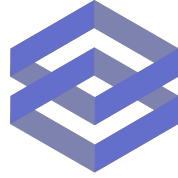


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The EU-Turkey Statement and the Evaluation of the Refugee “Deal”

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Introduction

Throughout the last decade, globally the number of displaced people has dramatically increased due to civil wars, armed conflicts, violence, persecution, and human rights violations. According to the United Nations High Commissioner for Refugees (UNHCR), the number of people forcibly [displaced](#) rose from 41 million in 2010 to 82.4 million in 2020, the highest figure on record.¹

In addition to other crises, the Syrian civil war, which began in 2011, has significantly increased the number of forced migrants in recent years. Although it has been 10 years since the beginning of the crisis, an estimated [13.4 million people in Syria](#) still need humanitarian assistance whereas over [13 million Syrians](#) have been displaced, including 6.7 within Syria and 6.6 million to other states, of whom 5.6 million have fled to neighboring countries, such as Turkey, Lebanon, Jordan, Egypt and Iraq.²

In 2015, as a result of the ongoing civil war in Syria and the spread of the so-called Islamic State (ISIS) in Syria and Iraq, over one million people sought asylum in European countries.³ The European Union (EU) and its member states had to face an unprecedented challenge, which led to new political fractures among member states on how to cope with resettling these asylum seekers.⁴ The member states could not agree on a collective plan, instead, their policies were shaped by domestic politics. In other words, “it was a crisis of politics rather than a crisis of numbers”.⁵ On the other hand, the flow of irregular migrants caused a nationalist-populist wave to rise across Europe. Further, the 2015 refugee crisis brought about a crisis of European institutions as the Dublin and Schengen systems collapsed.⁶ After the failure of a “European solution”, it was necessary to reach an agreement with Turkey, which is the most significant non-EU transit country for migrants on the Balkan route.⁷ As a solution

to the refugee crisis, [the EU-Turkey Statement](#) was announced on 18 March 2016.⁸ However, the statement has come under harsh criticism since its outset because of its legal framework and implementation.

Considering the EU's search for cooperation with North African countries as part of an offshore solution to stop the influx of irregular migration to Europe, the example of Turkey gains importance "because it could serve as a blueprint for other 'deals'".⁹ In addition, the EU can take a similar stance based on its security concerns by negotiating with the countries of the region to curb the recent influx of Afghan refugees, which has started following the withdrawal of the American troops from Afghanistan and the subsequent overthrow of the government by the Taliban in August 2021. In this context, the EU-Turkey deal and its consequences could be reopened for discussion as well.

This paper aims to explore the EU-Turkey Statement. First, it looks into Turkey's immigration policy and the temporary protection status of Syrian immigrants to better evaluate the legal framework of the Statement. Then, it analyzes the 2015 refugee crisis in Europe and the conditions that led to the 2016 EU-Turkey Statement. Lastly, the Statement is examined in terms of its content and implementation as well as its effects on the EU-Turkey relations.

Turkey's immigration policy and Syrian refugees

a) Legal framework

While discussing the place of Turkey in terms of migration, it is emphasized in the literature that modern Turkey is a country of emigration or a transit country.¹⁰ However, since its establishment, Turkey has also been exposed to waves of immigration. In this context, relying

on its nationalistic immigration policies to consolidate the nation-building process, Turkey has mostly embraced immigrants of “Turkish descent and culture”.¹¹

Until the enactment of the Law on Foreigners and International Protection (LFIP) in April 2013, there were only a few legal documents addressing the status of aliens.¹² The 1934 Settlement Law (*İskan Kanunu*) is one of the main legislative documents, according to which only the people of Turkish descent and culture were eligible for obtaining immigrant and refugee status. Although the 1934 Law was replaced in 2006, it has long remained as [the key legislative text](#) determining the status of immigrants in Turkey.¹³ In the official literature, for example, immigrants of "Turkish descent" such as Uzbeks, Turkmens, Uighurs, and Bulgarian-Muslims, immigrating from various parts of the world are referred to as "migrants" (*göçmen*), whereas the rest are named "guest" (*misafir*) or "foreigner" (*yabancı*). The term "guest" has been used in official documents to refer to Muslim refugees without Turkish descent migrating from outside Europe, whereas "foreigner" is used for those who are neither Turkish nor Muslim.¹⁴

