction of suspensive clauses into such agreements in the event of fundamental rights violations, requirements on human rights compliance in the treatment of returnees, and the establishment of post-return monitoring mechanisms. In 2016, the European Parliament expressed concern at the inadequate follow-up of forced return decisions, and called for similar measures. However, this has not been reflected in the formal or informal agreements concluded since.

DISADVANTAGES

1. Reduced rescue operations

Migrants are dying in the Mediterranean trying to get to Europe. It’s politically difficult to increase rescue operations to save them because of political bias against them among EU voters and far-right political parties. The key to increasing rescue is making it politically palatable by ensuring the EU has a solid “return” policy for ineligible migrants (those not qualifying for asylum or legal immigration into the EU). If EU voters (and far-right political parties) see that happening, they’ll be willing to support rescue operations. But AFF is doing exactly the opposite…

Link: AFF plan weakens return of migrants

That’s the whole point of their plan – keeping more migrants and not sending as many back

Link: Strengthening (not weakening) EU return policy would allow political cover for increased rescue operations in the Mediterranean

[This article is about “Mare Nostrum,” Latin for “our sea,” a reference to the Mediterranean and an EU maritime rescue program that was saving migrants from drowning during their voyage from Africa in leaky boats. The program was canceled several years ago.]

Emily Koller 2017 (MA student in European, Russian and Eurasian Studies at the Munk School of Global Affairs, Toronto) Mare Nostrum vs. Triton <https://munkschool.utoronto.ca/ceres/files/2017/10/Paper-Emily-Koller.pdf>

Secondly, there is currently a lack of return policies for migrant who do not meet refugee or subsidiary protection. For this policy option to work, the EU would first have to greatly improve its return policies prior to scaling up any type of processing. Although this option has flaws, it would be the most beneficial to all parties concerned, member states, EU institutions, and migrants. Member states, especially those situated in hotspots areas, are given both operational and economic support to process migrants. A strengthening of return policies would allow the EU and members states to present the appearance of having regained control of their borders, and would weaken the arguments of the far-right that the asylum process is being abused and proper processing is not occurring. Finally, it would allow the EU to pursue search and rescue operations because it would now be able to process and relocate refugees, resulting in the saving of migrant lives.

Impact: Tens of thousands of lives at lives at stake

Paul Hockenos 2018 (Berlin-based journalist) Europe Has Criminalized Humanitarianism 1 Aug 2018 FOREIGN POLICY <https://foreignpolicy.com/2018/08/01/europe-has-criminalized-humanitarianism/>

Hungary has even taken the step of formulating a law [making the aid](https://www.nytimes.com/2018/06/20/world/europe/hungary-stop-soros-law.html) of refugees in the country a punishable offense. But on no single issue has the prickly humanitarian quandary over the fate of migrants and refugees—and Europe’s responsibility for them—been as sharply formulated as in the raging debate about NGO-linked rescue ships that have been active in the Mediterranean, primarily between Italy and Libya. For the past three years, the vessels—as many as 12 in 2017, now just five—have picked up refugees largely in international waters and delivered them to European ports, where they can apply for asylum. The group SOS Méditerranée says that during its two years of emergency sea rescues, it alone has rescued more than [29,000](https://reliefweb.int/report/world/aquarius-returns-central-mediterranean-humanitarian-assistance-sea-desperately-needed) migrants.

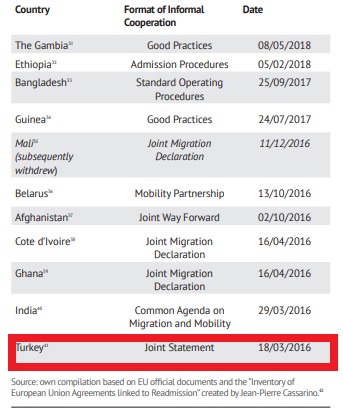
2. Lose the EU-Turkey agreement

Link: AFF cancels all informal migration agreements

That’s their plan.

