Hacettepe University Graduate School of Social Sciences

Department of International Relations

THE IRREGULAR MIGRATION CRISIS IN THE MEDITERRANEAN AND ITS IMPACT ON TURKEY – EU RELATIONS

Merve AYTAÇ

Master's Thesis

Ankara, 2018

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The jury finds that Merve AYTAÇ has on the date of 07.06.2018 successfully passed the defense examination and approves her master's thesis titled "The Irregular Migration Crisis in the Mediterranean Region and Its Impact on Turkey – EU Relations".

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05/07/2018

Merve AYTAÇ

To My Dear Family...

ACKNOWLEDGEMENTS

ABSTRACT

AYTAÇ, Merve. *The Irregular Migration Crisis In The Mediterranean and Its Impact on Turkey - EU Relations,* Master's Thesis, Ankara, 2018.

The refugee and asylum issue became an international issue as of 1990s with the increase of the national border crossings. Before the 1990s the immigration was seen as a component of cultural diversity and the touchstone of the economic improvement. Thus, the migration was seen a cooperation area between the countries of origin and destination. However, the more countries have security concerns, the less they welcome the people from problematic regions of the world. Especially, in the crisis periods the refugee and asylum-seekers become a topical issue in the national – agendas. More than a cooperation area, the destination countries began evaluating the origin countries as the source of instability, immigrants as the threat to national security and the neighboring countries as the storage for the undesirable foreigners. Thus, not only for the national policies but also for the cooperation between the countries, the migration and asylum have been seen as a controversial issue.

For the European countries the immigration is still questionable within the framework of the EU. Fundamentally, the refugee and asylum policies should be shaped in accordance with the humanitarian concerns. However, as in the last crisis, the EU countries are not eager to admit asylum – seekers and refugees. For this reason, the EU has sought cooperation for preventing irregular immigration from the Middle East and North Africa (MENA) region. In this context, Turkey as a transit country for the irregular crossings to the EU, is seen as the main partner to prevent the crossings more than a candidate country. Moreover, the candidateship status led Turkey harmonize its policies with the EU acquis. Thus, it is expected to regulate Turkish legislation to reach to the European standards. The migration and asylum has been emerged as a cooperation area especially since 1999 when the EU concerned about the establishment of the Common European Asylum System (CEAS) within the Union. At that point, both sides have common concerns on immigration. Turkey as a candidate country has a long road with the European Communities, for this reason this policy area conducts an influence field between the EU and Turkey. But the relations can be tensed because of

the expectations of the EU and Turkey. While the EU requests to remove the geographical limitation, to complete the readmission process, to conduct more effective border controls to prevent the irregular crossings, Turkey's expectations are the improvement in membership process to the EU, the transition of promised aims by the EU and the most importantly the completion of the visa liberalization for the Turkish citizens. As long as the demands are not met by the parties, the migration issue continues to be relevant in the relations between Turkey and the EU.

Key Words

European Union, Turkey, Irregular Migration, Refugee, Migration Policy, Asylum, Migrant

ÖZET (Turkish Abstract)

Merve AYTAÇ, *Düzensiz Göç Krizi ve Türkiye – Avrupa Birliği İlişkilerine Yansımaları*, Yüksek Lisans Tezi, Ankara, 2018.