[Refugee](#)¹⁵ is defined as “someone who is outside her or his country of nationality and faces a ‘well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion’”.¹⁶ In this regard, another important document is [the 1951 Geneva Convention and its 1967 Additional Protocol](#)¹⁷ Relating to the Status of Refugees.¹⁸ Turkey is a signatory state of the 1951 Convention but implements it with a geographical limitation and grants asylum rights to only those who are coming from Europe. For this reason, refugees from Bosnia and Kosovo in the 1990s could apply for asylum in Turkey; on the other hand, as Kurdish refugees in the 2000s, Syrian refugees were recognized as "guests".¹⁹

Lastly, due to the massive surge of about 500,000 refugees escaping ethnic violence in northern Iraq in 1991, Turkey had to overhaul its legal and administrative system with the 1994 Asylum Regulation. Afterward, as a result of the EU accession process of Turkey, it was replaced by the 2013 Law (LFIP). Although the geographic limitation of the 1951 Convention is maintained, the LFIP, which came into force in April 2014, grants non-European refugees a “temporary protection status” without a certain duration limit.²⁰ Because of temporary protection status, Syrians are not recognized as refugees in Turkey. Since the LFIP does not mention the right to housing²¹, Syrians who live outside of the camps must cover their own housing costs. However, this status provides registered Syrians limited access to health, education, social assistance, and the labor market.²² As a result, as this law does not provide a right to permanent settlement for Syrians and they have limited opportunities to resettle abroad, they keep facing years of uncertainty in Turkey.²³

b) Turkey’s approach towards Syrian refugees

Initially, following the use of disproportionate power by the Syrian government to suppress anti-government protests, a relatively small group of Syrian refugees entered Turkey in April 2011. The number of Syrian refugees in Turkey was about 15,000 in early July 2011. After a short period of stability in Syria, some of them returned home and their numbers reduced to 8,000 at the end of 2011. However, after the failure of the cease-fire talks between the Syrian government and the opposition groups in mid-2012, the number of Syrian refugees in Turkey exceeded 170,000 by the end of 2012. Because the Turkish government assumed that the crisis would not last long and the refugees would return home, they focused on providing humanitarian aid to Syrians living in camps. Syrians stayed in camps until early 2013, however, due to the ongoing influx of refugees and deteriorating conditions in the camps, the majority of them moved to towns and cities in 2014.²⁴ According to Turkey’s Directorate

General of Migration Management, as of 26 August 2021, the number of [Syrians under temporary protection](#) is 3,705,109 and 3,651,577 of them live outside of the temporary shelter centers located in five provinces.²⁵

In order to understand Turkey's approach towards Syrian refugees, we should take into account the AKP's domestic and foreign policy preferences based on neo-Ottomanism and Islamism. Unlike the Kemalist foreign policy approach, which isolated Turkey, to a great extent, from Middle Eastern affairs, the AKP government introduced a new foreign policy in the second half of the 2000s to be a mediator and playmaker in the region. Under the leadership of Ahmet Davutoğlu, then Minister of Foreign Affairs, Turkey declared a "multidimensional and pro-active regional foreign policy." Based on its "zero problems with neighbors" strategy, Turkey tried to develop its bilateral relations with the countries in the region, especially in the former Ottoman territories. Moreover, to improve its soft power, Turkey desired to create a visa-free environment. Accordingly, it abolished visas with some countries in the region, such as Syria, Jordan, Lebanon, and Saudi Arabia, even though they were on the EU's negative visa list. As a continuation of Turkey's assertive foreign policy, it declared an "open-door" policy for Syrian refugees during the early stages of the conflict in Syria and invested in opposition groups against the Assad regime.²⁶ But, "the failure of Turkish foreign policy in the region along with the growing number of refugees has brought about the revision of the adopted policy towards 'temporary protection', 'voluntary return' and 'burden sharing'".²⁷

On the other hand, in line with its historical approach towards Muslim immigrants without Turkish origin, Turkey officially called Syrian refugees "guests". Beyond this official discourse, the AKP government emphasized the "Ansar spirit" by appealing to Islamic symbolism. In Islamic literature, Prophet Muhammad and his companions who migrated from

