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I affirm resolved: “Immigration ought to be recognized as a human right”

**I value global justice**, as the resolution is a proposition applying to immigration in a general context. As such, the debate is not concerned with state-specific norms but rather global norms applying to humanity.

Risse states in 2008, [Risse, Mathias (Professor of Philosophy and Public Policy. He works mostly in social and political philosophy and in ethics. His primary research areas are contemporary political philosophy (in particular questions of international justice, distributive justice, and property) and decision theory (in particular, rationality and fairness in group decision making, an area sometimes called analytical social philosophy.) His articles have appeared in journals such as Ethics; Philosophy and Public Affairs; Nous; the Journal of Political Philosophy; and Social Choice and Welfare. Risse studied philosophy, mathematics, and mathematical economics at the University of Bielefeld, the University of Pittsburgh, the Hebrew University of Jerusalem, and Princeton University. He received his BA, BS and MS in mathematics from Bielefeld, and his MA and PhD in philosophy from Princeton. Before coming to Harvard he taught in the Department of Philosophy and the Program in Ethics, Politics and Economics at Yale. His books On Global Justice and Global Political Philosophy were both published in 2012). "On the morality of immigration." Ethics & International Affairs 22.1 (2008): 25-33. Accessed June 2016. SK]

My goal here is twofold: First, I wish to make a plea for the relevance of moral considerations in debates about immigration. Too often, **immigration debates are conducted solely from the standpoint of ‘‘what is good for us,’’ without regard for the justifiability of immigration policies to those excluded**. Second, I wish to offer a standpoint that demonstrates why **one should think of immigration as a moral problem that** must be considered in the context of global justice. More specifically, I will argue that **the earth belongs to humanity in common and that this matters for assessing immigration** policy. The case I will be particularly interested in is immigration into the United States, where immigration policy continues to be a hotly debated topic. However, that discussion takes the form of a case study: the relevant considerations apply generally. To give some initial grounding to the standpoint that the earth belongs to humanity in common, let us suppose for the sake of argument that the population of the United States shrinks to two, but that these two can control access into the country through sophisticated electronic border-surveillance mechanisms. Suppose, too, that nothing changes in the rest of the world. I would argue (and I think most would agree) that under such conditions these two citizens should allow for immigration based on the fact that they are grossly underusing the territory under their control. If this is so, then it follows that what we do with the space we control must matter for assessing immigration policy. It further follows in particular that, given that by global standards the population of the United States is too small relative to the amount of space to which it claims exclusive control, illegal immigrants should be naturalized and more widespread immigration should be permitted. Questions about immigration fundamentally challenge those who see themselves in the liberal camp. One hallmark of the liberal state is that it takes individual attitudes in many areas of life as given and rules them out only if they threaten the functionality of the state. When confronted with immigration, a liberal state may choose to develop a systematic approach, and thus come up with 25 a view of what kind of people it wants to include or exclude, or it may choose not to develop such an approach. In the first case the liberal state passes judgment on people in terms of their fitness for membership. Any criterion used for inclusion also reflects a judgment on those who already live in the country, and will bring about change that is beneficial for some citizens and detrimental for others. In the second case the liberal state has to live with the consequences of whatever alternative approach it develops. Things become yet more complicated if one sees immigration in a global context. **Immigration can plausibly be regarded as one way of satisfying duties toward the global poor**—duties that many political leaders and citizens, as well as most contemporary philosophers, would acknowledge, at least in some form. **Immigration**—permanent or temporary—**can serve this function** partly **because it allows some people access** to greener pastures, and partly because of the remittances sent back by immigrants to their countries of origin. **Once we think of immigration in a global context, we are led to ask more fundamental questions—namely, why it would be acceptable in the first place (especially to those thus excluded) that we draw an imaginary line in the dust** or adopt the course of a river and think of that as a border. As Rousseau famously remarks at the opening of Part II of his Second Discourse on Inequality, ‘‘The first person who, having fenced off a lot of ground, took it into his head to say this is mine and found people simple enough to believe him, was the true founder of civil society.’’ Is it only because of such simplicity that states are accepted? Such thoughts leave us wondering about the legitimacy of a system of states per se. SK

As the resolution asks about the recognition of a right, a framework must be able to determine what ought to be a right in the first place. A human right is recognized by moral norms, not by law.

Oberman defines in 2014, [Oberman, Kieran (Chancellor's Fellow in Politics, Political theory, Political philosophy, Global justice, just war theory, Immigration, Immigration and asylum policy, Distributive justice, Social justice, Edinburgh University Teaching Fellow in Political Theory at University College Dublin, DPhil in Politics from Oxford University, has held positions at the University of Louvain, Stanford University and the Asian University for Women, regular writer for public forum websites such as OpenDemocracy and the Just World Institute. DPhil Politics (Oxford) MPhil Politics (Oxford) BA Politics (Swansea). "Immigration Is a Human Right." OpenDemocracy. N.p., 8 May 2014. Web. 22 June 2015. SK]

Before presenting my argument for **a human right to immigrate** let me first define the right that I shall argue for. It has four important features. First, it **is a moral, rather than a legal, human right**. **Moral human rights set out what people are morally entitled to. Legal human rights are those recognized in law.** 4 **No current legal human rights document includes a human right to immigrate.** There may be a case for enacting such a right into law, but that case is not made here.SK

Thus, the resolution does not posit the state as the actor of rights but rather asks the questions of whether moral norms preserve that the right to move should apply to all.

#### Justice itself, especially on an international scale, is premised on reducing moral arbitrariness in the world.

Thomas Nagel, renowned philosopher, states in 2005, [Nagel, Thomas (University Professor of Philosophy and Law NYU, Emeritus, B.A. Cornell 1958; B.Phil. Oxford 1960; Ph.D. Harvard 1963, University Professor, Professor of Philosophy, Professor of Law. He specializes in Political Philosophy, Ethics, Epistemology, and Philosophy of Mind. He is a Fellow of the American Academy of Arts and Sciences, a Corresponding Fellow of the British Academy, and a Member of the American Philosophical Society, and has received Guggenheim, N.S.F., and N.E.H. Fellowships, a Mellon Distinguished Achievement Award in the Humanities, the Rolf Schock Prize in Logic and Philosophy, the Balzan Prize in Moral Philosophy, and honorary degrees from Oxford, Harvard, and the University of Bucharest.), "The problem of global justice." Philosophy & public affairs 33.2 (2005): 113-147. Accessed June 2016. SK]

In presenting the intuitive moral case for **the** particular **principles of** **justice** he favors as the embodiment of these ideals, Rawls **appeals** repeatedly **to** the importance of eliminating or **reducing morally** **arbitrary sources of inequality in people’s life prospects**.12 He means **inequalities flowing from characteristics of people that** they have done nothing to deserve**, like their race, their sex, the wealth** or poverty of their parents, and their inborn natural endowments. To the extent that **[because] such factors**, **through** the operation of **a** particular **social system**, **generate differences in people’s expectations**, at birth, **of better or worse lives, they present a problem for the justification of that system**. In some respects these arbitrary sources of inequality can be eliminated, but Rawls holds that **where [arbitrary sources of inequality]** they **remain**, **some other justification needs to be found** for permitting them. The important point for our purposes is that Rawls believes that this moral presumption against arbitrary inequalities is not a principle of universal application. It might have considerable appeal if recast as a universal principle, to the effect that there is something prima facie 127 The Problem of Global Justice 12. See A Theory of Justice, chapter II, and John Rawls, Justice as Fairness: A Restatement (Cambridge, Mass.: Harvard University Press, 2001), part II. objectionable to anyone’s having lower life prospects at birth than anyone else just because of a difference between the two of them, such as the wealth of their parents or their nationality, over which neither of them had any control. But this is not the principle Rawls is appealing to. Rather, in his theory the objection to arbitrary inequalities gets a foothold only because of the societal context. **What is objectionable is that we should be fellow participants in a collective enterprise of coercively imposed legal and political institutions that generates such arbitrary inequalities.** SK

As such, an arbitrary distinction is one which excludes individuals based on considerations external to their moral agency. The components of moral agency, in turn, are a human’s autonomy and dignity.

The affirmative debater to prove that immigration must be a human right must prove that restrictions on immigration cannot be arbitrary. Immigration cannot be restricted without a compelling *moral* justification.

Oberman, [Oberman, Kieran (Chancellor's Fellow in Politics, Political theory, Political philosophy, Global justice, just war theory, Immigration, Immigration and asylum policy, Distributive justice, Social justice, Edinburgh University Teaching Fellow in Political Theory at University College Dublin, DPhil in Politics from Oxford University, has held positions at the University of Louvain, Stanford University and the Asian University for Women, regular writer for public forum websites such as OpenDemocracy and the Just World Institute. DPhil Politics (Oxford) MPhil Politics (Oxford) BA Politics (Swansea)). "Immigration Is a Human Right." OpenDemocracy. N.p., 8 May 2014. Web. 22 June 2015. SK]

**The argument for a human right to immigrate is not then an unconditional demand for open borders.** Rather **it is call for the reconceptualization of the debate. Immigration restrictions cannot be justified merely because [of] some citizens feel threatened by the added competition within the labour market.** **Nor can restrictions be justified as a means of [to] excluding the unemployed**, however handy it may be for the Belgian and other governments to do so when looking for ways to skimp on benefit payments. **Immigration restrictions must be the last tool for addressing social and economic problems, not the first**. Nevertheless, **the realisation of the human right to immigrate will take time and adjustment.** Were all immigration restrictions worldwide lifted tomorrow there arguably would be some severe costs to some people in some countries and this threat warrants the continued imposition of at least some restrictions for the next years to come. **Where restrictions can be removed, they should be removed, but the process of achieving the removal of all restrictions must be one that goes hand-in-hand with economic development**. As poorer countries develop, the demand for migration will eventually slow, making it easier for richer states to lift restrictions. The EU offers a promising example here. Whatever the complaints of its detractors, freedom of movement with the EU remains a remarkable achievement. Half a billion people now have the right to work and reside anywhere within the union. This has not resulted in catastrophe. Indeed, it has not even resulted in mass migration. Only 2.5% of the EU population lives elsewhere within the EU. And when relatively large numbers have migrated, as occurred after the last major enlargement in 2004, the trend has been temporary and followed by return migration. Arguably, these manageable levels of migration are a result of the fact that the EU offers its members more than free movement, it also offers them trading opportunities and a range of political and economic assistance. Member states remain sufficiently stable and prosperous that, even in an economic crisis, the vast majority of their citizens choose to stay home.SK

To clarify, the affirmative does not defend that there is an absolute right to immigrate, but rather restricting immigration must be the last resort. Just like killing a terrorist to prevent crimes must be the last resort, restricting immigration to save the moral integrity of a nation must be the last resort.

Thus, the value criterion is to **prevent arbitrary distinctions.**

### Contention 1 is the Lottery of Birth

This contention will argue that point of origin is an arbitrary distinction to exclude people.

#### People are born free. Deciding rights and freedoms based on where people are born is an arbitrary categorization, as people do not freely choose where they are born. Thus, utilizing birth-place as a determinant of rights punishes immigrants for something they didn’t do.