Göç, göçmenlik, mültecilik ve sığınmacılık; ulusal sınırlardaki artan düzensiz geçişler sebebiyle özellikle 1990'lardan uluslararası bir konu haline gelmiştir. 1990'lar öncesinde daha çok kültürel çeşitliliğin ve ucuz işgücü nedeniyle ekonomik büyümenin bir unsuru olarak görülmekteydi. Böylelikle kaynak ve hedef ülkeler arasında iş birliği alanı oluşturmaktaydı. Ancak güvenlik kaygılarının artması ile birlikte ülkeler dünyanın problemli alanlarından gelen sığınmacı ve göçmenlerin kabulüne daha az hoşgörülü yaklaşmaya başlamışlardır. Özellikle kriz dönemlerinde, artan sayıda mülteci ve sığınmacının geçiş ve kaynak ülkelere yönelmesi ile düzensiz göç ülkelerinde gündemlerinde yer almaktadır. Ancak bir iş birliği alanından daha çok, kaynak ülkeler hedef ülkeler tarafından istikrarsızlık bölgeleri olarak görülürken, gelen göçmenler ise ulusal güvenliğe tehdit olarak algılanmaya başlamışlardır. Sonuç olarak ise geçiş ülkeleri olarak komşu ülkeleri ise istenmeyen yabancılar için bir depo haline getirilmeye çalışılmakta ve durumun insani tarafı ise görmezlikten gelinmektedir. Sonuç olarak ise göç ve sığınma sadece yerel politikalarda değil ülkeler arasında da tartışmalı bir konu haline gelmektedir.

Göç özellikle Avrupa Birliği içinde üye ülkelerce sorgulanan bir alandır. Esasen, göç ve sığınma politikalarının insani çerçeveye uygun olarak şekillenmesi gerekmektedir. Ancak yaşanan son krizin de gösterdiği gibi AB ülkeleri sığınmacı ve mültecilerin kabulü konusunda pek de istekli görünmemektedir. Bu nedenle AB düzensiz göçe engel olabilmek için kaynak ve geçiş ülkeleri ile iş birliği olanağı aramaya başlamıştır. Bu bağlamda, Türkiye AB tarafından aday ülkeden ziyade düzensiz geçişler için bir geçiş ülkesi olması nedeniyle önemli bir ortak olarak görülmektedir. Fakat aday bir ülke olarak da Türkiye, göç politikalarını AB müktesebatıyla uyumlaştırmak için gerekli yasal düzenlemeleri yaparak Türk göç sistemini AB standartlarına ulaştırmaya çalışmaktadır. Türkiye ve AB arasında göç alanında iş birliği, AB'nin 1999 yılından itibaren ortak göç politikası oluşturulması yönündeki adımları ile ortaya çıkmıştır. İki ülkenin de göç konusunda belirli ilgi ve kaygılarının olması ve Türkiye'nin AB ile uzun

süren bir üyelik sürecinin bulunması bu alanda iki tarafın birbirini etkilemesine neden olmuştur. Fakat AB ve Türkiye'nin karşılıklı beklentilerinin bulunması ilişkilerin gerilmesine neden olmaktadır. AB coğrafi kısıtlanmanın kaldırılmasını, geri kabul anlaşması sürecinin tamamlanmasını ve sınır güvenliğinin artırılmasını beklerken, Türkiye ise üyelik sürecinde ilerleme sağlanmasını, AB'nin vadettiği yardımların verilmesini ve en önemlisi AB ülkelerine girişte Türkiye vatandaşlarına vize serbestisinin sağlanmasını talep etmektedir. Bu talepler Türkiye ve AB taraflarınca karşılanmadığı sürece sığınma ve göç konusu iki taraf arasındaki ilişkilerde bir araç olarak yerini almaktadır.

Anahtar Sözcükler

Avrupa Birliği, Türkiye, Düzensiz Göç, Mülteci, Göç Politikası, Sığınmacı, Göçmen.

TABLE OF CONTENTS

ABBREVIATIONS

AFAD	Disaster and Emergency Management Authority
AMB	Asylum and Migration Bureau
CEAS	Common European Asylum System
DGMM	Directorate General of Migration Management
EASO	European Asylum Support Office
EC	European Commission
ECRE	European Council on Refugees and Exiles
EEAS	European External Action Service
EEC	European Economic Community
ENP	European Neighborhood Policy
EU	European Union
EUCO	European Council
EURODAC	European Dactyloscopy
EUROJUST	European Union's Judicial Cooperation Unit
EUROPOL	European Police Office
FRONTEX	European Border and Coast Guard Agency
GAMM	Global Approach to Migration Management
GFMD	Global Forum on Migration and Development
İİBK	Turkish Employment Service
ILO	International Labor Organization
IOM	International Organization for Migration
IPA	Instrument for Pre- Accession
ISIL	Islamic State of Iraq and Levant
ISIS	Islamic State of Iraq and Syria
MENA	Middle East and North Africa