Mecca to Medina due to the oppression and persecution in Mecca are called *Muhajirun*, and those who embraced and helped them in Medina are called *Ansar* (helpers in Arabic). Through the *Ansar-Muhajir* rhetoric, the government, on the one hand, legitimized its policies towards Syrian refugees; on the other hand, it placed its policy on a religious basis rather than a humanitarian responsibility.²⁸

Ministers and prominent figures of the AKP frequently applied to this discourse²⁹ in their statements and speeches in their visits to the provinces where Syrian refugees mostly live.³⁰ For example, President Recep Tayyip Erdoğan appealed to the *Ansar-Muhajir* rhetoric in his [speech](#) during his visit to the tent city in Islahiye, Gaziantep, in 2014:

We, as Turkey, are happy and proud of hosting you here for about four years. You had to leave your homeland and have become "Muhajirun". We have become "Ansar" and we have mobilized all our means for you. No matter what others say, you are never a burden to us. Guest means blessing, guest means honor in our civilization, in our culture, in our tradition. You have honored us with being "Ansar" and blessed our home, honored and cheered our home. ... Just so you know, we have spent more than 4 billion dollars so far only for our guests on our land. Apart from our lands, the aid we have sent to Syria and Iraq exceeded half a billion dollars. We reach our Arab, Turkmen, Kurdish, Yazidi, and Assyrian brothers in Syria and Iraq. We help everybody regardless of ethnic origin, religion or sect. There is no discrimination in our religion. The [motto](#) is: 'Hayrun nas men yenfeun nas'³¹.³²

Besides, the AKP instrumentalized the Syrian refugees before and after the EU-Turkey Statement of 18 March 2016. For instance, during the negotiations with the EU to resolve the refugee crisis and before the general elections in Turkey on 1 November 2015, Erdoğan and Angela Merkel met in Istanbul and agreed on sharing the burden and financial assistance to

Turkey to provide them with better accommodation.³³ Moreover, Erdoğan has used the Syrian refugees as a bargaining chip in relations with the EU³⁴ because of the EU's vulnerability. For example, soon after the European Parliament decided to suspend EU-Turkey accession talks in November 2016, Erdoğan replied, "If you go any further, these border gates will be opened. Neither me nor my people will be affected by these empty threats." He [continued](#), "Don't forget, the West needs Turkey".³⁵ It reappeared again before the 16 April 2017 Constitutional Amendments Referendum, after the tension escalated with some EU member states, particularly with the Netherlands. When some AKP ministers and MPs were prohibited from actively campaigning and giving public speeches to the Turkish diaspora, Turkish Interior Minister Süleyman Soylu threatened them to send "15,000 refugees per month" to Europe.³⁶ Further, Erdoğan [stated](#) that "Europeans would not be able to walk safely on the streets if they kept up their current attitude toward Turkey".³⁷ In another [speech](#) in November 2019, he said, "Today, if the peoples of Europe live in peace and security in their lands, it is because of the sacrifice of Turkey and the Turkish nation".³⁸ Therefore, with these words, on the one hand, he threatens Europe; on the other hand, he emphasizes Turkey's role as a buffer and its importance in the refugee crisis.

The 2015 refugee crisis in Europe

Based on Eurostat data, "[i]n 2015, 1,255,600 first time asylum seekers applied for international protection in the Member States of the Union (EU), a number more than double that of the previous year". Among the member states, [Germany](#) had the greatest number of first-time applicants with 441,800 people.³⁹ Immigrants and asylum seekers were not a new phenomenon for Europe. But, for the first time in its history, it encountered a large influx of refugees from outside Europe. Syrian applicants constituted the majority⁴⁰, but there were also many from Afghanistan, Iraq, and sub-Saharan countries. For refugees, the Central

Mediterranean was once the main route to Europe: people were sailing from Libya to the Italian island of Lampedusa on small boats to get to Europe. Then, another route became popular, through which a growing number of Syrians crossed the Aegean Sea from Turkey to Greece and followed the Western Balkans to reach Germany.⁴¹

