Migration Policies of the European Union and Turkey with special Consideration of the 2016 Readmission Agreement.

Ayse Aysu Sinik

ABSTRACT

In the second half of the twentieth century, an increase in the rate of irregular migration was observed, caused by conflicts that threatened human life. Since the 1990s, the EU has developed various mechanisms to control external migration. In the 1990s and later, there have been more migrants to Europe than in previous periods. This situation caused the European Union to develop a policy of common strength. At the same time, Turkey became a significant country with respect to migration routes, being situated between Europe and the home countries of most migrants since the 1990s: the former Soviet countries and the Middle East. This research contribution aims at examining and analyzing the foreign and immigration policies of the European Union and Turkey. It will examine not only the internal policies on the migration of both the European Union and Turkey but also the relationship between these two sides, especially after 2011 with the beginning of the Syrian civil war and the movements of forced migration. In particular, this paper will focus on the EU-Turkey Readmission Agreement of March 2016.

KEYWORDS: European Union; Turkey; Immigration Policies; EU-Turkey Readmission Agreement.

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I. INTRODUCTION

One of the most serious human tragedies in the history of the world has been going on in Syria since 2011. The anti-regime demonstrations in Syria, which began on 15 March 2011, soon turned into a serious conflict and subsequently a civil war, and then began a great and dramatic escape towards the neighbouring countries. The tragedy that Syrians have been experiencing, which has reached a dimension that has rarely been encountered in the history of the world, is described by UNHCR as "the greatest wave of migration in recent history" (Erdogan, 2017).

The Arab uprisings began to take effect in Syria in late 2010. The first protests and demonstrations started on 28 January 2011. In this process, other Middle East Arab countries have grown with the participation of many different groups in Syria. The protests continued to increase in this period, and in 2012, they spread to Aleppo (NTV, 2017). The Syrian people continued to bear the brunt of the civil war, and Syria remained the main country of origin of refugees at the end of 2017. More than 6.3 million persons have been forced to flee the country, accounting for almost one-third of the world's total refugee population. There was a 14 percent increase in the total number of Syrian refugees in 2017. Currently, Syrian refugees have found asylum in 125 countries throughout the world, with the majority being hosted by Turkey (UNHCR, 2017).

More than the threat the conflict presents to international peace, media should consider the danger it implies for the lives of innocent persons. Five million Syrian citizens left the country, and over five hundred thousand Syrian citizens lost their life (Kanat and Aytac, 2018)

The United Nations High Commissioner for Refugees, Filippo Grandi, declared on 9 March 2018: "This seven-year war has left a colossal human tragedy in its wake. There are no clear winners in this senseless pursuit of a military solution. But the losers are plain to see – they are the people of Syria." (UNHCR, 2018)

To understand and handle the subject of the Readmission agreement between the EU and Turkey, the conditions of Syrian refugee movements in Turkey and other countries should be analyzed. Based on the knowledge of the positioning of Syrian refugees all over the world, it is possible to analyze the conditions of Turkey, Syrian refugees, the relations between Turkey and the European Union, and the Readmission Agreement between Turkey and the European Union.

Turkey is the home of the world's largest refugee population. The number of Syrians under temporary protection has reached over 3.3 million. Almost half of the population consists of children. Only about 7 percent of the Syrians

under temporary protection live in 21 Temporary Refugee Centers located in the provinces near the Syrian border. The remaining 93 percent live in host communities in urban and rural areas (3RP, 2018).