Shachar in 2009, [Ayelet Shachar (Canada Research Chair in Citizenship and Multiculturalism, and Professor of Law, Political Science, and Global Affairs at the University of Toronto. She has published and lectured widely on citizenship theory, immigration law, multiculturalism, cultural diversity and women's rights, law and religion in comparative perspective, highly skilled migration and global inequality. Shachar is the author of Multicultural Jurisdictions: Cultural Differences and Women's Rights (Cambridge University Press, 2001), for which she won the American Political Science Association 2002 Foundations of Political Theory Section Best First Book Award. This work has inspired a new generation of thinking about how to best mitigate the tensions between gender equality and religious diversity. It has also proved influential in the real world, intervening in actual public policy and legislative debates. It has been cited extensively, most recently, by England's Archbishop of Canterbury (who described Shachar's work as "highly original and significant"), Ontario's Ministry of the Attorney General, and the Supreme Court of Canada. Shachar's work combines "big ideas" from law and political theory with innovative problem-solving and institutional design. Her latest book, The Birthright Lottery: Citizenship and Global Inequality (Harvard University Press, 2009) was named 2010 International Ethics Notable Book in recognition of its "superior scholarship and contribution to the field of international ethics." It has created a groundswell of interest among policymakers and academics alike. Located at the intersection of law, economics, and political philosophy, The Birthright Lottery crafts new legal concepts and innovative institutional designs to promote global justice, with the aim of ameliorating the most glaring opportunity inequalities that attach to this system of allocation in today's world. This work has been the topic of special-issue symposiums, international workshops and roundtables, and the subject of essays that have appeared in professional and interdisciplinary publications, including the American Journal of Comparative Law, Ethics & International Affairs, Harvard Law Review, Issues in Legal Scholarship, La Revue Nouvelle, Osgoode Hall Law Journal, Political Theory, Rorotoko, Nexus, Edge, Tikkun, and the Literary Review of Canada. Shachar has received excellence and research awards in three different countries: Canada, Israel, and the United States. She was nominated Member of the Institute for Advanced Study, Princeton, Fulbright Fellow, Distinguished Visiting Scholar at Princeton's Law and Public Affairs Program (LAPA), Emile Noël Senior Fellow at NYU School of Law, and the W. M. Keck Fellow in Legal Ethics and Professional Culture at Yale Law School. In recognition of her excellence in research and teaching as a faculty member at Toronto, she has received the University's Provostial Merit Increase Award for five consecutive years. She has published extensively in leading law reviews, social science, and political philosophy journals, including the Yale Law Journal, Theoretical Inquiries in Law, Journal of Political Philosophy, Harvard Civil Rights-Civil Liberties Law Review, NYU Law Review, Yale Journal of Law & the Humanities, Philosophy and Social Criticism, Political Theory, and Perspectives on Politics. Shachar earned her LL.B in law and B.A. in political science, summa cum laude, from Tel Aviv University; LL.M. and J.S.D, both from Yale Law School. Before arriving at Yale, she was law clerk to Chief Justice Aharon Barak of the Supreme Court of Israel. In addition to delivering keynotes and lectures to academic and general audiences on five different continents, Shachar sits on the editorial boards of five peer-reviewed journals in her field and has provided pro-bono expert consultation to judges, governmental commissions and the World Bank, as well as non-governmental organizations specializing in citizenship, immigration and religious toleration. Shachar has held appointments as the Leah Kaplan Visiting Professor in Human Rights at Stanford Law School, and the Jeremiah Smith Jr. Visiting Professor of Law at Harvard Law School. Her new book, Olympic Citizenship (to be published by Oxford University Press), explores the legal and ethical challenges of international migration, focusing on the highly skilled. She was recently elected a Fellow of the Royal Society of Canada), 2009, Toronto Law Archives, “The Birthright Lottery: citizenship and global inequality”, Pages 4 – 6, Published by Harvard University Press. Accessed June 2016. SK]

It seems unlikely that circumstances of birth would serve today as the core determinants of entitlement to full and equal membership in the citizenry body, given the extent to which it has been rejected in so many other domains of public life.10 And yet, **reliance upon the accident of birth is inscribed in the laws of all modern states and applied everywhere.** In fact, **the vast majority of the global population has no way to acquire membership except by circumstances of birth**.11 To the extent that **citizenship** is a valuable resource, it **is currently secured on the basis of a** morally arbitrary **set of criteria**. **Birthright membership principles that sanction such distribution deserve the same critical analysis appropriate to any other social institution that stands in the way of the equal realization of opportunities**. Such analysis is, however, conspicuous for its absence. The almost casual acceptance of ascription as a basis for assigning political membership is so prevalent that we tend to simply take it for granted.12 Even those who propose to tighten the circle of membership do not contest the basic principle of hereditary entitlement; instead, they quibble about the scope of its application. **What remains unchallenged**, and remarkably so, **is the entrenched assumption that reliance on birth is somehow an unquestionable component of assigning political membership.** **This (misguided) assumption is, in part, to blame for the scant attention that has been paid to the puzzle of birthright citizenship** even by progressive scholars interested in “rethinking” the political community.13 This is a serious omission: the bulk of the world’s population acquires citizenship on the basis of transmission at birth based on parentage or territorial location at time of birth. The harsh facts on the ground are such that **most people alive today, especially the huddled masses yearning to breathe free, remain largely “trapped” by the** lottery of their birth.14 This acknowledgment motivates (in the book’s latter chapters) the uneasy task of envisioning viable and realistic possibilities for reforming the existent birthright-allocation system. These possibilities involve enlarging our scope of analysis beyond the standard accounts of political membership as a repository of legal status, rights, and collective identity.15 Although each of these aspects remains a vital part of citizenship’s domain, together they do not capture the full range of its purpose. Instead of dwelling on these familiar categories, my interest lies in expanding our understanding of citizenship by adding a thus-far missing aspect: thinking about birthright access to citizenship as a distributor, or denier, of security and opportunity on a global scale. To unearth the more complex and multidimensional functions of birthright citizenship, we need to take a hard look at the entrenched legal connection between birth and political membership. A hypothetical illustration sets the stage for our inquiry. Imagine a world in which there are no significant political and wealth variations among bounded membership units. There are no resource scarcities of any kind, and there are also no conflicts based on social factors such as class, ethnicity, or nationality. In such a world, nothing is to be gained by tampering with the existing membership structures. In this imaginary and fully stable world system, there is no motivation for change or migration. Each political entity offers a safe and welcoming space in which people live, love, work, and eventually pass away. Assuming there are no natural or human-made disasters, children and grandchildren may well pursue the same membership path as their progenitors. More important still, the specific collective in which a child belongs does not matter; roughly equal opportunities attach to citizenship entitlement in whatever political community she happens to have been born. When we relax these assumptions in order to fit them more closely to the reality of our own world, with its omnipresent struggles and conflicts—a world where political instability, human mobility, and material inequality continue to persist—things begin to look quite different. In our world, membership in a particular state (with its specific level of wealth, degree of stability, and human rights record) has a significant impact on our identity, security, well-being, and on the range of opportunities realistically available to us. When analyzed in this broader context, full membership in an affluent society emerges as a complex form of property inheritance: a valuable entitlement that is transmitted, by law, to a restricted group of recipients under conditions that perpetuate the transfer of this precious entitlement to “their body,” specifically, their heirs. This inheritance carries with it an immensely valuable bundle of rights, benefits, and opportunities. Although they have a pernicious effect on distributing life prospects and human security, birthright entitlements still dominate our laws when it comes to the allocation of political membership to a given state. In fact, material wealth and political membership (which are for many the two most important distributable goods) are the only meaningful resources whose intergenerational transfer is still largely governed by principles of heredity.16 Whereas the normative foundations of these principles have been thoroughly discussed in terms of the intergenerational transmission of property, they have seldom been considered in terms of citizenship. This omission is as surprising as it is disturbing: academics and policymakers pay a great deal of attention to questions of citizenship, **immigration**, the claims of minority groups, concerns about civic integration, and how to make political membership meaningful in a world of overlapping and competing affiliations. These vibrant **debates** **engage primarily with the trilogy of status, rights, and identity**. **What remains** conspicuously **absent** from these discussions, however, **is a serious analysis of** the global-distributive implications of the entrenched norm and legal practice of designating membership on account of pedigree or birthplace, and its accompanying protections and benefits.17 When it comes to any other legal entitlement generated and distributed by the state, reliance on birth status has been deeply discredited. To date, however, birthright citizenship laws have largely escaped similar scrutiny. It is my conviction that it is time to redress this imbalance: **we must start to critically examine the connection between birth**, the demos definition, **and the unequal distribution of voice and opportunity** on a global scale. SK

#### Restricting the right of movement to certain people but not others based on state-hood restricts humanistic rights, implying that immigration ought to be a human right.

Rosch states in 2012, [Staks Rosch (Philadelphia based writer and a vocal advocate for Humanism, atheism, and reason. He serves as the head of The Philadelphia Coalition of Reason (PhillyCoR) and writes the Dangerous Talk blog on the Skeptic Ink Network and is a freelance writer for Publishers Weekly. He has a Master's Degree in Philosophy from West Chester University. He is also a Huffington Post contributor), “Immigration: A human right”, Examiner, 5-25-2012, 12, http://www.examiner.com/article/immigration-a-human-right, Accessed: 6-5-2016. SK]

**The ability to live where we want to live is a human right**. It **is** **the freedom to move;** the freedom to be free. **Governments were formed to protect the freedoms of people and to help us work together to create a better world** to live in. **Governments that restrict** the **movements** of its people **or who close its borders to others act against freedom.** **As citizens** **of [a state]** the United States **we have certain rights**, **but those rights aren’t given** to us because we are special, blessed by some deity, or **because we are better than everyone else**. **It is those rights that are special and humanistic**. That is why **they should be extended to everyone regardless of whether or not they are a citizen**. **Immigrants**, legal or illegal, **should have the same rights** as citizens. That includes the right to live free and to live in the country of their choosing. SK

It is an arbitrary restriction on freedom of movement to use national borders as a criteria, as borders have nothing to do with what immigrants have done – they use their autonomy and dignity to exercise their freedom to move; it makes the lives of humans a means to the national ends of the government.

### Contention 2 is Refugees

#### Refugees are at the core of the immigration debate. As such, this contention holds that restricting against refugee immigration places morally arbitrary distinctions between human beings.

#### Immigration restrictions currently are arbitrary and restrict refugee’s rights on criteria not directly related to the lives of immigrants themselves.