NATO	North Atlantic Treaty Organization
NCTC	United States National Counterterrorism Center
OPEC	Organization of the Petroleum Exporting Countries
TAC	Temporary Accommodation Centers
TFEU	Treaty on the Functioning of the European Union
UNESCO	United Nations Educational, Scientific and Cultural Organization
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
YUKK	Law on Foreigners and International Protection

LIST OF FIGURES

INTRODUCTION

The migration is a multidimensional issue that has the direct effects on the world politics. Throughout history, people have moved from one place to another because of the wars, economic reasons, natural disasters, or the social problems. These causes diversify the migration as the voluntary or forced migration. Alongside the voluntarily movements, the forced displacements created the asylum as a matter of fact. People who escape from the bitterness of the war and threat of persecution and death seek asylum in different countries. Thus, the asylum and the immigration emerged as a result of the forced displacement.

There are two factors of the forced immigration, while the pushing factors originate from the source country because of the instability, conflict, violence and insecurity, the pulling factors can be ranked as the high living standards, the prosperity, social and democratic rights of the destination country. However, besides pulling factors, the pushing factors lead refugees and asylum- seekers look for a secure country. Since the requirement of being in safe that is the vital need for a person is the first reason to leave the country of origin. Thus, with the instinct of the protection, millions of people flee to different countries from the massacres, persecutions, genocides, conflicts and wars that are the main pushing factors of the immigration.

The asylum- seekers envisage the dangerous journeys to the safe countries at the cost of their lives, and after they arrive the safe country, they continue their lives as the asylum- seekers or the refugees. After the Second World War the legal basis of the norms and standards related to the refugees were determined by the 1951 Geneva Convention and 1967 New York Protocol. According to the Agreement and the Protocol, the refugees have the international protection under the international law and they have their rights on the base of the legal documents.

The humanitarian aspect of the immigration is generally disregarded, and all countries lay the burden of the immigrants on the countries that are exposed the inflows directly. However, since the asylum-seekers and the refugees are the issues of the world politics, the cooperation between countries whether they are the neighbors of the country of

origin or not, it is essential to manage the migration issue. In this context, for the establishment of the international asylum and the refugee regime, the policies should be made in accordance with the international documents. Especially the countries that the asylum-seekers and the refugees immigrate, are expected to implement the international norms and values related to the asylum regime into their national policies.

There are three types of countries on the route of the immigrants, which are the country of origin, the country of destination and the country of transit. The origin countries have one or more of the pushing factors mentioned above. Due to the instability, worsening economy and the non-democratic regimes the MENA region is the most refugee producing region of the world. The second type of country is the country of destination. Because of the pulling factors, the migration happens from the Southern to Northern countries, for this reason, the Northern countries such as European countries, the United States of America, and Canada can be considered as the country of destination. The third type is the country of transit. These countries are generally one of the neighbors of the origin countries or the destination countries. The citizens of the origin countries reach to destination countries over the transit countries. The immigrants are mostly from the origin country or the neighbors of the transit country. The destination countries receive the citizens of the neighboring countries more than the citizens of the transit country.

In the light of that classification, Turkey can be considered as a transit country especially for the immigrants from the Middle East to the European Union. For this reason, the migration emerged as a cooperative area between Turkey and the EU. The irregular crossings from the MENA region to the EU over Turkey never stopped since the 1980s. The irregular migrants continue to enter the EU via Turkey and only the rank of the top nationalities that arrive the EU changed. For example, after the suspension of the guest- worker programs, Turkish citizens tried to enter the European countries irregularly for the family – reunification. Moreover, with the break of the Gulf War, thousands of Iraqi people inclined to arrive the European countries via the Turkish land border. Since, in the first place, Turkey is neighbor to the problematic region, and secondly Turkey is located in the crossing route of the immigrants from the Middle East to Europe. Due to the geographical position Turkey is considered among the most

important asylum countries of the world. From the view point of the European Turkey has a significant role in terms of the migration.