Table I. *The number of Syrian refugees in and outside temporary refugee centers (Ministry of the Interior, 2019)*

	TEMPORARY REFUGE CENTERS	OUTSIDE TEMPORARY REFUGE CENTERS	TOTAL
■ POPULATION	143558	3484562	3628120
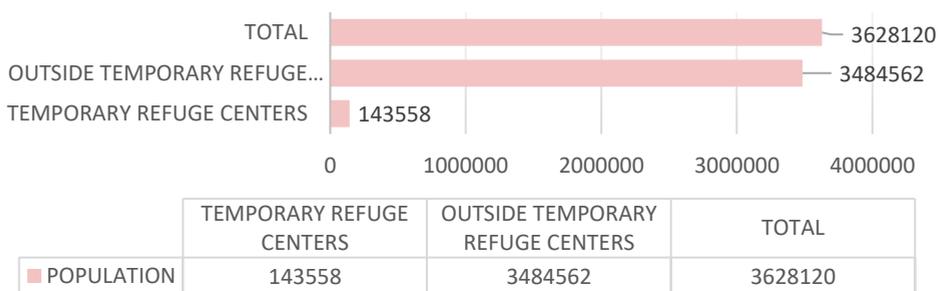
II. Syrian refugees in Turkey

In the ninth year of the crisis in Syria, more than 13 million persons, including six million children, need humanitarian assistance. Since March 2011, more than 400,000 Syrians have lost their lives and over one million have been injured. Around 6.1 million persons have fled their homes inside Syria and 5.6 million have been forced to take refuge in neighboring countries. Without a political solution in sight, the conflict is likely to persist in 2019 (European Commission, 2018).
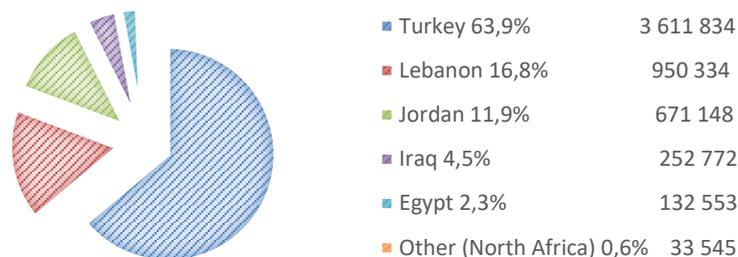
Nearly 5 million Syrians live in neighboring countries of Syria. There are 1 million in Lebanon, 660,000 in Jordan and 250,000 Syrians in Iraq. The number of Syrian refugees in neighboring countries is 41 percent of the population (UNHCR, 2018).

The number of Syrians registered in Turkey is 3,618,624 persons. As of 20 December 2018, the number of Syrians staying in temporary accommodation centers run by the Migration Management was 143,603 persons (Multeciler, 2018).

According to UNHCR's updated data on December 9 (UNHCR, 2018), 2018, the total number of displaced Syrians since 2011 is 5,652,186. The number of Syrian refugees in Turkey is 3,611,834 persons and 63.9 percent of the displaced Syrians are living in Turkey. The data updated on November 30, 2018, shows that 950,334 persons (16.8 percent) are staying in Lebanon. On 9 December 2018, updated data shows that 671,148 (11.9 percent) persons live

in Jordan. According to the data of UNHCR on 30 November 2018, the number of Syrian refugees living in Iraq is 252,772 (4.5 percent). The number of Syrian refugees living in Egypt is 132,553 (2.3 percent). Other African countries, according to the data updated on March 15, 2018, host 33,545 (0.6 percent) of the Syrian refugees.

Table II. *Total Numbers of Syrian Refugees by Country (UNHCR, 2018)*

■ Turkey 63,9%	3 611 834	
■ Lebanon 16,8%	950 334	
■ Jordan 11,9%	671 148	
■ Iraq 4,5%	252 772	
■ Egypt 2,3%	132 553	
■ Other (North Africa) 0,6%	33 545	

Refugees Association has published the number of Syrian refugees in Turkey using the biometric data taken from the Ministry of Interior on the 6 December 2018 (MINISTRY OF THE INTERIOR, 2018). The number of registered Syrian refugees in Turkey is 3,611,834. The number of Syrian refugees in Temporary Refugee Centers is 144,036 persons. Temporary accommodation centers are closed due to changes in immigration policy. Since January 2018, the population in the camps has decreased by 84,215 persons. In 2018, 185,048 Syrians were registered. Besides, the Minister of Internal Affairs of Turkey Suleyman Soylu said in a statement on 15 November 2018 that 278,130 Syrians had returned to their country, while 59,747 Syrian refugees had received citizenship of the Republic of Turkey under exceptional circumstances. From this number of new Turkish inhabitants, 31,747 were between 0 and 18 years old. 32,199 Syrian refugees who were granted Turkish citizenship received a work permit.

