Assessing the impact of Turkish refugee flows on the EU-Turkey Agreement
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Executive Summary

This paper explores the impact of the increased refugee flows of Turkish citizens on the EU-Turkey agreement. The EU-Turkey agreement of March 2016 has faced severe criticism regarding the designation of Turkey as a “safe third country.” Existing literature has cited numerous legal and political reasons which argue why this designation is flawed. This paper takes a different approach by focusing on the -largely ignored- issue of the increased refugee flows of Turkish citizens in Europe which were generated as a result of the failed coup attempt of 2016. According to the findings of this paper since 2017 Turkey has become a refugee producing country as evidenced not only by the increase of asylum applications but also from the increased asylum recognition rate of Turkish applicants by European countries. This behaviour on behalf of Turkey, which clearly violates the spirit of the EU-Turkey agreement, can potentially harm the credibility of the European Union and allow Turkey to continue the blackmailing strategy which it has adopted vis a vis the European Union.
Introduction

Ever since the refugee crisis of 2015, Turkey has become the largest refugee holding country in the world. According to the most recent data from the United Nations High Commission for Refugees (UNCHR), Turkey is hosting close to four million refugees (UNHCR, 2018). Out of those four million, three and a half million are refugees from Syria, three hundred thousand are asylum seekers from Afghanistan, Iraq and Iran, one hundred and seventeen are stateless and one returned refugee (UNHCR, 2019). In order to avoid the nightmare scenario of four million refugees flooding European shores the European Union implemented the EU-Turkey statement of March 2016. Under the terms of the statement, Turkey would be designated as a "safe third country" to which refugees could return from Greece and it would receive a generous financial aid, along with other provisions, in order to keep the refugee population inside its territory.

Despite the intentions of the agreement, the result was that Turkey became a massive bulwark which restricted the access of refugees to Europe. Statistically speaking, the agreement is considered as a major success which managed to severely reduce the number of refugees who reached Europe. For example, the number of refugee arrivals in 2016 was close to four hundred thousand and in 2017 it dropped to around one hundred and ninety thousand (International Organization for Migration, 2019). Moreover, the number of asylum applications in Europe has also decreased from one million three hundred thousand in 2017 to six hundred and fifty thousand in 2018 (Eurostat, 2018). Obviously, the sharp decline of arrivals and asylum applications is not only the result of the agreement though it is mostly credited of the success.

One lesser known fact is that since 2017 Turkey is slowly becoming a refugee generating country. As a result of the failed coup attempt of 2016 and the subsequent campaign of President Recep Tayip Erdogan to eradicate alleged members of the Fethullah Gülen movement, more and more Turkish citizens are forced to flee as a result of persecution. In 2015, six thousand Turkish citizens applied for asylum in European countries; in 2016 the number nearly doubled to twelve thousand and it increased again in 2017 reaching seventeen thousand.
Refugee flows from Turkey constitute a major issue for the European Union not only because of the fact that a candidate country is openly persecuting its own citizens but also because of the EU-Turkey agreement of March 2016, which was adopted in an effort to regulate the refugee flows to Europe and designates Turkey as a “safe third country.” However, the issue of the Turkish refugee flows has been largely ignored by the existing literature (Okyay and Zaragoza-Cristiani, 2016). Despite the wealth of literature on the historical evolution on the issue of Turkish refugee flows, very few studies have addressed the contemporary issue of Turkish refugee flows following the 2015 refugee crisis. A notable exception is the study made by Ibrahim Sirkeci who classifies Turkey as “a country of relative (in)security that both receives and produces significant number of refugees” (Sirkeci, 2017: 128).

The purpose of this paper is to cover the gap in the literature by addressing the largely ignored issue of the Turkish refugee flows and assess its impact on EU-Turkey agreement. The main argument of this paper is that the Turkish refugee flows severely impact the EU-Turkey agreement in three ways. Firstly, they violate the spirit of the agreement and seriously question the designation of Turkey as a safe third country, something which have been acknowledged by European courts. Secondly, they harm the credibility of the European Union which is perceived to condone the crackdown of President Erdogan's towards Turkish citizens with alleged ties to the Fethullah Gülen movement. And thirdly, they bolster Turkey’s blackmailing strategy towards the EU and further deteriorate EU-Turkey relations. The paper is divided into three parts: First, it analyses the issue of the EU-Turkey agreement and the criticisms it has received from the existing literature. Secondly, it focuses on the issue of the Turkish refugee flows and thirdly, it addresses the causes of their creation. In the concluding section, we summarize the impact of the refugee flows on the EU-Turkey agreement.