As a main destination, Europe is the most attractive region for the migrants from the MENA region. So, Europe has witnessed all types of the migration throughout history. However, the concept of asylum placed after the Second World War and the war caused a massive migration within Europe and the neighboring regions. As of the 1960s, the European countries started the guest- worker programs to provide the economic growth after the war. The programs continued until the 1973 OPEC crisis, in this term many economic migrants arrived the European countries from the Eastern Europe, Asia and Africa. Turkey was the most migrant sending country to the EU and the migrants were consisting not only Turkish citizens but also the people from neighbors of Turkey as a country of transit. After the collapse of the Soviet Union, many immigrants chose Western Europe as the place of destination. People from Eastern Europe, which is the post- Soviet region, were migrating to Western Europe for the high living standards and job opportunities. At that time, in the Middle East the Gulf Wars were on the agenda, and thousands of Iraqis entered Turkey and they preferred to migrate to the EU. Before the Arab Spring the EU faced the asylum- seeker inflows because of the conflicts in the Balkans and lastly the civil war in Syria displaced millions of people and the disaster turned into a humanitarian crisis with the massive inflows to the EU.

The Arab Spring accomplished only in Tunisia, and the process failed in Yemen, Libya, and Syria where the civil war erupted. As a result, millions of people escaped from the persecution, violence and atrocities. After the Iraqi, Afghani and Eritrean people were added to the migratory movements besides Syrians, the irregular migration became the greatest crisis since the Second World War. Over 13 million people are displaced both internally and externally because of the ongoing civil war since 2011. 5.5 million Syrians seek asylum in the neighboring countries such as Turkey, Lebanon, and Jordan.

In this situation, Syria has become the first source country for the refugees and asylum seekers by ranking over Afghanistan that was the most refugee producing country more than thirty years. Syria, after the break of civil war, witnessed the intervention from out of the region, the existence of the non-state actors and more violence day by day.

Especially the terrorist group Daesh' s violence spread to the wide areas with the violence against civilians and this triggered the increasing outflow from Syria.

Until 2015 the EU did not realize the humanity dimension of the crisis. However, in the summer of 2015, the irregular entrances on the EU borders increased by monthly and exceeded 1 million with the crossings over the Mediterranean and Aegean Sea. To reach the EU, not only sea route but also land route is used by the irregular migrants. The crossings over the sea was extremely high and because of the dangerous journey, many people died or missed. Increasing numbers and the critics from the international society led the EU conduct a comprehensive, coherent and effective migration policy and take immediate actions towards the crisis in the shores of the EU.

Indeed, the EU is not unfamiliar with the migration and especially after the completion of the political integration, the migration issue became a more cossetted within the EU. The Maastricht Treaty does not mention the asylum and the migration as a separated headline. The requirement for the establishment of the common policy on asylum and the migration emerged in the Amsterdam Treaty and that brought the Common European Asylum System (CEAS) to the agenda of the EU. The main objective of the CEAS is the management of the migration and the prevention of the irregular migration via strengthening the border controls. In this regard, the cooperation with the neighboring countries is extremely important for the protection of the external borders of the EU. For this reason, in the name of the prevention of the irregular entrances, the EU offered partnership to the transit countries on the fight of irregular migration. In this framework, for the deportation of the irregularly settled migrants, the readmission agreements (RAs) are used as the main instruments by the EU.