On 6 December 2018, the Turkish immigration authorities published the following data showing the number of Syrian refugees in the ten cities with the highest refugee population. The percentage next to the total number of refugees describes the percentage ratio comparing the population of the city to the number of Syrian refugees. The city with the highest number of Syrian refugees is Istanbul with 555,115 (3.7 percent) refugees. The second city is Sanliurfa with 455,534 (22.9 percent) refugees and there is a camping area in this city. Hatay ranks third with 444,913 (28 percent) persons. The province of Hatay is the second in comparison to the ratio of Syrian refugees to the city population. Then come the cities of Gaziantep and Adana. Mersin is a

city with no campground, and it ranks 6th with 206,430 (11.5 percent) Syrian refugees. Bursa and İzmir follow in the ranking with 163,175 (3.3 percent) and 141,363 (5.6 percent) persons. There are no camping areas in Kilis, where 121,157 (88.9 percent) Syrian refugees live. The data shows that although there is no camp area in the city of Kilis, the rate of refugees is 88.88 percent compared to the city population. The city in the tenth place is Konya with 103,915 (4.8 percent) persons.

Table III. *Ratio of Syrian refugees to the total population of the ten provinces with the highest immigration numbers*

City	Average	City	Average
Istanbul	3.70%	Mersin	11.50%
Sanliurfa	22.90%	Bursa	5.56%
Hatay	28%	Izmir	3.30%
Gaziantep	20.80%	Kilis	88.88%
Adana	10.30%	Konya	4.77%

According to the data released by the Immigration Administration of the Republic of Turkey, Istanbul is the city with the highest number of Syrian refugees. 553,387 Syrians are living in Istanbul. 447,622 refugees live in the province of Sanliurfa, 436,362 in Hatay, 428,724 in Gaziantep, 236,362 in Adana, 203,502 in Mersin, 169,205 in Bursa, 142,740 in Izmir, 115,987 in Kilis, 106,227 in Konya.

Fig. I. *Cities with more than 100,000 Syrian refugees (Ministry of the Interior, 2019)*

III. THE MIGRATION POLICIES OF EUROPEAN UNION AND TURKEY

Regular migration is defined as completing and following the legal process required for entering, remaining in, or leaving a country; irregular immigration as defined by the Directorate General of Migration Management means "Irregular immigration means; to enter a country illegally, to remain in a country illegally, or to enter the country legally but not leave in the legal period" (General Directorate of Migration Management, 2015). In the second half of the twentieth century, an increase in the rate of irregular migration was observed, caused by conflicts that threatened human life (Kanat and Aytac, 2018).

Since the 1990s, the EU has developed various mechanisms to control external migration. The Schengen Agreement was signed between the member states on June 14, 1985, and the first major step was taken for the common visa regime. In 1990 the Schengen Convention treaty was implemented; the framework of joint visa and border security policies was drawn. In this agreement, it was decided that the parties should establish a common visa policy and that third-country nationals must enter the Schengen area with a single visa (Articles 9 and 10). It was agreed that the border controls of the Schengen region should be carried out in a common policy and that no other country would make a change without the consent of others (Article 136). One of the EU's strategies for combating irregular migration is readmission agreements. These are, briefly, bilateral agreements between two countries between which irregular migration takes place, ordering the return of irregular migrants found in one of the countries to their country of origin or transit. These migrants may be nationals or citizens of the country from which they cross the border, stateless, or they may be third-country nationals who have unlawfully migrated from the country to another country (Ekinci, 2018).