When 700 people drowned attempting to cross to Lampedusa in April 2015, the media declared a "global refugee crisis." In reality, it created a political crisis in Europe. Instead of working together on a coherent plan, European governments acted in panic and their policies were shaped by domestic politics rather than a collective decision. Hence, it led to tragedy and chaos across Europe. In 2015, over 3,000 people drowned on the way to Europe.⁴²

According to the European Commission (EC) report, in 2015, approximately 885,000 migrants and asylum seekers out of over one million entered the EU passing through Greece. [Greece](#) did not have enough capacity to provide shelter for these people and the majority of them took the Western Balkans route to reach Central Europe.⁴³ However, in September/October, Hungary closed its borders, "thereby *de facto* unilaterally excluding itself from the EU's common asylum system and joint crisis management". The number of migrants and asylum seekers using the route continued to increase, reaching over 200,000 in October 2015. The Western Balkan countries gradually closed the route out of fear of having hundreds of thousands of refugees and migrants stuck in the region, in violation of national, European, and international law. Thus, the European Union, which was the hope of stability for the member states on the Balkan route, has brought instability to the region due to the poorly managed refugee crisis. The unprecedented influx of refugees and migrants revealed that the Union failed to function the [Common European Asylum System](#) (CEAS)⁴⁴. This was mostly owing to the unwillingness of some member states to alter the Dublin system, in which the members on the periphery were primarily responsible for asylum claims. Consequently, the

refugee crisis “hit the EU at one of its weakest points and led to the breakdown of its external border, the collapse of Dublin and the partial suspension of Schengen”.⁴⁵

On the other hand, Germany adopted an open-door policy for asylum seekers as the crisis escalated. Especially in the months following Merkel's public statement on August 31, 2015, many asylum seekers arrived in Germany.⁴⁶ In this summer press conference, having described tragedies as "inconceivable atrocities" and "unimaginable images," Merkel reminded of a recent tragedy that took place in Austria, where 71 refugees were found dead in a truck. She stated that people escaping political persecution have the right to asylum under German Basic Law. Also, Germany would protect individuals fleeing wars.⁴⁷ After her famous expression “*Wir schaffen das*” (We can do this), a picture of a drowned 2-year-old boy named Aylan Kurdi occupied the European agenda. On September 4, following this tragedy and developments in Hungary, Merkel and her Austrian counterpart agreed to bring refugees waiting in Hungary to Germany via Austria. There was a similar shift in German public opinion in the autumn of 2015. Cities experienced a “*Willkommenskultur*” (culture of welcome), as people greeted refugees and government and civil society organizations showed their generosity.⁴⁸

It created a politically appealing climate for Merkel, however, her open-door policy provided fertile ground for far-right and populist movements in Germany and beyond.⁴⁹ Right-wing populist parties and movements already had a considerable basis in some EU member states. In the last decade, populist parties have gained support as a result of the global financial and migration/refugee crises. Some on the far-right have felt deceived by the system and been willing to take the law into their own hands to “defend” what they have considered to be their “British, German, Swedish, French, or Hungarian way of life” against an invasion by outsiders, especially Muslims. The increasing presence of migrants in public spaces has been

regarded as a threat to their nation, identity and culture. Additionally, the diversity discourse emphasized by the EU institutions, some NGOs, and academics has lost its appeal. Conversely, the stigmatization of migration has resulted in a discourse dubbed "the end of multiculturalism and diversity". Also, populist parties have exploited the fear of some towards fundamentalist Islam. This attitude has led to an increase in Islamophobic rhetoric in Europe. For more than a decade, Muslim migrants have been regarded mostly as a financial burden, rather than as a source of enrichment for the country. They have had an image associated with illegality, crime, and radicalism and become a scapegoat to blame for any adversity in society.⁵⁰ More importantly, the emergence of ISIS, which destabilized northern Iraq and northern Syria, contributed to this rhetoric. A large number of young European Muslims were drawn in by ISIS's dystopian promises. This trend was particularly concerning for Europe, given the wave of ISIS-inspired terrorist attacks that occurred in France, Belgium, and the United Kingdom.⁵¹