The European countries handle with the irregular migration guardedly. The basis of the European migration policies is to make the European continent as an area of freedom, security and justice. In this context, the EU emphasizes the free continent for the European citizens, and the Union tries to keep the third country nationals outside of the external borders. On the one hand, since the asylum- seekers and refugees need the protection of safe countries, their conditions are different from the economic migrants. On the other hand, instead of accepting the people who fled from the war, the EU members tend to accept mostly the qualified migrants. From this point of view, more

than humanitarian aspect the CEAS was shaped according to security concerns of the member states.

The Syrian crisis opened a cooperation area with the transit countries. Libya and Turkey are the most irregular migrant sending countries to the EU. Libya comparing to Turkey is less preferable route for the Syrians and Afghani asylum- seekers. Libya is mostly used by Tunisians, Eritrean and Somalian people. The route is found more dangerous and due to non-existence of the land border with Italy, people move to Sub-Saharan region. However, the Eastern Mediterranean route includes both sea and land border with the EU and geographically Turkey is a transit country and the neighbor of the Middle East as a source. For this reason, more than the Western and Central Mediterranean, the Eastern route is used intensely by Syrian, Iraqi and Afghan people.

The cooperation with Turkey is extremely important for the EU, since Turkey has become the world's most refugee hosting country and has common borders with the EU. Moreover, the harmonization with the EU norms and rules is a condition for Turkey due to its candidate status. The EU employs the conditionality for the candidates, for this reason the main expectation of the EU related to Turkey was the harmonization with the EU regulation. However, since the majority crossings happened over Turkish border, as a reflection of the conditionality the EU requested some regulations for the border control.

Turkey has always made efforts to align its policies with the EU. As the relations between two sides are getting closer time to time, an off-peaked period also emerged until 2015. Before the migration crisis, there was no definite progress in the membership process and the readmission agreement between Turkey and the EU was on the agenda as the main instrument of the EU externalization of the migration. The readmission agreement negotiations started in 2005 and the agreement was signed in 2013. The agreements include the third country nationals besides Turkish citizens, for this reason the agreement came into force in 2014 for only irregularly crossed Turkish citizens. After 2011, this process accelerated since the EU representatives envisaged the possible massive inflow from the MENA region. Before the 2015 crisis people have been crossings to the EU over Turkey. However, Afghani and Iraqi migrants was using

Turkey intensely to enter the EU. Therefore, the EU tried to conclude the RA with Turkey as soon as possible.

In the negotiations for the RA, the main controversial issue was the visa liberalization for Turkish citizens. Turkey requested the abolishment of the Schengen Visa Procedure as of June 2016, with the condition of that the RA was signed, and a Roadmap was prepared for the process of free movement of Turkish citizens. However, any improvement could not be provided in the name of the visa liberalization and the negotiations are deadlocked as of 2017.

In this thesis, the response of the EU to the irregular migration crisis is explored in the light of primary and secondary sources. The primary sources have been retrieved from the official websites of the institutions of Turkey and the EU. In this context, Turkey ensures the numbers related to Syrians in Turkey via the Directorate General of Migration Management and the EU institutions use the statistical information of FRONTEX and EUROPOL. Hence, the statistical information and tables in the thesis have been produced via contacting the authorities of these institutions directly. Furthermore, recent reports, books and articles were used as the secondary sources. On the other hand, because the thesis contains quick- change issues related to ongoing crisis, the news articles are also used to explain the situation.

As a long-term candidate and the country of transit, Turkey is expected to establish a migration policy in accordance with the EU. The 2015 crisis created the cooperation and interaction area for the EU and Turkey. The demands and the expectations of both sides determined the relations. In this context, this thesis aims to answer the questions of 'how has been the EU's response to the Syrian asylum-seekers crisis and which precautions and actions have been taken to solve the problem?' and 'whether the irregular migration crisis can be considered as the break point of the relations between Turkey and the EU?