As a result of the migration policy of the European Union, irregular migration is shifting towards the surrounding countries. As the last stop for migrants seeking to reach Europe, it has been recognized that Turkey needs to take up an important role in terms of the implementation of the migration policy of the European Union. As a candidate state of the EU, Turkey is expected to adopt the acquis, i.e. the entire body of hitherto adopted EU law. In the field of migration, this means that Turkey needs to harmonize its visa regime with the Schengen system, update the legislation on border controls, immigration and asylum and lift the geographical limitation for potential refugees, which currently grants refugee status only to migrants form Europe (Uzan, 2019).

The mechanisms developed by the EU for the control of migration movements on its borders have gained great importance in the fight against irregular migration. In addition to border security, migration control mechanisms implemented by cooperating with third countries aimed to prevent irregular migrants from reaching EU borders (Saliji, 2018).

On the legal level, the basis of Turkey's policy on refugee movement is the Refugee Convention signed in 1951. Turkey, however, maintains a geographical limitation, applying the conditions of the refugee convention only to eventual refugees from European countries. Turkey is criticized in this regard. Extra-European migrants are eligible for a conditional refugee status and temporary asylum. Basic regulations relating to refugee movements in Turkey are to be found in the Settlement Law No. 2510 dated from 1934, and the first regulatory document against asylum movements in 1994 with the Turkish Asylum Regulation, and Law No. 6458 on Foreigners and International Protection adopted on 4 April 2013 (Bozkaya and Kincal, 2018).

In the 1990s and later, there have been more migrants to Europe than in previous periods. This situation caused the European Union to adopt a policy of common strength. With respect to migration routes, Turkey has become a significant country: For the many migrants who, from the 1990s on, came to Europe from the former Soviet countries and the Middle East, Turkey was the last stop before crossing European borders. From the Second World War until 2015 there has not been such a massive migration from Syria to European countries. The number of Syrian refugees going to Europe reached 1 million, and this situation has resulted in a crisis. In this context, the previously established and sustained immigration policies of the European Union were considered to be insufficient (Kanat and Aytac, 2018).

In this context, in the relations between EU and Turkey, an important agenda has come to the forefront. At present, Syrian refugees are the chief priority in the relationship between the two sides. According to the "Convention Relating to the Status of Refugees" signed in Geneva on 28 July 1951 by Turkey, the Syrian citizens who fled the civil war in Syria have the status of "temporary protection". Until 2015, the EU member states did not take the Syrian issue into their agenda. Besides, nearly a million Syrian citizens crossed the countries of Southeast Europe and turned to Western European countries, particularly Germany, France and Sweden, and chose this as a target. At this point, EU countries are beginning to seek solutions to this uncontrolled and irregular migration process and on March 18, 2016, an agreement was signed between the EU and Turkey (Alkan, 2016).

Turkey's financial assistance program designed for refugees in Turkey started to operate in March 2016. This program is designed to meet the needs of refugees and host communities in a comprehensive and coordinated

manner. The program operates in six priority areas: humanitarian aid, migration management, education, health, municipal infrastructure, and socio-economic support (European Union External Action, 2018).

By means of readmission agreements, the EU wants to solve the problem of irregular migration beyond its own borders. The readmission agreement between the EU and Turkey orders migrant exceeding limits to be sent back to Turkey, and in this way aims at preventing irregular migration to Europe via Turkey. It can be argued that the effect of the readmission agreement will be to stop migrants in Turkey (Uzan, 2019).

IV. READMISSION AGREEMENT BETWEEN THE EU AND TURKEY

The Readmission agreement aims to provide border security and consequently prevent irregular immigration to the European Union. With this mechanism, the EU hopes to avoid the negative economic effects of irregular immigration and protect the border security. The EU has declared that it will not violate human values with readmission agreements but will not accept irregular migrants within its borders (Ercan, 2016).