Link: The EU-Turkey agreement of 18 March 2016 is one of the informal agreements listed by AFF advocate Olivia Diez in 2019

Olivia Sundberg Diez 2019 (Junior Policy Analyst, European Migration and Diversity, European Policy Centre) 4 Oct 2019 Diminishing safeguards, increasing returns: Non-refoulement gaps in the EU return and readmission system program <http://aei.pitt.edu/101046/1/Diminishing_safeguards.pdf>



Impact: Lost lives. The EU-Turkey agreement has been saving lives by reducing migration through dangerous routes

European Commission 2016. (executive branch of the EU government) COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL AND THE EUROPEAN INVESTMENT BANK on establishing a new Partnership Framework with third countries under the European Agenda on Migration 7 June 2016 <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_ompact_en.pdf>

At the core of the EU-Turkey Statement of 18 March was the interlocking of migration management on both sides of the Aegean Sea, with an unprecedented degree of cooperation between the EU and an external partner. In full accordance with EU and international law, the aim was to remove the incentive to seek irregular routes. Together with the work of NATO and Frontex, its implementation, including on readmission of all arriving third country nationals, had an immediate impact on crossings from Turkey into Greece. It showed that international cooperation can succeed – in saving lives at sea and breaking the business model of smugglers. This has been achieved through financial assistance, resettlement opportunities and perspectives in the field of ongoing visa and accession negotiations.

Big Links to DA’s 3 through 6 – Fracturing / dividing / weakening the European Union

Big Link: Loss of “informal” agreement option = Loss of credibility with EU voters (their constituents) on fighting illegal immigration

**Analysis: The reason EU governments do “informal” agreements is that it gives them more flexibility to adjust migration policy to uncertain events. If they do a “formal” agreement, then any change due to unforeseen circumstances causes them to lose credibility, and voters get mad!**

Prof. Jean-Pierre Cassarino 2010 (part-time professor at the Migration Policy Center of the Robert Schuman Center for Advanced Studies and scientific advisor at the Rome-based Institute for International Affairs) Unbalanced Reciprocities: Cooperation on Readmission in the Euro-Mediterranean Area <https://www.files.ethz.ch/isn/120827/2010_08_reciprocities.pdf>

Under some circumstances, both contracting parties may agree to cooperate on readmission without necessarily formalizing their cooperation with a standard agreement. They may opt for different ways of dealing with readmission through exchanges of letters and memoranda of understanding or by choosing to frame their cooperation via other types of deals (e.g., police cooperation agreements, arrangements, and pacts). The main rationale for the adoption of non-standard agreements is to secure bilateral cooperation on migration management, including readmission, and to respond flexibly to new situations fraught with uncertainties. Because of the uncertainty surrounding the concrete implementation of the cooperative agreement over time, states may want to secure their credibility through agreements “that include the proper amount of flexibility and thereby create for themselves a kind of international insurance.” With reference to the cooperation on readmission, this argument does not imply that states do not make any credible commitments when signing agreements. To the contrary, it is because of their search for credibility that they may opt for flexible patterns of cooperation when it comes to dealing with highly sensitive matters such as readmission or removal. Credibility is a core issue in the cooperation on readmission, for it symbolically buttresses the centrality of the state and its law enforcement agencies in the management of international migration. The cooperation on readmission has often been presented by European leaders to their constituencies and the international community as an integral part of the fight against illegal migration and as instruments protecting their immigration and asylum systems.

Big Fracture Link & Brink: Stirring up controversy on immigration would be really bad. EU is on the brink of disintegration over it

Bodo Weber 2020 (senior associate of the [Democratization Policy Council](http://www.democratizationpolicy.org/), based in Berlin) 9 March 2020 “Threat to EU on Greece-Turkey border is EU-made” <https://euobserver.com/opinion/147672> (the “Visegrad” countries are: Poland, Hungary, Czech Republic and Slovakia)

The current narrative's complete avoidance of core questions is astounding. Reasoned, rational discussion seems to now be a collective pan-European taboo. EU leaders evidently fear that just by opening up such discussion, the Union would disintegrate. In September 2015, when some of the Visegrád countries declared they would not implement the EU's legally-binding relocation scheme, the Union collapsed as a legal entity in the area of asylum and migration.