The thesis contains four main parts to seek the answers of the questions above. The first chapter is titled as 'The Migration Policy of the European Union'. This chapter focuses on the EU efforts for the establishment of a common migration policy. The legal basis for the migration management lies behind the historical background of the immigration

experience of European countries. Therefore, it is beneficent to reveal European immigration practice before the 1990s when the irregular migration started to increase, and the Schengen Agreement was on the agenda. Previously, because of the requirements for European progress, the migrants were welcomed, however by time the acceptance procedures became tighter and that led the illegal ways for entrance to increase. Moreover, people got more eager to cross international borders. For this reason, the migration was differentiated, new concepts emerged, which are migrant, asylum-seeker and refugee. To clarify the European migration policies, it is required to explain the differences between the concepts. Since, the step to conduct a common policy was taken after the Maastricht Treaty, the chapter mainly represents the background of the establishment of the common European migration policy from the Maastricht Treaty to the Lisbon Treaty.

The second chapter is titled as 'The Reflection of the Latest Refugee Crisis to the EU's Refugee Regime'. In this chapter, the situation prior to the refugee crisis is evaluated. In 2015, Syrian people ranked as the first major nationality of the detected irregular crossings to the EU. However, to clarify the causes and numbers of the crisis, it is required to take a glance to the irregular crossings and the distribution of their nationalities before 2013. For this reason, the chapter is divided into two parts as the situation in the EU before and after the irregular migrant crisis. In the second part, it is focused on the actions of the EU as a quick response to the crisis. More than legal basis, the EU implementation includes the funds, camps, FRONTEX operations and precautions. Since, after the thousands of people changed their directions from the neighboring countries to the EU, every day hundreds of asylum-seekers started to die at the Mediterranean Sea. The first actions of the EU were to end the deaths and missing in the humanitarian concerns. Especially the shipwrecks with high numbers of asylum-seekers was taking place on media, the EU was criticized about the inefficient asylum polices and the strict regulations that lead people to seek the illegal ways of entrance. Consequently, the EU decided on operating the 'Quota System' to reduce the asylum-seeker stock in Italy and Greece. In this framework the President Angela Merkel stated that Germany would receive the asylum-seekers under the open- door policy by abolishing the first country rule of the Dublin Regulation. This chapter aimed to explore

when the crisis broke out for the EU and how was the first response to the massive inflow.

The 'Turkey, The EU, and The Irregular Migration" chapter emphasizes the role of Turkey as a candidate country. In this context, the geographical position makes Turkey as the country of origin, transit and destination, therefore Turkey seems as a strategic partner by the EU. For years Turkey sent the guest- workers to the European countries, in this sense Turkey is an origin country. Because of the bridge role between Europe and Asia, Turkey is a country of transit. Lastly the cultural and historical ties with the MENA countries cause that people of the post-Ottoman countries prefer Turkey as a country of destination. Likewise, the Eastern European migrants choose Turkey because of the proximity and job opportunities. Turkey witnessed the different types of migration for years and not only the asylum - seeker amounts in Turkey but also the key role for the solution of the crisis revealed that the EU lacks of a solution for the problem without Turkey. From the point of the EU side, Turkey is a significant actor in the crisis with the common borders and the possible irregular migrant stock which are evaluated in the security concerns of the European countries. Especially after one million people crossed from Turkey, at the beginning of the crisis, the EU accused Turkey of having weak border controls and allowing to crossings of the settled Syrians. Therefore, as a reflection of the conditionality principle of the EU, it is expected to regulate existing asylum policy by Turkey. Although Turkey is familiar with the both emigration and immigration issue, there was no unique law especially for asylum-seekers. The existing laws have parts related to the foreigners, however there is no legislation related to the international protection. The regulations for the new asylum-seekers are shaped in accordance with the EU.

However, as a response to the crisis the EU acquis lacks of establishing permanent and effective solutions to the situation. The EU tried to handle the issue as a quick response, however after it was realized that it would not be possible to stop the irregular crossing without Turkey. Before the crisis the readmission agreement negotiations were completed but the visa liberalization and the renewing the customs union issues remain as the problematic areas. As a reflection of the externalization policy of the EU, Turkey

has a significant role to prevent the crossings. In the name of the relations, the problematic areas of the RA determine the way of the relations.