The "Readmission Agreement" between Turkey and the European Union was signed on March 18, 2016 (Sputnik News, 2016), and implemented on March 20 of the same year. The main stipulation regarded Syrian immigrant mobility: After March 20, 2016, all migrants who pass from Turkey to the Greek islands in the Aegean sea will be returned to Turkey, for each one returned to Turkey another one of the Syrian citizens who are under temporary protection in Turkey will be admitted to the EU member states (Sarkan and Eren, 2017). The members of the Union limited the number of asylum seekers to the EU to 72,000 on 18 March.

After the Readmission agreement decisions and especially at the meeting on 18 March 2016, there were difficulties to specify the refugee and subsidiary protection status. The legal framework of these statuses would not allow to send them back to Turkey after they reach EU countries. The decisions of the Readmission Agreement lead to send them back to Turkey (Saliji, 2018).

Following this meeting, Ahmet Davutoglu stated that he thought it had a very practically oriented result. "This is a very positive result of our agreement, which prevents illegal immigration and sends refugees to Europe within the law", he declared (Sputnik News, 2016).

In the news, one month after the Readmission Agreement between Turkey and the European Union was published, refugee transitions decreased considerably. Before the Summit of the European Union on March 18, while

around 6,000 refugees were passing to Europe each day, this number dropped to 200 after the agreement (T24, 2016).

The content of the articles of this agreement is briefly as follows (Council of the EU, 2016):
1) All new irregular migrants or asylum seekers whose applications have been declared inadmissible crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey.
2) For every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU from Turkey directly.
3) Turkey will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU.
4) Once irregular crossings between Turkey and the EU are ending or have been substantially reduced, a Voluntary Humanitarian Admission Scheme will be activated.
5) The fulfilment of the visa liberalization roadmap will be accelerated with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016. Turkey will take all the necessary steps to fulfil the remaining requirements.
6) The EU will, in close cooperation with Turkey, further speed up the disbursement of the initially allocated 3 billion Euro under the Facility for Refugees in Turkey. Once these resources are about to be used in full, the EU will mobilize additional funding for the Facility up to an additional 3 billion Euro to the end of 2018.
7) The EU and Turkey welcomed the ongoing work on the upgrading of the Customs Union.
8) The accession process will be re-energized, with Chapter 33 to be opened during the Dutch Presidency of the Council of the European Union and preparatory work on the opening of other chapters to continue at an accelerated pace.
9) The EU and Turkey will work to improve humanitarian conditions inside Syria.

Made of Minds reported on March 18th, 2018 that Germany and the EU expect to see a significant reduction in the number of refugees arriving in Europe with the help of this agreement. On the other hand, human traffickers can be more effectively tackled and fewer asylum-seekers in the Aegean Sea are in danger of suffocation. The EU has designated €6 billion in financial assistance to meet the educational, housing and care expenses of Syrian refugees in Turkey. Gerald Knaus, according to Deutsche Welle, stated that the agreement was able to both reduce the number of refugees arriving in the

European Union and to prevent them from drowning while attempting to cross the ea. The number of Syrian refugees entering the Greek islands was 2000 per day in February 2016. However, with the closure of the Balkan route following the agreement, the number of Syrian refugees entering the Greek islands is 100 per day. "Comparing 2015 and the first half of 2016", Knaus stated, "there was a reduction of the number of refugees in Germany. It should be remembered, however, that 15,000 refugees per month still pass from Turkey to Europe" (Deutsche Welle, 2018).

Table IV. *Mediterranean Sea Arrivals Report by UNHCR (UNHCR, 2018)*

PREVIOUS YEARS	SEA ARRIVALS	DEAD AND MISSING
2018	23,370	1,311
2017	119,369	2,873
2016	181,436	4,578
2015	153,842	2,913
2014	170,100	3,093

UNHCR Data is showing the number of arrivals and of missing or dead refugees along the Mediterranean Sea route. In 2014 170,100 persons arrived via the sea, 3,093 were missing or dead. In 2015 number of arrivals was 153,842, the number of dead and missing persons 2,913. In 2016, 181,436 persons arrived, 4,578 were missing or dead. In 2017, the arrivals amounted to 119,369, the dead or missing to 2,873. In 2018 23,370 persons arrived via the Mediterranean route, while 1,311 were missing or dead. According to the data of UNHCR, after 2016, the number of sea arrivals are decreasing.