In terms of its effects on politics in Germany, the right-wing populist party, Alternative for Germany (AfD), increased its popularity after September 2015. In addition, opposition to Merkel's refugee policy arose within the Bavarian Christian Social Union (CSU), the sister party of Merkel's Christian Democratic Union (CDU).⁵² In the meantime, public opinion was gradually changing. Violence and hostility towards asylum seekers and refugees in Germany were on the rise. In 2015, the police recorded 173 instances of violence and arson attacks against refugees. On New Year's Eve 2015, the incident in Cologne, where some women were harassed by men of mostly North African origin, had a negative impact on public opinion. Moreover, the failure of the bureaucratic system to cope with a large number of refugees increased discontent with the German authorities. Indeed, the results of the March 2016 regional elections held in Baden-Wurttemberg, Rhineland-Palatinate, and Saxony-Anhalt were interpreted by many as a reaction against Merkel's refugee policy (*Flüchtlingspolitik*). In

comparison to the 2011 elections, Merkel's CDU lost 12 percent, 3.4 percent, and 2.7 percent of the votes in these three regions, respectively. On the other hand, the AfD received enough votes to enter these regional parliaments for the first time since its establishment.⁵³

The 2015 refugee crisis and Merkel's open-door policy strengthened the populist wave in Europe as well. The far-right anti-immigrant populist Sweden Democrats increased its popular support in Sweden, which had more refugees per capita than Germany in 2015. Similarly, in the following period, the anti-immigrant Austrian Freedom Party and Geert Wilders's Party for Freedom in the Netherlands took the lead in the polls. The fear that borders could not be controlled due to the influx of asylum seekers also enabled Brexit. During the campaign, "Breaking Point: The EU has failed us all" was the UK Independence Party's slogan, with an image showing hundreds of thousands of asylum seekers at the Croatian-Slovenian border. It even reverberated across the Atlantic. Merkel's welcoming policy was "insane," according to Trump, because "Syrian refugees might be a 'Trojan horse' for ISIS".⁵⁴

Moreover, having built a razor-wire border fence, Hungarian Prime Minister Viktor Orban declared that he was "saving Europe from itself, and notably from what he called Europe's 'suicidal liberalism'".⁵⁵ In his [speech](#) in Brussels in early September 2015, Orban argued, "Europe is in the grip of madness over immigration and refugees", and claimed that "he was defending European Christianity against a Muslim influx". He continued, "This is not a European problem, it's a German problem" because "[t]hey all want to go to Germany".⁵⁶ Initially, Merkel's plan was to gather asylum seekers at certain points, such as Italy and Greece; then they would be distributed across the Union based on a quota system. However, "[t]his was fiercely opposed as 'moral imperialism' by the eastern member states, who would not accept a single Muslim migrant into their 'Christian' lands." Thus, "the European

solution" fueled an anti-European populism.⁵⁷ In other words, the refugee crisis triggered a crisis of European institutions because both the Dublin regulation and the Schengen system collapsed. Since the security of the external borders could not be ensured, the system of free movement inside the Union lost its appeal. The refugee crisis helped populists articulate more radical versions of Euroskepticism by emphasizing the porousness of external borders.⁵⁸

The EU-Turkey Statement and the evaluation of the “deal”

Unable to find a common solution on the fair distribution of irregular migrants in the Union, the EU decided to strengthen cooperation with both origin and transit countries. As a transit country on the Balkan route with approximately 3 million Syrian refugees at that time, Turkey was regarded as a solution to the crisis in Europe.⁵⁹ Therefore, the EU held a series of meetings with Turkey after November 2015 to enhance Turkey-EU relations as well as their cooperation on the migration crisis. Following the activation of the EU-Turkey Joint Action Plan on 29 November 2015 and the EU-Turkey Statement on 7 March 2016, to control the influx of irregular migration, the European Council and Turkey finally [agreed](#) on the EU-Turkey Statement on 18 March 2016.⁶⁰