The EU-Turkey Statement

The refugee crisis of 2015 caught Europe by surprise. The two million refugees
that crossed the European borders fleeing from the civil war in Syria created unprecedented pressure to European asylum authorities which struggled to deal with the unfolding situation. To reduce the number of asylum seekers the European Union and Turkey released on 18 March 2016 a joint statement of nine action points (Gloria Fernandez Arribas, 2016; Bartolomeo, 2016). This statement was part of the Joint Action Plan which was adopted in October 2015. The Joint Action Plan aimed at managing the Syrian migration crisis by reducing the number of irregular migrants from Turkey to Greece (Gloria Fernandez Arribas, 2016). Once the primary goal was achieved, the next step would be to introduce a voluntary humanitarian admission scheme with Turkey (Gloria Fernández Arribas, 2016).

The joint statement stipulated that from March 20, 2016 all new irregular migrants who arrived in Greece through Turkey would be returned to the latter. Secondly, it established a 1:1 resettlement ratio for every Syrian who would return to Turkey from the Greek islands, another Syrian would be resettled in the EU. Thirdly, Turkey committed to prevent the opening of new sea or land routes from Turkey to the EU. In exchange for her cooperation Turkey would receive financial support in the amount of three billion euros and the EU committed to speed up the process of liberalizing visa requirements for Turkish citizens travelling in Europe and open new chapters in the negotiation process for Turkey’s accession to the EU. In summary, the agreement designated Turkey as a “safe third country” and recognized its central role in dealing with the refugee crisis.

Judging solely by the number of refugee flows from Turkey to Greece following the implementation of the agreement, we can agree that it has achieved its primary goal. From 2016 till 2019, the number of refugees who arrived in Europe has dropped significantly. According to the International Organization for Migration, in 2016, the countries of Bulgaria, Cyprus, Greece, Italy, Malta and Spain received close to four hundred thousand refugees, in 2017, close to two hundred thousand and in 2018, close to one hundred and fifty thousand (International Organization for Migration, 2019). However, it is unclear whether the implementation of the EU-Turkey agreement was the sole reason for reducing the number of refugee flows in Europe (Haferlach and Kurban, 2017). Other
factors could have also contributed, such as the crackdown of the Turkish smuggling industry, the sealing of the Balkan corridor and the introduction of visa restrictions for Syrian refugees on behalf of Turkey as well as the construction of a seven hundred-kilometre wall along the Turkish-Syrian borders (Batalla Adam, 2017). Other studies have argued that the decline in the number of refugee flows is not directly linked to neither the statement nor the closing of the Balkan route. Instead, they argue that the decline in numbers “preceded the EU-Turkey agreement and has no identifiable relation to the decrease in arrivals by boat” (Spijkerboer, 2016).

Critiques on the designation of Turkey as a “Safe Third Country”

The nature of the EU-Turkey agreement generated conflicting views with regards to its efficacy and ability to protect the rights of refugees who remain in Turkey. Proponents of the agreement focused on its success to deal with the immediate issue of reducing the number of refugee flows to Europe (Senyuva and Ustun, 2016) and the revitalization of EU-Turkey relations after nearly a decade (Evin and Hatipoglu, 2014; Pina Gedikkaya Bal, 2016). It is worth noting that even those who recognized the positive effect of the agreement in reducing the number of refugee flows did warn about its inability to provide effective protection to the refugees (Batalla Adam, 2017) and lack of comprehensive approach to solve the crisis in Syria which generated the flows in the first place (Csicsmann, 2016).