3. Reduced world stability from fracturing the EU

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

Max Boot 2016 (leading military historian and foreign policy analyst. 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” 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.

4. Populism and Authoritarian Government

Link: AFF plan weakens / fractures the EU

Cross apply the BIG LINK.

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#>

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?

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

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

Cross-apply the BIG LINK.

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 not given in the published article) <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 March 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.) 13 June 2016 “On the Brink: How a Brexit Could Fracture a Fragile Europe” <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) “Brexit Consequences for the U.K., the EU, and the United States” last updated 14 Mar 2020 <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.

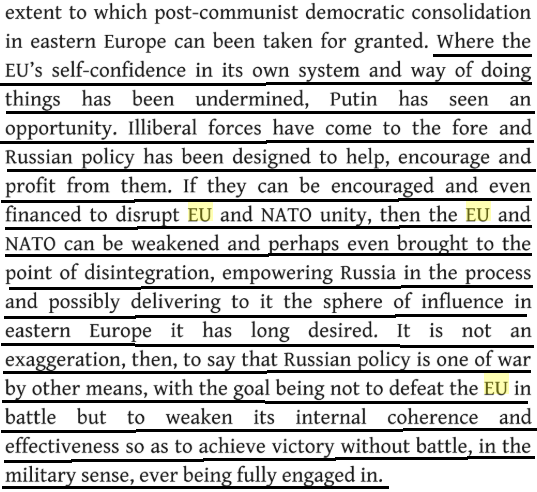
6. Russia gains influence

Link: AFF divides / weakens the EU

Cross-apply the BIG LINK.

Link: Russia uses EU division to advance its agenda and gain influence to accomplish bad things

Ian Kearns 2018 (co-founder, former director and board member of the European Leadership Network, a pan-European group of senior political, military and diplomatic leaders. Former specialist advisor to the Joint House of Commons/House of Lords Committee on National Security Strategy. Former deputy chair and director of secretariat to former NATO Secretary General George Robertson) Collapse: Europe After The European Union (no month given in the published article) <https://books.google.com/books?id=ZVBSDwAAQBAJ&pg=PT223&lpg=PT223&dq=EU+immigration+reform+hopeless&source=bl&ots=79cHvPH2qu&sig=ACfU3U3diw6xbMj9V9bRAyJPoyV-5N1epA&hl=en&sa=X&ved=2ahUKEwjswYPI-ZrqAhWyneAKHfCQBCE4ChDoATAAegQIChAB#v=onepage&q=EU%20immigration%20reform%20hopeless&f=false>



Impact: Russian influence damages democracy, promotes authoritarian rule

Geir Hagen Karlsen 2019 (Lieutenant Colonel and Lecturer, Norwegian Defence University College) 8 Feb 2019 “Divide and rule: ten lessons about Russian political influence activities in Europe” <https://www.nature.com/articles/s41599-019-0227-8>

Russia is an authoritarian and corrupt state that regards the EU and, more specifically, NATO, as a challenge, a competitor and a threat. Its influence activities are malicious, undermining alliances and creating distrust, weakening what Moscow sees as their opponents and thus ensuring the survival of this authoritarian regime. Their interference is worrisome at several levels. First, Russia is undermining core democratic processes, like elections, and trust in the political system and its institutions. Second, their disinformation and manipulation of media and social media is directly undermining the political discourse, essential to democracy. Third, this is further exacerbated by their malicious attacks on individuals, like the Finnish journalist Jessika Aro, who has been tracked and harassed systematically after exposing Russian trolling of social media (Aro, [2015](https://www.nature.com/articles/s41599-019-0227-8#ref-CR3)). However, the overall Russian approach is simple, divide and rule.

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