According to the Statement, known as “the EU-Turkey deal,” as of 20 March 2016, Turkey would readmit irregular migrants crossing into the Greek islands. The EU would resettle a Syrian from Turkey to the EU for every Syrian returned from Greek islands to Turkey (1:1 mechanism). Also, in order to prevent illegal migration from Turkey to Europe, Turkey would take all necessary measures and cooperate with neighboring countries and the EU. A Voluntary Humanitarian Admission Scheme would be launched by the EU member states after irregular crossings between Turkey and the EU ceased or at least sustainably reduced. In exchange, the EU would accelerate the visa liberalization process to lift the visa requirements for Turkish citizens by the end of June 2016; re-energize the EU accession process of Turkey;

allocate initially €3 billion, and mobilize an additional €3 billion until the end of 2018 to support refugees in Turkey; and both parties agreed to work on upgrading the Customs Union.⁶¹ The Statement proved its effectiveness as the number of irregular arrivals drastically decreased by 97 percent and lives lost in Aegean dropped from 11,145 to 80 in the following year.⁶² However, it has been criticized by human rights organizations and scholars in regard to its legal framework and implementation as well as its effects on the EU-Turkey relations.

The Statement first came under criticism due to its incompatibility with international law. According to the first action point of the Statement, the return of irregular migrants from Greece to Turkey would “take place in full accordance with EU and international law, thus excluding any kind of collective expulsion.” It also guarantees that they would “be protected in accordance with the relevant international standards and in respect of the principle of non-refoulement”.⁶³ The legal framework enabling the return of irregular migrants was found in the concept of a “safe third country” regulated in the EU recast Asylum Procedures Directive 2013/32/EU. Thus, the deal's success was predicated on the presumption that Turkey is a safe third country because this rule allows receiving states to return people, who seek international protection, to any safe non-member state they passed through en route. Considering Turkey's present asylum system and records of refoulement of non-European asylum seekers, the EU's assumption of accepting Turkey as a ‘safe third country’ was strongly criticized by human rights organizations and academics.⁶⁴ In this respect, forced returns are a direct violation of Turkish and international law. However, [Amnesty International](#)'s (April 2016) research revealed that Turkey had been sending groups of about 100 Syrian men, women, and children back to Syria almost every day since mid-January.⁶⁵ In addition to the fulfillment of the non-refoulement principle, refugees must be provided access to social assistance, healthcare, housing, labor markets, and education, as outlined in the 1951 Convention. However, the

temporary protection status granted to Syrians does not provide a right to permanent settlement and restricts their access to additional rights as well.⁶⁶

On the other side of the deal, the burden of evaluating asylum claims on an individual basis by avoiding mass expulsion has been on Greece's shoulders since it has received the majority of irregular migrants. Hence, in April 2016, a new law (Law 4375/2016) was adopted to expedite the asylum process at the border.⁶⁷ After the deal entered into force, the Greek Asylum Service rejected all asylum requests recognizing Turkey as a safe third country. However, 390 out of 393 decisions were overturned by the Appeals Committees of Greece because Turkey did not meet the requirements for a safe third country.⁶⁸ Since the decisions of the Committees, which did not recognize Turkey as a safe third country, significantly blocked the implementation of the EU-Turkey deal, the Committees were soon replaced by new ones, mostly controlled by the state.⁶⁹ Afterward, because global rejection is illegal, pushbacks emerged as another tactic to prevent asylum seekers from applying to the courts. Despite pushing asylum seekers back without individual examination is not legal⁷⁰, according to Human Rights Watch's (HRW) reports, it has been widely used against irregular migrants attempting to cross Greece. In addition to pushbacks, these reports reveal that asylum seekers were [beaten](#), robbed, and [deported](#) to Turkey by Greek authorities and armed forces.⁷¹ Moreover, according to Kronos' news, Greece has resorted to this practice not just for third-country nationals but for Turkish asylum seekers as well. It is also stated in the news that most of these Turkish citizens were [arrested](#) in Turkey after the deportation by Greece.⁷²

Another [criticism](#) is that there is no judicial supervision over the ratification and implementation of the EU-Turkey Statement.⁷³ Because it has not been submitted to the approval of the European Parliament, it is called a "statement" instead of an "agreement".⁷⁴ In this sense, having a political character, the Statement is not legally binding. Indeed, in 2017,

the Court of Justice of the European Union (CJEU) declared that “the EU-Turkey deal was not in fact an EU act, and therefore the court would have no jurisdiction to rule on the lawfulness of the deal on the basis of an action for annulment brought by three asylum seekers that were affected by the deal”.⁷⁵