By contrast, those who opposed the agreement cited a wealth of reasons. The agreement has been flatly characterized as “immoral and illegal” (Haferlach and Kurban, 2017: 85). The first major issue was that the statement was not an international agreement, meaning that both parties where under no binding obligations and any breach of the agreement would have only political consequences (Gloria Fernandez Arribas, 2016). The non-binding nature of the statement effectively absolved the European Union from its legal obligations towards refugees. This was evidenced by a number of cases which have been brought before the European Court of Human Rights and have been ruled illegal (Haferlach and Kurban, 2017). Secondly, the agreement has been criticized
because it “reflects only the short-term interests of European countries: namely to keep refugees out of their territory” (Csicsmann, 2016: 14).

Perhaps the most contentious issue regarding the statement relates to the designation of Turkey as a "safe third country." As a result of this designation all asylum application submitted in Greece are inadmissible and all applicants should be returned to Turkey. However, the characterization of Turkey as a safe third country is a dubious proposition at best. Numerous reports by NGO's working in Turkey have expressed their concerns regarding living conditions in refugee camps and respect for the applicants’ rights. The main criticism against the designation of Turkey as a “safe third country” relates to the prohibition of collective expulsions and the respect of the principle of non-refoulement. The European Commission of Human rights defines collective expulsion as the process of “compelling aliens as a group to leave the country, except where such a measure is taken after and on the basis of a reasonable and objective examination of the particular torture or other serious harm” (Goodwin-Gill, 2007: 444). Various reports from NGOs suggest that Syrian who are returned to Turkey from Greece are in jeopardy of being returned to Syria. This tactic, on behalf of Turkey, is a clear violation of the principle of non-refoulement.

Apart from the potential violation of the principle of non-refoulement there are other factors which cast doubts on the designation of Turkey as a safe third country. These factors relate to the treatment of Syrian-Kurdish refugees who are being detained on allegations of links to the PKK, and the “Fethullah Gülen Terrorist Organization.” According to the 2015/2016 Amnesty International report, “by August 2016 more than 2,000 people have been detained for alleged links to the PKK, while over 260 remained in pre-trial detention” (Amnesty International, 2016). Moreover, there have been reports of attacks by the general public against the Kurdish population and even mass trials which were held against them (Gloria Fernandez Arribas, 2016).

Lastly, the EU-Turkey agreement has allowed Turkey to gain considerable leverage vis a vis the European Union. Its position as the “gatekeeper” of the refugee flows “has progressively reversed the asymmetries of power existing
between the two parties by demonstrating the indispensability of its continued commitment to act as gatekeeper vis à vis an increasingly fragmented Europe” (Okyay and Zaragoza-Cristiani, 2016: 51) As a result, Turkey found itself in an empowered position and the European Union has effectively lost the ability to push for structural reforms in Turkey (Haferlach and Kurban, 2017). This was evidenced by the decision of Turkey to bring back the death penalty, which goes directly against the values of the EU.

In sum, the EU-Turkey agreement is a political agreement with a dubious legal status which has essentially allowed Turkey to become the gatekeeper for refugee flows to Europe. Moreover, it has been transformed from an opportunity for cooperation into a bargaining matter (Senyuva and Ustun, 2016).

**The issue of the overlooked Turkish Refugee Flows**

The main drive behind international migration rests on three mutually reinforcing factors: development deficit, democratic deficit and demographic deficit. Development deficit refers to economic inequalities across society and geography, democratic deficit is defined as the underrepresentation of minorities and demographic deficit is characterized by high fertility and growth rates. In the case of Turkey all three factors are present and are the principal guides behind the increased migration flows.

Historically, Turkey has been a country of both immigration and emigration. According to official reports, Turkey has a diaspora of 5 million along with 1.5 million foreign born and 3 million refugees currently residing in the country (Pusch and Sirkeci, 2016). Even before the failed coup attempt of 2016 several existing factors contributed in the creation of refugee flows on behalf of Turkey. Factors such as major conflicts, uneven development and demographic pressures. The combined effect of these factors exacerbated the struggles of both Turkish nationals and minorities and forced them to seek economic, cultural and political security elsewhere. Historically, the most popular destination for Turkish asylum seekers was Germany since it has the largest Turkish minority in
Europe. In recent years, other popular destinations have emerged such as Norway and Switzerland.