Batir underlined in the report 'European Union's Readmission Agreements: a Legal Analysis' (Batir, 2017) that only €1.5 billion of the €3 billion foreseen by the end of February 2017 had been budgeted and only €750 million of this figure had been paid.

On 20th March 2017, when the Anadolu Agency evaluated the Migrants' Memorandum, it was stated that the European Union did not fulfill its promises after a year had passed since the implementation of the immigration agreement. As a result of this agreement, irregular migration in the Aegean Sea has been largely taken under control. The Republic of Turkey has fulfilled its contractual requirements. On the other hand, the European Union has not adhered to its obligations in the framework of visa liberalization, financial assistance, resettlement, and customs union. According to the Memorandum,

from the quota of 72,000 Syrian refugees only 3,565 Syrian refugees in Turkey had been placed in the EU countries (Anadolu Ajansi, 2017), while the number of asylum seekers sent to Turkey was 1487 persons. Another item is the date for the visa liberalization at the end of June 2016. However, for the visa liberalization to start at the end of June 2016, the EU Commission was going to submit to the EU Council and the European Parliament the proposal for visa liberalization with the third and final visa progress report at the beginning of May. But there was no progress on the issue. On the other hand, EU assured to accelerate the allocation of the €3 billion promised to Turkey to complete the first part of the needs-based project and by the end of 2018, an additional €3 billion was planned to be provided. According to the Commission report of the European Union, the amount of 'pending' money until March 2 was €2.2 billion. Besides, the amount of money transferred was €750 million. On the other hand, as of April-December 2016, asylum seeker transitions decreased by more than 97 percent compared to the previous year (Bulur and Top, 2017).

Turkey's financial assistance program designed for refugees in Turkey started to operate in March 2016. This program is designed to meet the needs of refugees and host communities in a comprehensive and coordinated manner. It operates in six priority areas: humanitarian aid, migration management, education, health, municipal infrastructure, and socio-economic support (European Union External Action, 2018).

Let us look at the subject from a historical perspective: On December 16, 2013, Turkey and the European Union signed a Readmission Agreement, and it entered into force partially on 1 January 2014. In 2015, when the EU had to deal with the growth of the refugee problem in Turkey, the demand was felt to fully enact the agreement. In accordance with the Joint Action Plan adopted on 29 November 2015, the agreement was fully implemented on 1 June 2016 (European Council, 2017). Besides the determination of the immigration movements in the Readmission agreement by the European Union and Turkey, a visa liberalization dialogue with Turkey, envisaging the free movement of citizens in European countries, was initiated, and Turkey defined 72 criteria that had to be fulfilled.

V. CONCLUSION

From the beginning of the civil war in Syria, March 15, 2011, approximately 4 million Syrian refugees have arrived in Turkey. Turkey is one of the countries most affected by the ongoing war in Syria. Since 2011, Syrian refugees have become a part of society in Turkey.

Today, the EU is facing the problems of migration caused by the outbreak of the civil war in Syria. Turkey's relations with Europe have increased significantly in recent years, and between Turkey and Europe bilateral negotiations and summits have taken place. With the readmission agreement with the EU, Turkey is controlling migration from Turkey to the EU.

The main point here is not to see migration mobility as a crisis, a problem, but to evaluate it within the framework of human rights. European Union migration policies and the open-door policy implemented by Turkey, should not just offer migrants admission into the country, but also a humane way of life. All assessments should be made from a humanitarian point of view and should consider refugee's rights and living conditions.

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