Frantziou et al in 2014, [Eleni Frantziou (Eleni joined the Faculty in September 2012. Her research focuses on the potential of the EU Charter of Fundamental Rights to be relied upon in disputes between private parties ('horizontal effect'). It is supported by a Faculty of Laws Research Scholarship. Eleni holds an LL.B. from King's College London and an LL.M. in European Legal Studies from the College of Europe (Bruges). She is spending the spring 2015 semester as an Exchange Scholar at Yale University, supported by a Yale/UCL Collaborative Bursary), Dr Uta Staiger (Uta Staiger joined UCL in 2009. She holds a PhD from the University of Cambridge, gained with a scholarship from the Gates Cambridge Trust, as well as an MPhil from the same institution. She was also educated at the University of Edinburgh and the University of Konstanz (Germany). Prior to joining UCL, she held a post-doctoral position at the Cambridge Centre for Research in the Arts, Social Sciences and Humanities (CRASSH). Previously, she worked at a private foundation dedicated to cultural policy research in Barcelona, and was coordinator of a number of European Commission funded cooperative research projects.) Sarah Chaytor (Head of Public Policy, Office of the Vice-Provost (Research)) “Refugee Protection, Migration and Human Rights in Europe”, UCL policy briefing, May 2014, London’s Global University, Accessed July 2015. SK]

**European countries** in general, and the EU in particular, **are failing to discuss migration in human rights terms.** **Issues such as the** right to leave a country, the **right to seek asylum**, the right not to be discriminated against, the right to peace, and the right to work, among others, **are rarely included in the discourse concerning migration.** To date, **EU immigration law seems to be underscored by one primary goal: that of keeping people out.** There is however little control over the way in which this is done in the Member States and the impact this has on human lives. For example, in addition to the drawbacks of its asylum system, one of the clearest failures of EU immigration policy more broadly is the lack of legal safeguards regarding the detention of migrants. **While the impact of recent reforms is still unclear, in the past, detention periods of over eighteen months have not been unusual**, even in cases where there has been a clear decision to deport. **It is important for Europe to dissociate itself from bans and immigration controls and to emphasise the human face of migration – to listen to migrants’ stories and to acknowledge their value.** **Human rights discourse can play an important role** in this regard.

#### This is the definition of a human right to immigrate; arbitrary restrictions are condemned for refugees.

Acer and Goodman in 2009, [Eleanor Acer (Director of Human Rights First’s Refugee Protection program, oversees Human Rights First’s research and advocacy on issues relating to refugee protection, asylum, and migrants’ rights. Works closely with Human Rights First’s pro bono legal representation team, conducts field research, has authored numerous reports and articles, and has testified before the U.S. Congress. Awarded the Louis J. Lefkowitz Award for Public Service by Fordham University School of Law in 2007. Selected by the American Bar Association to serve on its Commission on Immigration, and serves on the Advisory Board of the International Detention Coalition. Vice chair of the Refugee Council USA from 2006 to 2008. Taught classes on refugee protection and migrants rights as an adjunct professor at the New School’s Graduate Program in International Affairs. Former associate handling federal litigation at Kirkpatrick & Lockhart LLP. Coordinator of mentoring programs and has served on the International Human Rights Committee and Immigration Committee of the Association of the Bar of New York, as well as the Board of Advisors to the Crowley Program in International Human Rights at Fordham University School of Law. J.D. from Fordham University School of Law and her B.A. in History from Brown University), and Jake Goodman (formerly the International Policy Fellow at Human Rights First, is a Protection Manager with the International Rescue Committee–Iraq). "Reaffirming Rights: Human Rights Protections of Migrants, Asylum Seekers, and Refugees in Immigration Detention." Geo. Immigr. LJ 24 (2009): 507. Accessed July 2015. SK]

Migrants and **asylum seekers should only be detained, or subjected to other restrictions on liberty, based on an individualized assessment in which the State demonstrates the need for that** detention or other restriction on liberty. As detailed below, the protection against arbitrary detention contained in the ICCPR and other human rights conventions requires an individualized determination that detention is necessary. Detention (or other **restrictions on liberty**) **will be arbitrary where it is not reasonable and necessary in the circumstances of the particular case and is** not proportional to the end sought—**an assessment that can only be made through an individualized determination**. Detention is arbitrary where it is not reasonable and necessary in all the circumstances of the individual case.38 The Human Rights Committee has explained: ‘**Arbitrariness’ is not to be equated with “against the law”, [sic] but must be interpreted more broadly to include elements of inappropriateness, injustice and lack of predictability.** This means that custody pursuant to lawful arrest must not only be lawful but reasonable in all the circumstances. Further, remand in custody must be necessary in all the circumstances, for example, to prevent flight, interference with evidence or the recurrence of crime.39 Determining whether an individual deprivation of liberty is reasonable and necessary in all circumstances of the case requires that any restriction on liberty be proportionate to a State’s legitimate objective.40 SK.

As such, in order to prevent arbitrary restrictions on refugee migrants and to prevent rejections based on broad generalizations, we need a human right which recognizes them as human.

### Contention 3 is Agency

This contention argues that a human right to immigrate recognizes every human’s inherent agency.

#### First, the Earth is owned by all human beings; no matter how rich or poor we are, we are all responsible for what happens on the Earth. People need to have equal opportunities to exercise their agency and work hard to claim property, and cannot be arbitrarily excluded from it.

Risse states in 2008, [Risse, Mathias (Professor of Philosophy and Public Policy. He works mostly in social and political philosophy and in ethics. His primary research areas are contemporary political philosophy (in particular questions of international justice, distributive justice, and property) and decision theory (in particular, rationality and fairness in group decision making, an area sometimes called analytical social philosophy.) His articles have appeared in journals such as Ethics; Philosophy and Public Affairs; Nous; the Journal of Political Philosophy; and Social Choice and Welfare. Risse studied philosophy, mathematics, and mathematical economics at the University of Bielefeld, the University of Pittsburgh, the Hebrew University of Jerusalem, and Princeton University. He received his BA, BS and MS in mathematics from Bielefeld, and his MA and PhD in philosophy from Princeton. Before coming to Harvard he taught in the Department of Philosophy and the Program in Ethics, Politics and Economics at Yale. His books On Global Justice and Global Political Philosophy were both published in 2012). "On the morality of immigration." Ethics & International Affairs 22.1 (2008): 25-33. Accessed June 2016. SK]

In addition to **[for]** **the question of immigration**, an obvious topic that would bene- fit from revitalizing the standpoint of collective ownership is climate change. More generally, humankind now confronts numerous problems that are of global import, and that in fact affect the future of the planet itself. Revitalizing **the standpoint of collective ownership could be beneficial** to thinking about such problems. In the seventeenth century **the motivation behind this approach was largely theological**, **taking** as its point of departure **the biblical dictum that God gave the earth to humankind in common**. But as I hope to demonstrate here, the basic idea can be made plausible without reference to such theological foundations. The point of **thinking about the earth as collectively owned is**not to establish human despotism over the rest of the earth, organic or inorganic, but **to emphasize that** **all human beings, no matter when and where they were born, are in some sense symmetrically located with regard to the earth’s resources and cannot be arbitrarily excluded from them by accidents of space and time.** There are different ways of interpreting this idea that humanity owns the earth in common. It might mean that **everyone has a claim to an equal share of the planet’s overall resources**; **or that a collective process is needed to satisfy each co-owner as far as any use of the resources is concerned**; or that the earth as a whole is like the town commons of old, where each co-owner had a right of use within certain constraints. These different views are all interpretations or conceptions of a more generic view that I call Egalitarian Ownership, and I would argue that this is the most plausible view of the ownership of natural resources."

#### The least arbitrary method of morality recognizes that we should include everyone within any conception of morality. Every human is joined in their agency, or ability to make decisions. As immigrants’ moral agency is used to define their own lives, state involvement in restricting this would arbitrarily determine who is a moral agent.

Nadezhkina in 2012 [Alisa (Master in Applied Ethics), Elin Palm (Post Doctoral Research Fellow, Center for Applied Ethics, Linköping University), “Right to Migrate & ‘Brain Drain’, Utrecht University, 2012, Accessed August 2015. SK]

Traditionally **human rights have been anchored in fundamental human needs, offering all human beings the same protection for needs-based rights.** Above this narrow account, I suggest to consider the **human rights through the human agency account, with the idea of autonomy lying at the centre of that agency.** Viewed in the framework of human agency, **human rights are protections of our normative agency what we mean by the term personhood** (understood as the ability to formulate and pursue a personal life plan from a reasonably broad menu of options). Hence, I am willing to argue that **freedom of movement can count as a human right as it is essential to protect the capacity of human agency and the exercise of this capacity**. **By securing freedom of movement we are securing our human agency, the ability to develop one’s personality and to be the author of one’s own life story.**, 39 According to this human agency approach, human life consists not only of a minimally decent life, but human flourishing as well. One of the most often-cited proponents of open borders, Joseph Carens, remarks: “**Every reason why one might want to move within a state may also be a reason for moving between states. One might want a job; one might fall in love with someone from another country; one might belong to a religion that has few adherents in one’s native state and many in another; one might wish to pursue cultural opportunities that are only available in another land.”**40 It is true that people do have essential interests in the freedom of movement in order to have access to life options or ‘access to the advantages’ which are not available in the country of origin. Let’s remember earlier mentioned emigration which the Russian scientist, Igor Sikorsky, faced when his domestic state couldn’t provide him with the necessary resources he needed to invent his helicopter. In the case of brain drain, we can talk about the heritage in the field of technological innovation, the development of potential talents and the exchange of skills. But for the encouragement of brain/skills circulation, we perhaps would not have an opportunity to enjoy all wonders of engineering, the internet and other modern technological gadgets, as well as the fruits of classical music, literature, paintings and other pieces of art which were cultivated by migrating aspirations. Moreover, Kantian deontology might demand that insofar as we are rational, we have the duty that all of our talents and abilities are to be developed: "for, as a rational being, he necessarily wills that all his faculties should be developed, inasmuch as they are given to him for all sorts of possible purposes.”41 Being rational gives us inclinations and obligations to develop our capacities and talents. SK

## 1AR Overviews

### OV - Central Question

The central question of the resolution is, "can we exclude people from our borders just because they are immigrants?” The answer is obviously no; just because immigrants originate from a different place does not make them less of a moral agent"

### OV – Punishment

The central thesis of the affirmative is as follows: you should not be punished for something you did not do. Immigrants did not choose to be born in another nation, so they should not be punished on account of that. Punishing without regard to agency is what an arbitrary distinction is, and a human right by definition protects against arbitrary distinctions.

### OV – Values Debate

The real issue at the values debate is the scope of ethics. The affirmative argues that we must use global justice in the immigration debate, as justified by the Risse evidence, as immigration transcends borders. Further, as justice must apply to all, we must not only consider the interests of citizens, but also consider the interests of immigrants. As such, my value criterion of preventing arbitrary distinctions, as justified by the Nagel evidence, best fits with the universalizable principle of global justice.

*If state FW:* The resolution is not a question of *is* immigration a human right, but whether it *ought* to be. Under global justice, the resolution is a question of changing an ideal of moral rightness and using it as a reason to change the way in which states act. For example, saying that a murderer will murder doesn’t mean that we can’t create a moral ideal of preserving life to change the way the murderer acts.

### OV – Pragmatism

If the resolution was a question of pragmatics, it would be “*Can* immigration be a human right”. However, as the resolution is a prescriptive statement asking whether it *ought* to be, this transcends the issue of whether it *can* be done. Further, anything we *can* do is prescribed first by a moral theory; any action we take, for it to be considered legitimate, must apply to some moral standard, which means that moral questions always precede pragmatic application.

*Second*, the Frantziou evidence is very good on the question of whether immigration policy will work: as the only think keeping back a human right in the present are these arbitrary distinctions, we must prevent them which requires having a human right.

# Frontlines

## Framework Frontlines

### AT: Statehood

#### Even if morality is defined by statehood or citizenship, granting asylum recognizes those “stateless” people as humans in their own right.