Originally, Turkish citizens were migrating to Europe as part of an agreement signed by the Turkish and West German governments in 1961 (Kirişiçi, 2007). The agreement was beneficial to both countries because it provided the rapidly expanding German economy with temporary unskilled labour and reduced the high levels of unemployment in Turkey. The economic recession of Western Europe during the 1970s slowed down the process of recruitment from Turkey. However, by that time the workers who had already migrated there had settled and they continued immigrating through family reunification. The economic decline of Europe coincided with the economic boom in the Middle East. As a result, Turkish immigrants changed destinations and emigrated to countries such as Libya, Saudi Arabia and Iraq (Kirişiçi, 2007). The transformation of Turkish immigration from labour emigration to asylum seeking took place in the early 1980s as a result of a military coup d’état which overthrew President Demirel and the increased levels of violence aimed to suppress a separatist movement by Turkey’s large Kurdish minority. The number of Turkish asylum seekers grew exponentially as a result of the domestic instability which plagued Turkey. Between 1983 and 2000 close to half a million Turkish citizens applied for asylum in various European countries (Kirişiçi, 2007).

Even though there are no systematic data on reasons for seeking asylum in the case of Turkish refugee flows, two arguments have been cited more frequently. The crackdown of President Erdogan, following the end of the failed coup attempt of 2016, towards alleged members of the Fethullah Gülen movement, and the Kurdish conflict. On July 15, 2016 a section of the Turkish military launched an operation to topple the elected government of Turkey and oust President Recep Tayyip Erdogan. However, the attempted coup was thwarted by the mobilization of ordinary citizens, loyalist soldiers and the police force. Almost immediately, the Turkish government accused as the mastermind behind the coup the exiled Turkish preacher and businessman Fethullah Gülen. Once a strong ally of President Erdogan Gülen’s movement “Hizmet” (Service) helped Erdogan immensely in his struggle to end the military’s influence in Turkish politics.
However, the amicable relationship between the two men rapidly deteriorated as a result of incidents such as the 2010 Mavi Marmara raid and the arrest of renowned businessmen and senior bureaucrats close to the AKP by Gülenist police officers in 2013 as part of a corruption investigation. The coup attempt provided Erdogan the opportunity to “cleanse” his government by what he called “a state within a state” (Al Jazeera, 2017).

In order to make the process of eradicating Gülenist supporters from Turkey as swift as possible Erdogan declared a state of emergency on July 22, 2016. Military officials, police officers, civil servants, academics and teachers were summarily sacked from their jobs on bogus allegations of belonging to the Gülenist movement. In addition, media outlets with close ties to the Hizmet movement were shut down. In sum, more than one hundred thousand people have lost their jobs and fifty thousand were arrested as result of the government crackdown (Al Jazeera, 2017).

However, alleged members of the Gülen movement were not the only ones targeted by President Erdogan. For example, the Academics for Peace movement which is a group of 2000 Turkish academics who signed a petition in January 2016 calling for an end to violence in the region. They renounced any relationship with the Gülen movement despite efforts by the Turkish state to brand them as supporters. Soon after the publication of their petition the police detained 27 academics on grounds of waging a terror propaganda. Moreover, all of the signatories were placed under investigation and if convicted they are facing between one and five years in prison (Weaver, 2016). This example shows that there is significant variation in the population of Turkish refugees. President Erdogan appears steadfast in his conviction to eradicate anyone who does not approve of his policies. What is interesting is that despite the aggressive nature of his policies, public support appears unwavering. For example, following the publication of the petition by members of the Academics for peace movement, some of the signatories reported to have been the subject of a backlash from nationalist students (Weaver, 2016).
As a result of the government crackdown from 2017 onwards, the number of asylum applicants of Turkish origins in Europe has more than tripled. According to data from the Migration Policy Institute, in 2015 close to six thousand Turkish citizens applied for asylum in European countries, in 2017, the number of applications was close to seventeen thousand (Migration Policy Institute, 2019). In 2018, the number of Turkish asylum applicant’s in Greece once again doubled reaching almost five thousand applications (Asylum Service, 2019). Including the latest data from June 2019, the number of Turkish Asylum applicants is more than two thousand (Asylum Service, 2019). The majority of these applicant’s crossed the natural borders of the river Evros between Greece and Turkey. A similar situation took place in other European countries. Between 2016 and 2017, Germany received more than nineteen thousand applications from Turkish citizens and was followed by France and Sweden which received around two thousand applications (Migration Policy Institute, 2019). Interestingly, according to the report while in 2017 the number of Turkish asylum applicants was almost equally distributed between Turkish and Kurdish ethnic groups, in 2018 there were clearly more applicants of Turkish ethnicity (European Asylum Support Office, 2019).