On the other hand, some provisions of the “deal” have not been implemented as planned. For example, visa liberalization has not been granted because Turkey has not fulfilled all 72 benchmarks for visa-free travel to the Schengen area, including revision of the anti-terror law. Also, there was not much progress in the opening of negotiation chapters in the EU accession process.⁷⁶ In addition, the number of [returns](#) from the Greek islands to Turkey under the Statement was only 2,735 until March 2020.⁷⁷ Similarly, as of 26 August 2021, 29,912 Syrians resettled from Turkey to EU member states.⁷⁸ Based on the resettlement scheme, known as the 1:1 rule, the upper limit for resettlement is 72,000 (18,000 + 54,000).⁷⁹ Nevertheless, the “deal” reduced the influx of migrants. Meanwhile, the EU and its member states gained adequate time to close the Balkan route by establishing a reception and detention system in Greece and reinforcing border control capacity along the Aegean Sea.⁸⁰ In this regard, Greece recently announced that the 12.5 km long steel [wall](#) previously erected on the Turkish border has been expanded to 40 km and a new electronic surveillance system has been established to prevent the possible flow of immigrants, especially Afghan asylum seekers.⁸¹

Considering the EU-Turkey relations and de-Europeanization process of Turkey, the erosion of European values may have greater costs in the long run. In this regard, the refugee crisis has affected the power balance between Turkey and the EU. Due to Turkey’s admission process, the EU used to have the capacity to address Turkey’s worsening position in terms of rule of law and fundamental human rights. However, the refugee crisis and the EU’s

immigration policy prioritizing the decline in numbers have shifted the power balance and made the EU more dependent on Turkey.⁸² As a result of this dependence, despite the grave human rights violations and anti-democratic practices in Turkey, the EU could not put the necessary pressure on Turkey in this regard. For instance, during the negotiation process, human rights violations against Kurds took place in many Southeastern cities in Turkey. Throughout the curfew imposed on several towns, Turkish armed forces used disproportionate force and perpetrated numerous human rights violations, resulting in the deaths of many civilians. The Turkish authorities did not let the UN undertake an inspection in the region, and they also barred the media from conducting independent research or reporting on the destruction of these towns (Cizre, Şırnak, Nusaybin, and Sur). Moreover, following the failed coup attempt on 15 July 2016, to undermine the pro-Kurdish HDP's opposition, numerous elected mayors, 14 MPs, and party leaders, including the co-chairs of the party Selahattin Demirtaş and Figen Yüksekdağ, were arrested.⁸³ After the failed coup d'état, Turkey was ruled under a state of emergency for two years. [During the state of emergency](#), at least 125,000 public officials and about 6,000 academics were dismissed, and more than 2,700 institutions and organizations, including 179 media outlets, were shut down. It is also stated that the number of people who have faced a [travel ban](#) is more than 500,000.⁸⁴ As a result of the ensuing oppression and persecution of Gülenists, Kurds, and other opposition groups in Turkey, Turkish citizens started to seek asylum in Europe. Based on Stockholm Center for Freedom's (SCF) report, since the coup attempt up until 2021, 19,653 Turkish citizens have fled to Greece. Also, the European Asylum Support Office (EASO) revealed that despite emergency measures and travel restrictions because of the COVID-19 outbreak, 15,834 [Turkish nationals](#) applied for international protection in EU member states in 2020.⁸⁵

Lastly, the enormous increase in the number of immigrants living outside of camps, combined with a lack of effective support programs, has exacerbated social problems. Because of Turkey's immigration policy and deepening economic crisis, Syrians have been the victim of growing racist and xenophobic attitudes and encountered some lynching attempts in Turkey.⁸⁶ In a recent incident, an 18-year-old Turkish teenager died after a violent confrontation between Syrian refugees and a local Turkish group in Ankara. Afterward, the incident prompted a [surge of xenophobia](#). Hundreds of Turkish men streamed into the neighborhood where Syrians live and ransacked stores, stoned houses, and damaged cars.⁸⁷ Thus, while the situation in Turkey jeopardizes the existence of refugees, it also poses a social tension that may arise between refugees and local groups.