The forth chapter is the 'Turkey- EU Relations in the Context of the Migration and RAs'. As known, the RAs are the main instruments of the EU, and the signature process with Turkey started in 2005 and concluded in 2011. According to the RA, a Roadmap was determined and if Turkey had met the requirements, as of 2016 June, Turkish citizens could have entered the EU without visa. However, the unwillingness of the EU on visa liberalization and the changes in the Turkish internal politics brought negative breathe to the relations. On the other hand, due to Turkey's candidacy status, the EU articulated the membership process to the crisis. During the crisis, the Community values its political concerns more than the solution of the crisis. However, Turkey took a step to ease the tensions between the EU, agreed on the 18 March Statement which offers to decrease the crossings over the Eastern Mediterranean. The forth chapter aims to explore the source of the break of the relations between Turkey and the EU. Since, four years after the signature of the RA, Turkey is still waiting for the promised visa liberalization and the Roadmap. On the other hand, the EU is insisting on the abolishment of the geographical limitation by Turkey.

In this context, in the light of the evaluation of the EU and Turkish migration regime, the thesis aims to reveal the both side's approach to the issue with reference to the irregular migration crisis. Therefore, the problematic areas in the name of the relations would be sought in the process of the crisis.

CHAPTER 1

1. THE MIGRATION POLICY OF THE EUROPEAN UNION

This chapter focuses on the legal basis of the European migration management. European countries have been exposing the immigration even before the political integration of the European communities. However, the efforts on conducting the common migration policy have been accelerated with the Maastricht Treaty. The chapter mainly represents the background of the establishment of the common European migration policy from the Maastricht Treaty to the Lisbon Treaty.

1.1. DIFFERENTIATION OF MIGRATION AND THE DEFINITIONS OF MIGRANT, ASYLUM-SEEKER, AND REFUGEE

The history of migration goes back to the history of humanity, it is a vivid and effective fact of the history. People look for a better life, opportunities or safe land for the rest of their lives. In this context, the migration has been defined as the fleeing of individuals or communities from the country of birth to another country in order to continue their lives permanently or for a short-term (Castles, 2000). Historically, the migrants have become the objects of economic development, state building and the creations of the cultures (Kosher, 2007). Therefore, the migration holds the ability to change the economic, political and social structure of the communities. The United Nations defines migration in the same context with Castles as the residing in a different place from the usual place (UNESCO, Glossary). Since migration is a locational movement of people, it is divided into internal and international migration. In UN glossary, while the internal migration is expressed as the move within the borders of the country, the international migration is the move from a country to another (UNESCO, Glossary).

In terms of causes and results, obviously, the international migration has wide influence over the states. Considering that the international migration is generally either the reason or the outcome of a regional or international conflict (Castles, 1993). Especially

the wars and increasing conflicts have forced people to escape and seek a new life in different states. High numbers of international migrants around the world have made essential to adopt policies towards these foreign people. Because through history the states have been in the tendency to protect their borders against a foreign invasion, so the protection against the foreigners has been included in the policies of states.

As Tilly claims that the states and decision makers produce and use the definitions to justify and apply to their own interests (Tilly, 1976). The words for people from the third countries matters in the crisis terms as well. At the same time, the concepts used for these people by the issuing countries reflect the countries' perspectives. The Amsterdam Treaty has aimed to extinguish the differences among the member states' implementations on migration. Yet, neither the members nor the Union has defined who migrant is or who refugee is. Both legally and socially the concepts for the third country nationals determine the legal status and the rights of these people.

In crisis term, the concepts such as 'European Migration Policy' or 'International Refugee Regime' used in the documents and the media show which responsibility area the migrants and the refugees are handled in. Since, the substitution of these concepts could allow that some countries follow their local policies towards refugees by disregarding the international treaties and rules (Edwards, UNHCR, 2016). Castles claims that states could categorize the third country nationals to control the migration policies in the accordance with their own interests as well (Castles, 2000).