Owen in 2014, [David Owen (Professor of Social & Political Philosophy within Social Sciences at the University of Southampton. I am happy to supervise students in the areas of contemporary European and Anglo-American social and political philosophy. Academic Qualifications 1989 PhD Durham University 1985 BA Durham University), “Human Rights, Refugees and Freedom of Movement”, Center for Ethics, University of Toronto, Academia, Published April 22nd, 2014, Accessed August 2016. SK]

By contrast, Matthew Price (2009) rejects both of Shacknove’s criticisms of current international law on the basis of a complex mix of normative and empirical arguments. For my current purposes, two of his arguments are particularly relevant. **The first argument is predicated on a historical reconstruction of intellectual arguments for asylum as ‘surrogate membership’ . Refugeehood is shown to be conceived as an institution through which a state granting asylum is engaged in expressing its commitment to liberal political values in its condemnation of the persecuting state**. This is a condemnation which marks the first step in range of actions the liberal state may choose to take and which, if unheeded, may lead all the way to humanitarian intervention. **Granting asylum is not a palliative but an** expressive act **on Price’s view. The second argument points to the normative salience of the distinction between state’s that will not and states that cannot discharge their responsibilities to their own citizens by taking up Rawls’ stylised distinction between outlaw states and burdened societies**. Price’s point here concerns the distinctiveness of persecution: **Citizens of burdened societies lack protection of their basic rights, but they retain their standing as members**. **The appropriate stance of outsiders to burdened societies is to lend assistance, not to condemn their failings**. Asylum is an inappropriate tool for addressing the needs of those fleeing burdened societies. (Price 2009: 73) By contrast, Price cont ends, **asylum as a mode of ‘surrogate membership’ in another state is the appropriate response for dealing with persecuted citizens of outlaw states since it provides these persecuted citizens, whose** standing as members is being denied by their state**, with protection ‘in a manner that also expresses the condemnation that is deserved.’** ( Price 2009: 73).

#### Extend Nazkedinha in the third contention. Allowing the state to decide who gets rights allows the state to categorize who is a moral agent, which violates the fundamental tenant of humanity, justifying that we must transcend statehood to get a human right. It also arbitrarily gives the state power over people’s moral worth.

### AT: Justice

#### The status quo is unjust. Arbitrary distinctions are created by humans to exclude and restrict the autonomy and dignity of other humans. In the natural order of things, all humans would have equal opportunities to express their agency regardless of their nationality.

Gutting 14 [(Gary Gutting is a professor of philosophy at the University of Notre Dame, and an editor of Notre Dame Philosophical Reviews. He is the author, most recently, of “Thinking the Impossible: French Philosophy since 1960,” and writes regularly for The Stone) “When Immigrants Lose Their Human Rights” NY Times NOVEMBER 25, 2014, Accessed August 2016]

G.G.: You also want to challenge the very idea of serious immigration control. This is your open-borders view that “**in principle people should normally be free to leave their country of origin and settle in another**.” As you know, this is definitely a minority position. Do you think it’s possible to convince people that you’re right — or, at least, to take your view seriously? J.C.: Well, first of all, consider my argument for open borders. I think that **the way the world is organized today is fundamentally unjust.** It’s like feudalism in important respects. **In a world of relatively closed borders like ours, citizenship is an inherited status and a source of privilege.** **Being born a citizen of a rich country** in North America or Europe is a lot like being born into the nobility in the Middle Ages. It **greatly enhances one’s life prospects** (even if there are lesser and greater nobles). And **being born a citizen of a poor country** in Asia or Africa is a lot like being born into the peasantry in the Middle Ages. It **greatly limits one’s life chances** (even if there are some rich peasants and a few gain access to the nobility). **These advantages and disadvantages are intimately linked to the restrictions on mobility that are characteristic of the modern state system,** although the deepest problem is the vast inequality between states that makes so many people want to move. **This is** not the natural order of things**. It is a set of social arrangements that human beings have constructed and that they maintain.** G.G.: It’s an interesting argument, but it’s not likely to convince people who live in rich countries like the United States and Canada. J.C.: It was also pretty hard to convince most of the nobility that there was something wrong with feudalism. They were happy to believe that it was ordained by God or that deep social inequalities were inevitable or something of the sort. I’m sure that most people in rich countries think there is some sort of justification for the way the world is organized today and that their privileges are defensible**.** The real challenge for them is this. Is there some story that they can tell to the human beings on the other side of this rich-poor divide as to why these existing arrangements are fair? Would they think the arrangements were just if they were in the position of the excluded? I don’t think so. In my view**, a just world would be one in which the economic and political differences between countries would be greatly reduced and people would be free to** **move** (but not feel driven to do so). That is the sort of arrangement that could be justified to everyone.

### AT: Ought Definitions Debate

#### The resolution’s ought implies that the state is not the actor; ought to be only implies that a state of affairs ought to exist rather than prescribing that a certain actor, such as a state, should bring the action about.

Streumer defines in 2003, [Streumer, Bart (Adjunct Hoogleraar in Philosophy (position between Associate and Full Professor), University of Groningen, the Netherlands, 2013-present. Reader in Philosophy, University of Reading, UK, 2011-2013. Lecturer in Philosophy, University of Reading, UK, 2005-2011. Research Fellow in Philosophy, Fitzwilliam College, University of Cambridge, UK, 2002- 2005, PhD in Philosophy, University of Reading, UK, 2003. Thesis title: Reasons, Reasoning and Free Will. Supervisor: Jonathan Dancy. MA in Philosophy (with distinction), University of Reading, UK, 1999. Doctorandus (MA) in Philosophy, with first year in Economics and minor in Journalism, University of Groningen, the Netherlands, 1998) "Does ‘ought’ conversationally implicate ‘can’ ?." European Journal of Philosophy 11.2 (2003): 219-228, Accessed June 2016. SK.]

We could try to deal with this example by appealing to **the[re] [is] [a] distinction between ‘ought’ in the sense of ‘ought to ensure’ and ‘ought’ in the sense of ‘ought to be’**. If ‘ought’ is used in the sense of **‘ought to ensure’,** it **expresses that a person has to bring about a state of affairs. If ‘ought’ is used in the sense of ‘ought to be’, by contrast, it merely expresses that it would be good if a state of affairs [is] obtained.**8 What we mean when we say that ‘ought’ entails ‘can’, we could claim, is only that ‘ought’ in the sense of ‘ought to ensure’ entails ‘can’.SK

### AT: Exclusion Solves

Including outsiders is the best way to avoid arbitrary distinctions, as creating in and out groups redefines ones identity, violating their autonomy and dignity.

Winter and Leighton write [Deborah DuNann Winter(Psychologist that specializes in Social Psych, Counseling Psych, Historical and Contemporary Issues, Peace Psychology) and Dana C. Leighton (PhD graduate student in the Psychology Department at the University of Arkansas) "Structural violence." Peace, conflict, and violence: Peace psychology in the 21st century (2001): 585-599. Accessed June 2015. SK]

Finally, to recognize the operation of structural violence forces us to ask questions about how and why we tolerate it, questions which often have painful answers for the privileged elite who unconsciously support it. A final question of this section is how and why we allow ourselves to be so oblivious to structural violence. Susan Opotow offers an intriguing set of answers, in her article Social Injustice. She argues that our normal perceptual/cognitive processes divide people into in-groups and out-groups. Those outside our group lie outside our scope of justice. Injustice that would be instantaneously confronted if it occurred to someone we love or know is barely noticed if it occurs to strangers or those who are invisible or irrelevant. We do not seem to be able to open our minds and our hearts to everyone, so we draw conceptual lines between those who are in and out of our moral circle. Those who fall outside are morally excluded, and be- come either invisible, or demeaned in some way so that we do not have to acknowledge the injustice they suffer. Moral exclusion is a human failing, but Opotow argues convincingly that it is an outcome of everyday social cognition. To reduce its nefarious effects, we must be vigilant in noticing and listening to oppressed, invisible, outsiders. Inclusionary thinking can be fostered by relationships, communication, and apprecia tion of diversity. Like Opotow, all the authors in this section point out that structural violence is not inevitable if we become aware of its operation, and build systematic ways to mitigate its effects. SK

### AT: General Other Frameworks

#### Only justice can be the framework for the immigration debate.

Dauvergne in 1999, [Dauvergne, Catherine (Catherine Dauvergne took up the Deanship of the Peter A. Allard School of Law in July 2015. Professor Dauvergne has been working in the area of refugee, immigration, and citizenship law for twenty years. She has written three books that take a broad perspective on the theoretical underpinnings of these areas of law, including considering how human rights principles and discourses fit into a migration and citizenship framework. Dauvergne has recently held a major research grant examining the failure of Canada’s Charter of Rights and Freedoms to protect non-citizens. She is currently working on an Australian Research Council grant analyzing gendered aspects of refugee determination. From 2013 to 2015, Dauvergne was the Research Director for the Michigan Colloquium on Challenges to International Refugee Law. In 2012, Catherine Dauvergne was made a Fellow of the Trudeau Foundation in recognition of her contributions to public discourse in Canada. Her book The New Politics of Immigration and the End of Settler Societies will be published by Cambridge University Press early in 2016). "Amorality and humanitarianism in immigration law." Osgoode Hall Law Journal 37 (1999): 597-623. Accessed June 2016. SK]

The author argues that **liberalism does not provide a meaningful standard for assessing whether immigration laws are just**. **In the absence of a justice standard, immigration laws occupy an amoral realm.** Varying strands of liberal theory about membership in society do converge around the humanitarian ideal that some people are so needy that they must be admitted on a moral basis. **The humanitarian consensus, however, is unhelpful for most of the broad societal debates about immigration**, **and is a front for discursive cohesion without any underlying agreement**. **Humanitarianism** is a pragmatic tool for shifting law and policy, but **must be used with caution because of its foundation in inequality.** SK

### AT: Enforcement

The reason my opponent is saying that it is not enforced is because it is under states. That is not what we should do. Ought influences what states should be doing. So all the solvency goes away as in a world where we determine what ought to be done the actions are done itself.

## General Contention Frontlines

### AT: Xenophobia

#### This is not a morally sound argument – just because there is xenophobia does not mean we shouldn’t take an action. For example, just because some men got angry when women got rights does not mean that women should not have gotten rights in the first place – it is a non sequitur

#### This is the definition of an arbitrary distinction: the bad beliefs of the host nation have nothing to do with the immigrant’s yearning for a better life, so we cannot exclude them for this reason.

### AT: Sovereignty (1:08)

#### No justification for sovereignty debates – extend our Oberman 1 evidence from framework; recognizing immigration as a human right is about viewing it as a moral norm not a law

#### Prioritizing sovereignty is antithetical to Justice – if the only goal is to preserve the legitimacy of a state you run this risk of preserving the legitimacy of governments known for human rights abuses and atrocities

#### Global Justice is a prerequisite to sovereignty– extend our Risse evidence from framework; setting norms that are morally good in theory satisfy the question of what states *ought* to do rather than what they currently do

#### There’s no breach of sovereignty – even if you think that this debate should be a question of implementation, the aff still wins because we implement a universal right at the international level that states would adhere to – that’s normal means.

#### There is a crucial distinction between sovereignty and power. Restricting immigration currently only excludes workers, which is not a government exercising sovereignty.