As a consequence, the deal and its application indicate that the main concern has never been the migrants themselves. This policy has overlooked the needs of the Syrians and other irregular migrants in Turkey by abandoning them to the inconsistent and inadequate Turkish protection system.⁸⁸ The resettlement policy and voluntary humanitarian admission scheme stipulated in the EU-Turkey Statement were overshadowed in practice by the self-imposed objective of the deal, which prioritized the prevention of the migration flow. EU policymakers have violated both the EU and international law, in particular the right to seek asylum.⁸⁹ All in all, the deal suggests that the “principle-based normative EU” has been supplanted by an “interest-based EU”.⁹⁰ The overall picture reveals that the EU migration policy neither supports its image as a normative actor nor increases its credibility in foreign policy.⁹¹

Conclusion

Along with the “Arab Spring” that broke out at the end of 2010 and the escalation of the civil war in Syria after 2011, the countries in the region, notably Turkey, and Europe faced an

unprecedented influx of migration, resulting in a refugee crisis in the EU in 2015. The crisis deepened after the states on the Balkan route had to face the flow of refugees. Then, the Dublin regulation and Schengen system collapsed. With rising right-wing nationalism and populism, anti-immigrant sentiment and Islamophobia have also increased in Europe.⁹² After the EU failed to find a common solution inside the Union, Turkey, which could play the role of a watchdog for Europe on the Balkan route, emerged as an alternative for the resolution of the crisis.⁹³

The EU-Turkey Statement, which was announced on 18 March 2016, brought about heated debates and criticism due to its legislative framework and the implementation of the “deal”. Scholars and human rights defenders have emphasized that Turkey does not fulfill the requirements to be considered as a safe third country for refugees because of its present asylum system, records of refoulement, and human rights violations in the country.⁹⁴

The legal framework and socio-economic situation in Turkey, which now hosts about 3.7 million registered Syrian immigrants⁹⁵, fall well short of meeting their needs. First of all, Turkey's geographical limitation to the 1951 Geneva Convention enables it not to grant refugee status to immigrants outside Europe. Even though the 2013 Law (LFIP) provided temporary protection status for Syrian immigrants, it does not fully offer other rights contained in the 1951 Convention. Also, their living conditions have been deteriorating in Turkey due to the growing number of irregular migrants, bureaucratic inertia, widespread corruption, and the inability of international institutions to adequately monitor the process. In addition to unregistered Syrians, the vast majority of the registered Syrians have to live outside the camps. Moreover, working as unregistered workers or below minimum wage is very common among Syrians. Syrian children still have difficulties in access to education.⁹⁶ On the other hand, these unresolved problems also endanger their safety. Hostility and

violence against refugees escalate in Turkish society owing to the growing number of refugees, worsening economic conditions, and anti-immigrant rhetoric in Turkey.⁹⁷

Finally, the 2015 refugee crisis and the 2016 EU-Turkey deal have had significant effects on Turkey-EU relations. The EU's external migration policy has affected foreign policymaking and has reduced the EU's transformative power over its partners. By focusing entirely on the number of migrants arriving in Europe, the EU's shortsighted and security-oriented policies, which were mainly shaped by domestic political concerns, have undermined its capacity to handle political concerns in Turkey. In addition, allowing Syrian refugees to be instrumentalized by Erdoğan has placed the EU in a dependent position against Turkey.⁹⁸ Although, some criticize “the deal as a dangerous precedent for the EU allowing itself to be held ‘hostage’ by Turkey”⁹⁹, in fact, both the EU and Turkey have been taken hostage by Erdoğan. Under an autocratic rule, Turkey today faces a high level of tension due to widespread and grave human rights violations, repression and prison sentences against dissidents, a deepening economic crisis, and rising hostility to immigrants in the country. These developments can be interpreted as the Middle Easternization of Turkey rather than de-Europeanization. Therefore, even though the EU has considered Turkey as a buffer country relying on its security-based migration policies, this deepening multidimensional tension in Turkey poses greater risks for the EU that could go beyond the 2015 migration crisis.

Consequently, although the deal has reduced the number of irregular migrants arriving in the EU through Turkey, it fails to fulfill the EU's ethical and legal responsibility for the protection of refugees. The constant nature of the refugee flows requires the EU to develop lawful, comprehensive, and sustainable solutions.¹⁰⁰

Endnotes

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