In addition to asylum applications the rate of asylum recognition rate for Turkish citizens has also increased. On average, the asylum recognition rate for Turkey increased from 24.1% in 2016 to 36% in 2017 (Migration Policy Institute, 2017). This means that in 2017 more than five thousand Turkish citizens received protection status under the Geneva convention in Europe. Norway had the highest recognition rate with 89.7 % out one hundred and forty-five total applications and was closely followed by Switzerland with 88.4% out of two hundred and fifteen applications and Italy with 81.7% out of three hundred applications. By contrast, Hungary, Poland, Slovakia and Bulgaria did not award protection status to any Turkish citizens. Considering that the average asylum recognition rate for all nationalities in Europe in 2017 was 46.4%, the average asylum recognition rate for Turkish citizens was considerably high. Increased asylum recognition rates for Turkish citizens mean that European countries recognize that they are being persecuted and are unable to return to their country of origin.
From a quantitative perspective the refugee flows from Turkey cannot be considered as a crisis at least in comparison to Syria and Afghanistan. Qualitatively though the situation in Turkey can become far more problematic particularly for Europe for several reasons. Firstly, Turkey is not currently amidst a civil war and has not been the target of a foreign military intervention. Secondly, Turkey is a somewhat democratic country with a rather stable government. Thirdly, Turkey is a candidate country for joining the European Union. Hence, the refugee producing capacity of Turkey should be a major cause of concern for the European Union considering the size of the Turkish population and its proximity to the European borders.

**Assessing the impact of the Turkish flows in the EU-Turkey Agreement**

The increase in the number of refugee flows of Turkish citizens in Europe has the potential to further destabilize the EU-Turkey agreement of March 2016. The potential of Turkey to generate refugee flows clearly violates the spirit of the EU-Turkey agreement. As per the agreement, Turkey is designated as a safe third country where refugees can return without facing the risk of persecution or refoulement. However, the fact that Turkey is openly persecuting its own citizens puts the designation of safe third country in serious doubt. This is supported by the fact that European countries are recognizing the persecution of Turkish citizens and grant them recognition status.

In addition, European courts consistently find that Turkey cannot be considered as a safe third country. A recent study showed that the Greek Appeals committees in 390 cases they examined did not consider Turkey as a safe third country citing their "concerns regarding the risk of refoulement and lack of protection equivalent to that provided by the Refugee Convention (Gkliati, 2017: 221).

Moreover, the continued designation of Turkey as a “safe third country” can potentially harm the credibility of the European Union because it appears as if the EU condones the crackdown of the Turkish President against those that he
brands as dissidents. This has the potential to enhance the defiance of Recep Tayyip Erdogan and further destabilize EU-Turkey relations. A recent study by Gerasimos Tsourapas, showed that Turkey has adopted a blackmailing strategy towards the EU with regards to the refugee crisis. According to the findings of the study, Turkey adopted this blackmailing strategy as a result of the size of the refugee population in its borders and the perception of domestic elites of their geostrategic importance towards the target state (Tsourapas, 2019). This blackmailing strategy is evidenced by the incident on July 2019, where the Turkish Foreign Minister Mevlut Cavusoglu announced that the readmission agreement with the European Union would be suspended because the EU has yet to liberalize the visa status for Turkish citizens travelling to Europe (Turkish Minute, 2019).

However, despite its flaws, the EU-Turkey agreement is perhaps one of the few viable solutions that have the potential to reduce the burden of refugee flows to the countries of the Eastern Mediterranean. Thus, it is highly unlikely that the EU will decide to punish Turkey for persecuting its citizens. Because in the European elections of May 2019 right wing parties increased their power in the European parliament, it is highly unlikely that the EU will change its stance towards Turkey and the agreement. Hence, despite the negative impact of the issue of the Turkish refugee flows and the potentially damaging impact on the EU’s credibility, the politically viable agreement between the EU and Turkey will continue to be used as a tool to monitor refugee flows to Europe.
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