Nowrasteh in 2014, [Alex Nowrasteh( immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. His popular publications have appeared in the Wall Street Journal, USA Today, the Washington Post, the Houston Chronicle, the Los Angeles Times, the New York Post, and elsewhere. His academic publications have appeared in the Journal of Economic Behavior and Organization, the Fletcher Security Review, and Public Choice. Alex has appeared on Fox News, Bloomberg, and numerous television and radio stations across the United States. He is the coauthor, with Mark Krikorian of the Center for Immigration Studies, of the booklet Open Immigration: Yea and Nay (Encounter Broadsides, 2014). He is a native of Southern California and received a BA in economics from George Mason University and a Master of Science in economic history from the London School of Economics. ), National Sovereignty and Free Immigration Are Compatible, Cato Institute, 4-28-2014, 14, http://www.cato.org/blog/national-sovereignty-free-immigration-are-compatible, 6-14-2016. SK]

A common argument against returning to the immigration policy of 1790-1875, where virtually anybody in the world could immigrate to the United States, is that such a policy would diminish America’s national sovereignty. By not exercising “control” over borders through actively blocking immigrants, as the argument goes, the United States government would surrender a supposedly vital component of its national sovereignty. But that argument is mistaken as **there is no inherent conflict between free immigration and national sovereignty.** **The standard** Weberian **definition of a government is an institution that has a monopoly** (or near monopoly) on the legitimate use of violence **within a certain geographical area**. The way it achieves this monopoly is by keeping out other competing sovereigns (aka nations) that would be that monopoly of legitimate coercion. The two main ways our government does that is by keeping the militaries of other nations out of the United States and by stopping insurgents or potential insurgents from seizing power through violence and supplanting the U.S. government. U.S. **immigration laws are not primarily designed or intended to keep out foreign armies, spies, or insurgents.** **The main effect of our immigration laws is to keep out willing foreign workers from selling their labor** to willing American purchasers. Such economic **controls** **do not aid in the maintenance of national sovereignty and relaxing or removing them would not infringe upon the government’s national sovereignty any more than** a policy of **unilateral free trade** would. If the United States would return to its 1790-1875 immigration policy, foreign militaries crossing U.S. borders would be countered by the U.S. military. Allowing the free flow of non-violent and healthy foreign nationals does nothing to diminish the U.S. government’s legitimate monopoly of force. **Many** of those **who complain that free immigration would reduce U.S. national sovereignty really mean that the U.S. government will have less power**. That is absolutely correct. If free immigration was the law of the land then the government would not be able to arbitrarily stop immigrants for any virtually any reason, the power of American bureaucrats to capriciously exclude immigrants and punish American businesses who want to hire them would be diminished, the outcomes of attempting to immigrate would be ex ante more predictable for the immigrant, and the U.S. government’s power in relation to immigration would be brought in line with our common law traditions. Those benefits to free immigration are, by the way, also the benefits of limited constitutional government in every other sphere of human activity. Complaining that free immigration would limit government power and therefore limit national sovereignty is akin to complaining that the Constitution limits government power and therefore limits government sovereignty. Such a limitation of government power is the point of such restrictions. **Only by limiting the power of our government over our lives can we maintain some degree of individual liberty.** In so far as **the Constitution** or free immigration would limit government power then they are **checks** on **government action**. But those **checks on government actions do not diminish the national sovereignty of the U.S. government** and do not allow foreign sovereigns or governments to gain power over us at the expense of our government’s abandonment of it. There is a contradiction between constitutionally limited government and near limitless immigration controls but **there is no** such **contradiction between U.S. national sovereignty and free immigration**. The exceptions to this is the movement of people into the United States that would seek to destroy U.S. national sovereignty like foreign military forces (who are rightly called “invaders”), insurgents, spies, terrorists, or other limited and identifiable non-immigrants. SK

#### Turn: Freer immigration actually helps the government protect sovereignty better.

Nowrasteh in 2014, [Alex Nowrasteh( immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. His popular publications have appeared in the Wall Street Journal, USA Today, the Washington Post, the Houston Chronicle, the Los Angeles Times, the New York Post, and elsewhere. His academic publications have appeared in the Journal of Economic Behavior and Organization, the Fletcher Security Review, and Public Choice. Alex has appeared on Fox News, Bloomberg, and numerous television and radio stations across the United States. He is the coauthor, with Mark Krikorian of the Center for Immigration Studies, of the booklet Open Immigration: Yea and Nay (Encounter Broadsides, 2014). He is a native of Southern California and received a BA in economics from George Mason University and a Master of Science in economic history from the London School of Economics), National Sovereignty and Free Immigration Are Compatible, Cato Institute, 4-28-2014, 14, http://www.cato.org/blog/national-sovereignty-free-immigration-are-compatible, 6-14-2016. SK]

The exceptions to this is **[Blocking] the movement of people into the United States that would seek to destroy U.S. national sovereignty like foreign military forces** (who are rightly called “invaders”), insurgents, spies, terrorists, or other limited and identifiable non-immigrants. Blocking the vast majority of all such people from entering **is** actually **made easier by freer immigration for two reasons**. **First, the government could more easily identify and exclude them through limited** and targeted **border controls** that are currently difficult because most border controls target economic immigrants rather than legitimate security concerns. **Second**, **if any peaceful and healthy person could come to the United States lawfully then anybody attempting to enter unlawfully would raise red flags** – allowing the government to focus scarce law enforcement resources on people most likely to be security threats. SK

### AT: Cultural Relativism

#### Not all values differ from nation to nation – for example the right to life applies to all states

#### This justifies human rights abuses: if morality differs from nation to nation, then countries can just restrict the rights of their citizens and blame it on their cultures

#### The resolution is a question of immigration which is transferring between nations and cultures. As such, the fact that there are different values doesn’t matter as only universal values apply to immigrants

### AT: Overpopulation

Rosch,

I can’t speak for all atheists, but it seems to me that **immigration is a human right**. The United States prides itself on being a free country run by the free market. If that is true, than people ought to be free to move here and live here, just as we are free to leave here and live elsewhere. **Let the free market decide. If America becomes overcrowded and the quality of life goes down as a result, people will start to leave and others will no longer want to immigrate here.** Problem solved. Where humanism comes in is that this realization forces us to want to help other nations for our own interests. There are two ways to look at this. The first is **if we just don’t want people from other nations to come here, then helping other nations to be an equally desirable place to live as our own nation will discourage people from those nations from wanting to come here.** They are perfectly happy where they are. The second way to look at it is that **if we help other nations to be an equally desirable place to live as our own nation, we have an alternative in case our own nation becomes a less desirable place to live.**

### AT: Civil Rights

Immigration cannot be a civil right – civil rights are enjoyed due to citizenship in a state, but immigrants aren’t citizens.

HG, [HG (HG.org was one of the very first online law and government information sites. It was founded in January of 1995 by Lex Mundi, a large network of independent law firms. The objective of HG.org is to make law, government and related professional information easily and freely accessible to the legal profession, businesses, and consumers. HG.org’s leadership in this arena, for 21 years, has positioned it as one of the most trafficked legal sites on the Internet. Visitors come to the site seeking law-related assistance and information. Today, HG.org is one of the world’s largest non-subscription legal information site containing more than 4 million pages of edited content. It includes a directory of law firms and networks covering 195 countries with 5,000 cities in 260 practice areas. Its expert witness directory covers expertise in 1,500 general areas and 700 diseases and medical conditions. There are thousands of articles, hundreds of specific law pages, information on 150 legal networks, 2,000 law schools in 130 countries, employment listings, 4,000+ videos, legal events and links to governments and agencies worldwide. All the information is easily found by searching through HG.org and online. ), “What is the Difference Between a Human Right and a Civil Right?”, HG Experts, 2016, https://www.hg.org/article.asp?id=31546, 6-12-2016. SK]

In simplest terms, **the difference between a human and civil right is why you have them**. **Human rights arise simply by being a human being**. **Civil rights, on the other hand, arise only by virtue of a legal grant of that right**, such as the rights imparted on American citizens by the U.S. Constitution. Human Rights **Human rights are generally thought of as the most fundamental rights**. They include the right to life, education, protection from torture, free expression, and fair trial. Many of these rights bleed into civil rights, but **they are considered to be necessities of the human existence**. As a concept, human rights were conceived shortly after World War II, particularly in regard to the treatment of Jews and other groups by the Nazis. In 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, cementing their foundation in international law and policy. Civil Rights **Civil rights, on the other hand, are those rights that one enjoys by virtue of citizenship in a particular nation or state.** In America, civil rights have the protection of the U.S. Constitution and many state constitutions. Civil rights protect citizens from discrimination and grant certain freedoms, like free speech, due process, equal protection, the right against self-incrimination, and so forth. **Civil rights can be thought of as the agreement between the nation, the state, and the individual citizens that they govern.**

### AT: US Spec

Teitelbaum, [ESSAY Fall 1980 Issue United States “Human Rights Right Versus Right: Immigration and Refugee Policy in the Unted States”, Michael S. Teitelbaum (Michael S. Teitelbaum (born January 21, 1944) is a demographer and the former Vice President of the Alfred P. Sloan Foundation in New York City. He is Senior Research Associate at the Labor and Worklife Program, Harvard Law School. He publishes in both the popular and academic press on demographic trends, especially fertility and international migration and their causes and consequences. In the 1970s he was Staff Director of the Select Committee on Population in the U.S. House of Representatives, and in the 1980s he served as Commissioner to the U.S. Commission for the Study of International Migration and Cooperative Economic Development. From 1990-1997 he was Vice Chair and Acting Chair of the U.S. Commission on Immigration Reform often known as the Jordan Commission after its late Chair Barbara Jordan. Teitelbaum was an undergraduate student at Reed College and later a Rhodes Scholar at Oxford University, where he earned his DPhil in demography in 1970. Between 1969 and 1973, he was an assistant professor and research associate in the Office of Population Research at Princeton University. From 1974 to 1978, he served as University Lecturer in Demography and Faculty Fellow at Nuffield College, Oxford University. Teitelbaum also worked as a program officer for the Ford Foundation in 1973-1974 and 1980-1981. He joined the Alfred P. Sloan Foundation as a program director and became Vice President of this institution in 2007. In 2013, ScienceCareers from the journal Science named him Person of the Year for his “dedicated, imaginative, and surpassingly effective work on behalf of early-career scientists.) Cited by 97. Accessed August 2016 SK]

**Immigration and refugee policy is of special and rapidly growing political importance in the United States**. The debate is an increasingly unpleasant one, with anti-immigrant and anti-refugee sentiments apparently strong and growing. The most recent national poll on the subject of refugees showed only 19 percent supporting President Carter's decision to double the admission of Indochinese refugees to 168,000 each year, while 46 percent actually wanted a reduction from the previous level of 84,000 per year. In a later poll, 91 percent of the sample supported "an all-out effort to stop the illegal entry into the United States of 11/2 million foreigners who don't have entry visas" and 80 percent wanted to "reduce the quotas of the number of legal immigrants who can enter the U.S. each year."1 In 1977, the Carter Administration made a set of limited proposals that promptly dropped out of sight in the Congress. Now **a national commission chaired by Theodore Hesburgh and including strong congressional representation is scheduled to come up with a new analysis and recommendations in early 1981**. **The problems can hardly fail to be faced in some fashion early in the next Administration. The many critics of current U.S. immigration policies cannot be simply dismissed as xenophobic restrictionists.** **Even unthreatened and non-xenophobic people with progressive and humanitarian instincts differ greatly**, sometimes vituperatively, **in their perceptions of and prescriptions for American immigration policy**. In large part this is because the debate is a contest of "right" versus "right." Excluding the kooks on the fringes, **all sides advocate** human rights and justice; none supports persecution and injustice. The disagreement is about which basic rights have precedence over which other basic rights; consensus in such a setting is, unsurprisingly, elusive.SK

### AT: Ebola

Closing borders destroys movements to stop ebola and results in less trust in the government which dooms it to failure.

Wolfson ’14, [Elijah Wolfson (Elijah Wolfson is a Senior Editor at Newsweek, where he writes and edits on science, health, technology and culture. He is also a contributor to, among others, The Atlantic, Al Jazeera America, Vice and the Huffington Post, and has appeared on MSNBC, BBC World News, NPR and more. Elijah was a 2013 – 2014 Langeloth Health Journalism Fellows at the John Jay College Center on Media, Crime, and Justice; a 2015 International Reporting Program Fellow; and a 2015 Metcalf Institute Fellow. He was awarded a 2015 Population Institute Global Media Award for his reporting on the relationship between climate change and access to family planning in developing countries.), “Isolating Ebola-affected nations could worsen outbreak, experts say”, Aljazeera, 10-10-2014, 14, http://america.aljazeera.com/articles/2014/10/10/experts-isolatingebolaaffectednationscouldworsenoutbreak.html, 6-12-2016. SK]

**As the Ebola outbreak continues to devastate West Africa** and in the wake of the first two cases diagnosed outside of Africa, **some American politicians have begun calling for the United States to shut its borders to West Africans**, extending the effective partial quarantine of the three countries where Ebola is raging. But experts say **closing U.S. borders to Guinea, Sierra Leone and Liberia would not stop Ebola from spreading outside Africa and could even worsen the outbreak there.** This Ebola outbreak is the first to have spread to countries’ capitals, sparking a widespread fear that planes harbor the potential to become a new and highly unpredictable disease vector. Much of the early media coverage about how this Ebola outbreak was different focused on the growth in the number of people with access to international travel and how globalization could mean an unstoppable spread of the virus. Despite calls from international health organizations not to restrict travel or trade to West Africa, on April 1, Saudi Arabia ceased issuing hajj visas to residents of Guinea and Liberia. Some neighboring African nations closed their borders, and others, including South Africa and Kenya, restricted and in some cases outright banned travel to and from countries affected by the deadly virus. Later in the summer, a number of airlines — including Kenya Airways, British Airways, Air Côte d’Ivoire, Arik and Asky — discontinued air travel in and out of the region, and many others greatly cut back on their flights. In the wake of two cases of Ebola in Spain and Texas — the first known cases diagnosed outside West Africa — some have begun calling for the U.S. and EU to do the same. Western health officials have repeatedly assured the public that it was extremely unlikely Ebola would make it to the U.S. or Europe and that if it did, advanced infectious disease management systems and protocols would stop it in its tracks. But recently public confidence in that narrative changed. On Sept. 24, a 42-year-old Liberian man named Thomas Eric Duncan went to an emergency room in Dallas with fever and flu-like symptoms. He told staff there that he had recently flown from Liberia but was sent home unscreened for Ebola. Three days later he was back at the hospital, and this time he was admitted and subsequently diagnosed with Ebola — the first such diagnosis on U.S. soil. On Oct. 8, Duncan died. Like all travelers leaving the affected countries, Duncan was screened at the airport for fever and given a questionnaire that, among other things, asks passengers if they have recently been in contact with a known Ebola patient. Duncan had no fever at the time, and he answered the questions to the screeners’ satisfaction, so he was allowed on the plane. Later, in the U.S., it was discovered that Duncan had apparently lied: The week before he flew, he reportedly held the body of a child who had died of Ebola. Ebola Click here for Al Jazeera's coverage of the Ebola outbreak Further ramping up global alarm, this week a Spanish nurse in Madrid was found to have contracted Ebola — the first person to be infected outside West Africa — from a priest who was infected with the virus while working in Africa and died on Aug. 12. Some leaders in the Republican Party, including Texas Gov. Rick Perry and Louisiana Gov. Bobby Jindal, have called for what seems to be a simple solution to this problem: close off U.S. borders entirely to anyone or anything coming from the Ebola-stricken countries. But Dr. Thomas Frieden, director of the Centers for Disease Control and Prevention, has said **closing the border would be “quick, simple and wrong.”** He wrote on Oct. 6 that **isolating communities stricken by Ebola “increases people’s distrust of the government, making them less likely to cooperate to help stop the spread of Ebola."** **Experts say this trust is key to stemming the outbreak, which grew as it did in part because of lack of trust in government at the outset.** Jeffrey Stern, reporting for Vanity Fair, traveled to a remote Guinean village believed to be the source of the current outbreak, and he found that to villagers there, isolation centers were “fearsome places” where “relatives or friends went in and then you lost them.” The health care workers and their procedures seemed so foreign that some villagers even began to believe the workers in full-body yellow protective suits were harvesting the bodies of the locals. Fears bred by this lack of knowledge led families to hide their sick. In a few cases locals have responded violently, attacking health care workers. “Coercive measures, such as laws criminalizing the failure to report suspected cases and forced quarantines, are driving people underground, pushing the sick away from health systems,” Joanne Liu, the international president of Doctors Without Borders, said recently at a United Nations special briefing on Ebola. “These measures have served only to breed fear and unrest rather than contain the virus.” Experts say that **the problem would only be exacerbated by the isolation of entire countries** **and that instituting** a travel ban of **this** nature not only is a herculean task but **also wouldn’t do much to keep Americans safe**. Dr. Atul Gawande, who recently discussed the issue in an article for The New Yorker, cites models that predict that **even if we could reduce travel from Ebola-stricken countries by 80 percent, new transmissions would be delayed by only a few weeks.** **Travel bans would also likely increase the number of Ebola cases in the source countries,** said Amesh Adalja, an expert in emerging infectious diseases and pandemic preparedness at the University of Pittsburgh. “Quarantine can make matters worse by blocking the flow of water, food, health care workers and supplies into the quarantined region,” said Adalja. “Additionally, waste removal becomes difficult, and you may see scenes such as dogs eating bodies — as happened during the quarantine in West Point [in Monrovia, Liberia]. While trying to lock disease in, quarantine locks civilization out.” Nevertheless, the European and U.S. policy response to Ebola was isolationist for much of the outbreak. Throughout the spring and summer, Western governments largely treated the disease as an African problem. Organizations like Doctors Without Bordes, groups of missionaries and other volunteers went to help, but for the most part, the U.S. and the rest of the world watched from a distance. “The international response was contemptible,” said Gawande. Despite President Barack Obama’s pledge that the U.S. government would send help, the Pentagon has to date provided one isolation unit with a 25-bed capacity for all of Liberia. Regional flights in West Africa have basically stopped, and it is becoming increasingly difficult to get medical supplies and personnel into the area. And on Wednesday, federal officials announced their next step to fight Ebola would be screening passengers arriving from West Africa for fever. Jonathan Epstein, an epidemiologist at the nonprofit EcoHealth Alliance, said that while the effort would help reduce risk, it would also have limited success. “We should expect that some individuals who are infected and asymptomatic at the time of arrival will enter the country,” he said. Things will likely get worse, both in the U.S. and abroad, before they get better. Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases, said last week, “It is entirely conceivable there may be another case” in the U.S. The World Health Organization recently raised the Ebola tally to 8,033 confirmed cases and 3,879 dead, adding that there is no evidence that the outbreak is anywhere near under control. Beth Bell, director of the CDC’s National Center for Emerging Zoonotic Infectious Diseases, told Congress in September, “The best way to protect the U.S. is to stop the outbreak in West Africa.” SK

### AT: Brain Drain

#### 1. Brain drain can be positive for countries. Empirics prove.

Nazkedinha, [Alisa (Master in Applied Ethics), Elin Palm (Post Doctoral Research Fellow, Center for Applied Ethics, Linköping University), “Right to Migrate & ‘Brain Drain’, Utrecht University, 2012, Accessed August 2015. SK]

Regarding **the positive effects of the skilled individual’s emigration,** they **can be considered in the terms of circular movement of skilled professionals**. **The gain of this brain circulation can be presented by the diaspora community** (i.e. an expatriate knowledge network) **that tries to set up connections/linkages, trade opportunities between highly skilled expatriates and the country of origin on macro- and micro-level**. Letting educated people go can turn out as a great advantage: talented minds are able to leave the country ‘greener pastures’. The opportunity to migrate can be an incitement to get more and higher education. This by-turn might help those who left to alter or form the level of human, social, and financial capital of the developing countries as **it happened in Indian students by their aroused interest in studying** !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! 19 See: Labont R, Packer C, Klassen N. (2006). Managing health professional migration from sub Saharan Africa to Canada: a stakeholder inquiry into policy options. available online: http://www.human-resourceshealth.com/content/4/1/22, accessed 4 May, 2012. 20Dating back to more than thirty years ago Jagdish Bhagwati proposed “Brain Drain Tax” – that should from one side, reduce the “free riding” and from the other side, provide the “monetary compensation” that the High Developed Countries (HDCs hereafter) pay to the for the “draining of their cultural and poor countries scientific elites”. Bhagwati, J. N.(1976). (ed.) Taxing the Brain Drain, Vol. 1: A Proposal, Amersterdam: North-Holland. Right to Migrate & ‘Brain Drain’ Alisa!Nadezhkina 12 science and engineering.21 By opening up possibilities for diasporas, **India was well known for being the successful country which converted ‘brain drain’ into brain ‘gain’ where "...trade is the glue that bind us together** and the diaspora will provide strength to this bond." SK

#### 2. Brain drain does not justify not letting in immigrants – the potential harm to their home nation is outweighed by our obligation to human life

#### 3. This argument does not follow: the affirmative talks about the freedom to move where this argument restricts that freedom based on criteria not related to the free agency of immigrants – this is an arbitrary distinction.

## Contention 1 Frontlines

## Contention 2 Frontlines

### AT: Exclude Refugees

#### The best theory of justice is one which includes refugees.

Lamey, [Andy Lamey(Andy Lamey teaches philosophy at the University of California, San Diego and is the author of Frontier Justice: The Global Refugee Crisis and What to Do About It (Doubleday Canada/University of Queensland Press), “The Critique – Philosophy & the Refugee Crisis: How Can We Begin To Think About The Issue?”, Critique, 1-6-2016, http://www.thecritique.com/articles/philosophy-the-refugee-crisis-how-can-we-begin-to-think-about-the-issue-2/, 6-1-2016. SK]

Philosophers can potentially improve the situation of refugees by making the case for a more expansive definition of refugees than is currently accepted. Philosophers in turn may benefit from thinking about justice with refugees in mind. **A theory of justice that takes into account the situation of refugees will likely be better than one that does not**. **Refugees** forcefully **raise one of the central questions of political philosophy, that of who should belong to a political community**. Examining this question as it pertains to refugees should cause us to recognize that a minimally acceptable understanding of community must be able to accommodate the needs of desperate strangers who are no longer protected by their governments. Philosophy, finally, has a role to play in addressing whether the modern regime of border control is morally defensible, and if it is not, what type of arrangement should take its place. SK

### AT: Econ

Refugees actually support the economy – neg evidence is flawed and doesn’t take into account second-generation migrants – my evidence’s methodology is comparatively better. My evidence outweighs on specificity as well – its pertinent only to refugees and the econ.

Workpermit ’11. [Workpermit (), Humanitarian immigration benefits Australian society, No Publication, 6-21-2011, 11, http://www.workpermit.com/news/2011-06-21/australia/humanitarian-immigration-benefits-australian-society.htm, 6-12-2016. SK]

**New** **Australian sponsored research shows that** **refugees** in Australia **are "likely" to take advantage of work opportunities in regional areas, engage in entrepreneurial endeavors, and undertake volunteer work, benefiting** Australian **society as a whole.** **The report**, Economic, Social And Civic Contributions Of First And Second Generation Humanitarian Entrants by Professor Graeme Hugo **is the first comprehensive study that also looked at second-generation humanitarian migrants**. "In the lead-up to World Refugee Day celebrations, **the government has commissioned this research to better understand the economic, social and civic contributions of humanitarian entrants or refugees** to Australia," said Australian Immigration Minister Chris Bowen. "**While many refugees do encounter difficulties in the early years** of their settlement here, **this research shows that refugees make an important contribution to Australia in areas including social engagement, workforce participation and business ownership**," he added. **He said that humanitarian immigrants are increasingly settling in rural and regional areas of Australia, which depend heavily on overseas migration to fill labour shortages.** "With the support of Australia's world-class settlement services, most humanitarian entrants are able to adjust effectively over time and eventually match Australian levels of economic and social contribution, especially those in the second generation," Bowen said. Due to continued economic growthLabour shortages are an increasing problem in Australia. Many firms are looking to immigration in general to fill vacancies, especially in the resources industry which includes the mining industry and industries that support the resources sector. SK

(Extend Hugo off of the 1AC) Positive reception and the lack of arbitrary barriers is key – immigration must be a human right for refugees specifically – this means my advocacy solves for econ.

Hugo ‘11, [ECONOMIC, SOCIAL AND CIVIC CONTRIBUTIONS OF FIRST AND SECOND GENERATION HUMANITARIAN ENTRANTS, Graeme Hugo ARC Australian Professorial Fellow, Professor of Geography and Director of the National Centre for Social Applications of GIS, The University of Adelaide with the assistance of Sanjugta Vas Dev, Janet Wall, Margaret Young, Vigya Sharma and Kelly Parker, Final Report to Department of Immigration and Citizenship May 2011. SK]

**A major theme in** the qualitative analysis included in **the** present **study was the key role which effective settlement services can and do play in facilitating the transition to the stage where humanitarian settlers are able to contribute economically and socially.** It is apparent that the current services have been important in facilitating the adjustment of settlers. However, the respondents made a number of suggestions for enhancement of these services. Every refugee and humanitarian entrant comes to Australia under exceedingly different circumstances and experiences settlement very differently; the settlement experiences differ both across and within communities. Across all experiences however, there is an expectation among settlers of upward mobility. While key informants praised the strengths of the services presented under the Integrated Humanitarian Settlement Services (IHSS) and Settlement Grants Program (SGP), many also emphasized the need to shift away from the current service delivery model which they believe is based on a welfare paradigm. The alternative pathway would entail **a community empowerment model** which **would focus on developing the capacity of the community and build upon the strengths and confidence of its members.** Key informants who themselves had come from refugee backgrounds, noted that there was a significant emphasis during IHSS on achieving independence. While **it is critical that settlement agencies and migrant resource centres move away from a** **paternalistic** welfare focused **model**, **it is equally important that refugees and humanitarian migrants are not shifted to mainstream agencies that ignore people’s diverse and unique needs.** Australian **resettlement practices need to engage principles of social inclusion and multiculturalism in order to facilitate the contribution of first generation and new arrival refugee and humanitarian entrants.**

The 1AC promotes this resettlement in whichever way necessary and effective; we can use multiculturalism and reject mainstream models while making immigration a human right.

Empirically proven – the Dadaab refugee camp in Kenya accounts for 25% of the province’s income.

Zetter ’12, [“Are refugees an economic burden or benefit?”, Roger Zetter, *Preventing displacement*, FMR 41, December 2012. SK]

Curiously, **economists have largely neglected** these important policy and conceptual challenges, in contrast to **the countless qualitative studies on refugee livelihoods by sociologists and anthropologists**. Overall, it is usually contended that the ‘costs’ of refugees on their hosts – rising food and commodity prices, the depression of local wage rates, fiscal pressures, increasing environmental degradation – outweigh other micro- and macro-economic benefits. A significant exception to this analytical gap is **a recent, largely micro-economic, study of Dadaab refugee camp**[2] which **showed that the positive economic impact of the camps for the host community was US$14 million – about 25% of the per capita income of the province**. **Income benefits to the host community from the sale of livestock and milk alone were US$3 million, while over 1,200 local people benefited from refugee camp-related employment or trade-related work.**

### AT: Universalism Bad

On the Competition:

**1.** Not competitive – extend Acer from the 1AC – we recognize immigration on an individualized basis so we recognize the context within which people immigrate without totalizing them all into one group

**2.** Perm: Do both. It is possible to reject whatever concept your criticism and CP say is bad *and* do the aff at the same time.

Donoho ’91 (your author), [Douglas Lee Donoho (I have been a Professor at the NSU Shepard Broad College of Law since 1989. I was granted tenure in 1994. Over the years, I have taught a wide variety of courses including Constitutional Law, International Human Rights, Public International Law, International Business Transactions, International Practice Clinic, International Regulation of Trade, Criminal Procedure and Torts. I also created and now teach an "on-line" course that is offered to law students in Spain, the Czech Republic and Italy entitled "Introduction to American Law." Every spring, I teach a section of Criminal Procedure in the AAMPLE conditional admission program. I have also frequently taught in NSU's foreign programs, dragging my wife and three children to Venezuela, Costa Rica and Barcelona, Spain. Prior to joining the College of Law faculty, I taught at the University of Oregon, clerked in the Sixth Circuit Court of Appeals and practiced law with Cadwalader, Wickersham & Taft in New York City. My scholarship focuses primarily on international human rights and includes articles published in the Stanford, Michigan, Cornell, Emory, Wisconsin, Georgia, University of Barcelona and ILSA International Law Journals. My most recent publication is an electronic course book in International Business Transactions (Carolina Academic Press, 2014). My second book, this time concerning International Human Rights, will be published by Carolina Academic Press sometime in 2016. I have worked on refugee issues in Southeast Asia for the Lawyers Committee for Human Rights, represented asylum claimants before the INS and litigated on behalf of Chilean human rights victims in U.S. federal court. I have also represented, in conjunction with NSU's Inter-American Center on Human Rights, Venezuela's 2 million member labor union confederation, CTV, and two prominent political figures in actions brought before the Inter-American Commission on Human Rights against the Government of Venezuela. I am a faculty advisor for the ILSA Journal of International and Comparative Law. I am presently working with alumni and current students to promote a death penalty resource center for Florida lawyers engaged in capital cases. Although I teach and don't practice law, I am a member of the New York and California bars. More than anything, I am the husband of Melissa Minsk Donoho, an NSU graduate who is Chief Assistant and Managing Attorney for the Florida Regional Conflicts Counsel Office, and the father of Madison (20), Quinn (18) and Ailish (12). ), Relativism Versus Universalism in Human Rights: The Search for Meaningful Standards, 27 StanJInt'lL 345 (1991). Accessed August 2016. SK]

**It is theoretically possible to maintain the essential premises of the international human rights system while at the same time denying universality at some level of specificity regarding the meaning and requirements of rights.** For example. **an international human rights regime could conceivably require universality on the level of agreed basic values, while national governments would be given discretion to decide how to satisfy those general, abstract values in light of local conditions**." Thus, it is possible to resolve competing claims of universalism and rel- ativism within the international system only by closely examining the implications of the various relativist objections to current in- temational legal standards with regard to the universalist charac- ter of those standards.

This is also in the advocacy of the 1AC – Acer says that countries can decide who enters their borders and determine restrictions based on individualized determination

**4.** Perm – do the aff advocacy then do the negative – their competition is not specific to refugees. Extend Frantziou ’14 who explains how the best way to solve is to recognize the human face of migration so the aff is net beneficial as it solves for those who are most oppressed due to the universal system.

On the Solvency:

**1.** Doesn’t solve for the aff – the reason we have to recognize it as a “human right” is to identify the humanity of the refugees who are treated badly in the status quo, the CP will never solve

### AT: Activist Drain

### Definitions Debate

#### There are two main types of immigrants: voluntary and refugee immigrants – making me defend both destroys aff ground.

Oswald,

**In the public and scientific debate migrants are divided in two main categories**: 1. **Voluntary** migrants, including migrant workers and other economic migrants **and**, at the other end, 2. **Refugees**, who are forced to leave their countries to escape persecution. **An intermediate point** on the spectrum **is** occupied by **victims of trafficking**. In reality **the distinction between refugees and other people on the move is often fluent.**

Extend Frantziou ’14 – refugees are forced migrants who are immigrants because they want to live in the nation which they are immigrating to. This is a conceded interpretation from the 1AC so at best your interpretation is just a counterinterp – as you have no RVI attached so it’s useless. [Or you say no RVIs so you cannot win on the theory debate]

Wikipedia defines,

**Some migrants are impelled to cross national borders by war or persecution at home. These immigrants may be considered refugees or asylum seekers in receiving countries**

Prefer Wikipedia:

* 1. Accessibility – Wikipedia is a source which is accessible to pretty much everyone
  2. Predictability – Wikipedia definitions are predictable – they’re usually the ones that show up on google searches first
  3. This is a comprehensive definition consulting multiple sources which makes it most likely to be accurate.

Your definition is just a misconception – your author is just saying that refugees are given different rights than other immigrants. This takes out the assumption from which your definition arises.

Bradbury, [Jen Bradbury (Jen serves as the director of youth ministry at Faith Lutheran Church in Glen Ellyn, Illinois. A veteran youth worker, Jen holds an MA in Youth Ministry Leadership from Huntington University. Jen is the author of The Jesus Gap: What Teens Actually Believe about Jesus (The Youth Cartel). Her writing has also appeared in YouthWorker Journal, Immerse, and The Christian Century. When not doing ministry, she and her husband Doug can be found hiking, backpacking, and traveling. ), “9 Common Misunderstandings about Refugees”, YMJen. Published 2015, Accessed August 2016. SK]

Even so, **throughout our discussion** the other night, **several common misunderstandings about refugees surfaced.** **What I've discovered** **after having been involved in refugee ministry for more than a decade, is that** these nine **misunderstandings are prevalent in our culture**, in both teens and adults alike. 1. Refugees and immigrants are all the same. **All refugees are immigrants; Not all immigrants are refugees. Refugees are a special sub-class of immigrants who didn't choose to immigrate but instead were forced to leave their country for fear of their life.** One of the most powerful moments of the refugee discussion I recently had with my high school students came when one teen realized this and admitted how often she'd lumped the two together and how different they really are. SK

Prefer on author credentials – Bradbury has a decade of experience in the refugee immigration debate and has arrived at this conclusion – also, this is the definition based on the general term so you prefer if two

#### An immigrant is someone fleeing persecution or searching for economic benefits.

#### Cortez 04 [Kalena E., March, an Assistant Professor of Public Policy in the Bush School of Government and Public Service, a Faculty Research Fellow at the National Bureau of Economic Research, and a Research Fellow at the Institute for the Study of Labor (IZA). Discussion Paper Series, “Are Refugees Different from Economic Immigrants? Some Empirical Evidence on the Heterogeneity of Immigrant Groups in the United States IZA DP No. 1063, 6/29/15, LHS//MZ]

People choose to immigrate to the United States for a variety of reasons and under different circumstances, and consequently, immigrants cannot be treated as a homogenous group of individuals. Immigrants can be separated into at least two distinct groups: refugee immigrants, individuals fleeing persecution in their home country, and economic immigrants, individuals searching for better jobs and economic security. One important characteristic that distinguishes these two immigrant groups is their ability to return to their native country. SK

### AT: Terrorists

**1.** extend **Acer** – in the case of terrorists we would use individualized determination because this is not an arbitrary distinction – we exclude them because it is predictable and inappropriate to let them in and harm society.

**2.** Turn – Refugees are usually the people that are hurt by terrorists in their nation meaning that letting people from terrorist countries in would help counter-terrorist efforts. I outweigh on probability.

Bradbury, [Jen Bradbury (Jen serves as the director of youth ministry at Faith Lutheran Church in Glen Ellyn, Illinois. A veteran youth worker, Jen holds an MA in Youth Ministry Leadership from Huntington University. Jen is the author of The Jesus Gap: What Teens Actually Believe about Jesus (The Youth Cartel). Her writing has also appeared in YouthWorker Journal, Immerse, and The Christian Century. When not doing ministry, she and her husband Doug can be found hiking, backpacking, and traveling. ), “9 Common Misunderstandings about Refugees”, YMJen. Published 2015, Accessed August 2016. SK]

**When we allow refugees to resettle in the United States, we run the risk of letting terrorists into our country. This is an argument I often hear against allowing refugees – in particular – those from the Middle East** into the United States. Interestingly enough, **far from being terrorists, many of the Iraqi refugees who have been resettled in the United States actually became refugees because they chose to work for us, rather than against us.** That said, it's extremely difficult for refugees to come to America**.** Among other things, they must pass both health and security checks before even being considered for resettlement. Security checks often include in-person interviews – something that based on what I've heard from refugees, sound far more like interrogations than interviews - See more at: <http://ymjen.com/blog/posts/9-common-misunderstandings-about-refugees#sthash.DH1DakGe.dpuf>. SK

### AT: Polls

Most people in the US believe that the current immigration system in the NC world is flawed and needs reform.

Newhouse and Blizzard ‘15, [FROM: NEIL NEWHOUSE(co-founder of Public Opinion Strategies, a political survey and polling firm. He was a prominent pollster for the 2012 Romney/Ryan campaign.[1] Newhouse is a graduate of Duke University and he attended graduate school at the University of Virginia.[2]) & ROBERT BLIZZARD (Robert Blizzard is a Partner at Public Opinion Strategies, a national political and public affairs research firm described by The New York Times as “the leading Republican polling company” in the country. Described as a “blue-chip” name in Washington by Politico, Blizzard has been recognized as one of the country’s top 40 under 40 brightest young political professionals, as one of the most influential young Republicans in Washington, and in 2012, was named a “Rising Star” in American politics by Campaigns & Elections Magazine. Over the years, Blizzard has directed the research efforts for hundreds of political candidates in nearly every state, for Political Action Committees and Independent Expenditure efforts on both the federal and local levels, and for national party organizations such as the RNC, the NRCC and the NRSC. ), “PUBLIC OPINION STRATEGIES”, MARCH 16, 2015, RECENT POLLING ON THE U.S. REFUGEE AND ASLYUM SYSTEM, 2015, Accessed August 2016. SK]

**Few voters believe the country’s asylum and refugee system is “working well”; many believe it’s broken.** Voters were provided with a brief overview of the U.S. asylum and refugee system: Around the world, more than 11 million men, women, and children have become refugees as they fled their home countries as a result of war or persecution, such as practicing the faith of their choosing, their social group or race, or even due to their political expression. Only a very small portion of these refugees are put into a refugee resettlement process to reach a country of safe harbor. Another small portion of these refugees who fear persecution in their home country come to the United States and ask for a form of legal protection known as asylum. PUBLIC OPINION STRATEGIES Page 3 After hearing that short synopsis, just 10% of voters in targeted congressional districts believe the system is “working well the way it is,” nearly one third (37%) say it is “in need of minor modifications to improve it,” and **a plurality (41%) say it is “broken and in need of a major overhaul.”**

This poll outweighs any poll of whether or not immigration would increase in two ways.

1. Advocacy Specificity. The 1AC does not defend an absolute increase in immigration because of open border policies, but only a restructuring of the immigration system. My poll is also specific to refugees.
2. Resolution Specificity. The resolution talks about a human right to immigrate which is considered more with the structuring of immigration policies, which is what my poll considers.
3. Recency – from March 2015 which (probably) is more recent than my opponents study

People in the United States support refugee and asylum immigration.

Newhouse and Blizzard ’15 2, [FROM: NEIL NEWHOUSE(co-founder of Public Opinion Strategies, a political survey and polling firm. He was a prominent pollster for the 2012 Romney/Ryan campaign.[1] Newhouse is a graduate of Duke University and he attended graduate school at the University of Virginia.[2]) & ROBERT BLIZZARD (Robert Blizzard is a Partner at Public Opinion Strategies, a national political and public affairs research firm described by The New York Times as “the leading Republican polling company” in the country. Described as a “blue-chip” name in Washington by Politico, Blizzard has been recognized as one of the country’s top 40 under 40 brightest young political professionals, as one of the most influential young Republicans in Washington, and in 2012, was named a “Rising Star” in American politics by Campaigns & Elections Magazine. Over the years, Blizzard has directed the research efforts for hundreds of political candidates in nearly every state, for Political Action Committees and Independent Expenditure efforts on both the federal and local levels, and for national party organizations such as the RNC, the NRCC and the NRSC. ), “PUBLIC OPINION STRATEGIES”, MARCH 16, 2015, RECENT POLLING ON THE U.S. REFUGEE AND ASLYUM SYSTEM, 2015, Accessed August 2016. SK]

A Member of Congress’ support for improving and strengthening the system to better protect refugees and those seeking asylum can make voters more likely to support them in the next election. **If voters learn their Member of Congress was an advocate for improving and strengthening the U.S. asylum and refugee system, fully 42% say that information would make them more likely to vote for their Member of Congress**, with just 12% who say it would make them less likely. **Support of the nation’s asylum and refugee system could potentially provide a boost with Independent women – a key target demographic in any congressional campaign in 2016.** **By a 50%- 9% margin, Independent women would be more likely to vote for a Member of Congress who was an advocate for improving and strengthening the U.S. asylum and refugee system to better protect those who are persecuted**. Further, supporting these issues does little harm for an incumbent, as a plurality (43%) indicate that their Member of Congress’ stance on the U.S. asylum and refugee system would make no difference in their vote. SK

#### Methodology

#### Newhouse and Blizzard

Public Opinion Strategies recently completed three surveys on behalf of Human Rights First: - We conducted a “national” survey of N=600 registered voters in the 25 congressional districts designated as “toss-up” or “lean” by the Cook Political Report. The survey was conducted February 10-12, 2015 and has a margin of error of + 4.0%. Districts included in this survey are: Lean DEM: AZ‐1, CA‐7, FL‐2, MN‐7, MN‐8; Toss-Ups: IA‐1, IL‐10, ME‐2, NE‐2, NH‐1, NV‐4, NY‐19, PA‐8, TX‐23; Lean GOP: AZ‐2, CA‐10, CA‐21, CO‐6, FL‐26, IA‐3, NJ‐3, NV‐3, NY‐1, NY‐24, VA‐4. - We conducted a New Hampshire statewide survey among N=424 registered voters. The survey was conducted February 17-18, 2015 and has a margin of error of + 4.8%. - We conducted a South Carolina statewide survey among N=400 registered voters. The survey was conducted February 21-23, 2015 and has a margin of error of + 4.9%.

### AT: Remedial Right

1. No competition – this is literally the aff – remedial right is a human right in a specific instance so doing the aff is key

2. Do Both – no inherent reason why the aff advocacy is different

3. Do Both – Recognize immigration as a human right based on refugee status and do the CP as a way to resolve extraneous measures – the aff solves more

4. False

Kanyavongha,

I disagree with David Miller that immigration is merely a remedial right; although in some cases, immigration is a remedy for immigrants who does not want to leave the country, but they are forced to immigrate because their life is in danger, either by poverty or persecution. As I argue in 1.3 that the fundamental principles in the Universal Declaration of Human Rights are the principle of negative freedom, that is, the protection of individual security, and the principle of positive freedom. The freedom to immigrate is a basic freedom, not just remedial rights. Freedom of immigration might 20 be perceived as merely a remedy as usually a person does not have an incentive to go to a foreign country if their origin country provides abundant resources that the individuals needs to pursue in their life. However, people do have different goals in life. Although there are numbers of conservatives that want to live to preserve the national culture, and want to stay at the motherland only, but other people might also want to explore the new chances, try to work and live in a new atmosphere. Their freedom to choose to travel and immigrate should not be denied as it violates the basic liberty of human.

### AT: Human Rights Absolute

You are wrong- human rights are not ones that all humans have at all times – they can be specified based on circumstances. This is Oberman 1 under the definition. My advocacy text is based on

Even if you don’t buy that, Oberman offers a clarification

Oberman 2, [Oberman, Kieran (Chancellor's Fellow in Politics, Political theory, Political philosophy, Global justice, just war theory, Immigration, Immigration and asylum policy, Distributive justice, Social justice, Edinburgh University Teaching Fellow in Political Theory at University College Dublin, DPhil in Politics from Oxford University, has held positions at the University of Louvain, Stanford University and the Asian University for Women, regular writer for public forum websites such as OpenDemocracy and the Just World Institute. DPhil Politics (Oxford) MPhil Politics (Oxford) BA Politics (Swansea). "Immigration Is a Human Right." OpenDemocracy. N.p., 8 May 2014. Web. 22 June 2015. SK]

Third, as I have already indicated, **the human right to immigrate is a non-absolute right**. In this sense, **it is exactly like other human rights**. Sometimes, for the sake of competing moral values, **a human right can justifiably be curtailed**. As James Griffin has put it, **human rights are “resistant to trade-offs but not too resistant”.** 6 If the costs of immigration are particularly severe, restrictions might be justified. I shall return to this point in section 4 SK

### AT: Util

#### Preference satisfaction util would indicate that the interests of refugees outweigh the interests of the state’s citizens.

Kanyavongha, [Immigration as A Human Right - Bussarakham Kanyavongha - Master’s Thesis in Applied Ethics Centre for Applied Ethics Linköpings Universitet Presented June 2006 Supervisor: Annika Törnström, Linköpings Universitet. Accessed August 2015. SK]

According to Singer, **the method of applying the principle of equal consideration is to find whose interests are being infected**. **Regarding** the **immigration** policy, Singer thinks that **the first obvious group is refugees with its fundamental and pressing interests**. **The next directly affected group is the residents of the recipient nation** which each groups of residents might get different impact from the implemented immigration policy, for example, the less well-off resident might find immigrants competitive, while the economic sector find open immigration policy positive for increasing a profit. **While the interest of the forced immigrants like political refugees is definite and absolute, the interest for the residents is speculative because it involved the numbers of immigrants, the social integration, and the present economic situation of the receiving country etc.**

## Contention 3 Frontlines