There are three definitions generally used for the third-country nationals who live in a different country from the country of birth. These* are migrant, refugee and asylum – seeker (Habitat for Humanity, 2016).

1.1.1. Migrant

According to the definition of the United Nations High Commissioner for Refugees (UNHCR), the migrant is someone who lives in a different country for one year or more. These people have chosen to move to have better living standards, education opportunities or to live with their family. The main difference between the migrants and the refugees is that the migrants can return to their country of origin and they are under

the protection of their own countries (Koser, 2007). Also, the International Organization for Migration defines the migrant as someone moved to another country because of better life standards, education, economic factors and so on. In other words, the migrant is the person who leaves his/ her own country arbitrarily without the risk of death or persecution (IOM,2004).

States are free to include the migrants in their national migration policies (UNHCR, Edward, 2016). Since the migrants can be diverged according to their purposes of movement or staying in the foreign state. The wide and common purpose to migrate is obviously the economic reasons. As mentioned in previous part of guest workers, after the war Europe needed to develop and many guest-workers migrated to different European countries.

Besides, guest-workers highly skilled people have moved to European states because of the stimulation of globalization as well. Different from guest workers' programs, the highly skilled migration comprises of the managers, technicians, professionals, administrative staff to work in the international organizations or multinational corporations. Contrast to economic migrants they were welcomed and encouraged by the European states. Because it is possible to say that the globalization and highly skilled migration are dependent on each other (Koser, 2007: 113).

In addition to economical causes, people may also desert from their country of origin in the emergency situations such as disasters, famine, conflicts etc. which can be entitled as the forced migration. The forced migration is generally complicated with the refugee concept, despite the fact that the forced migrant is not a legal term to bind or ensure rights to these migrants (UNHCR, 2016).

1.1.1.1.   Irregular Migrants

Irregular migrants can be mentioned as illegal migrants as well. Generally, their purpose is not different from the economic migrants, they also look for new job opportunities. However, the main difference is that irregular migrants cannot reveal any document or visa for the entrance. The occasions that cause the irregular migration can be sourced by the destination countries. Due to the decreasing numbers of legally accepted people and

increasing restricted regulations, people seek the ways of entering countries via smugglers or human traffickers. Especially developed countries such as the United States or European countries with wide job opportunities and better living conditions become the main destination for the migrants (Koser, 2007: 56).

The irregularity of a migrant can begin with the undocumented way of entrance in general. However, legally entered migrant becomes illegal or irregular migrant without the submission of the documents to the authorities. At that point, the refugees are considered as illegal/irregular/undocumented migrants or forced migrants, but the difference is legally binding, and the definition of a refugee determines the status of these people.

1.1.2. Refugee

1951 Geneva Convention Relating to the Status of Refugees Article 1 (a)(2) defines the *'Refugee'* as '*As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it* (1951 Geneva Convention Relating to the Status of Refugees, 1951: Article 1 (a)(2)).

The Geneva Convention is admitted as the unique document for a legal base for the protection of the refugees and it is required to refer to the Convention for the definition. According to the Convention, refugees are constrained by the events that happened in Europe before 1951. However, The 1967 Protocol Relating to the Status of Refugees, which is the only amendment to the Convention, has extended the status of a refugee as any person fled with the fear of persecution because of his race, religion, nationality etc. and Article 1 (2) has removed the expression of '*as a result of events occurring before 1 January 1951'* (The 1967 Protocol Relating to the Status of Refugees, Article 1 (2)). The amendment ensured the universality of refugee status without any time and location restriction and many people could have had the international protection.

A refugee who has to flee from his origin country because of the fear of the death or persecution, is under the international protection. Since in contrast to the migrants, the refugee cannot return to the origin country and is lacking in the protection of his own state. Moreover, in the Article 14 (1) of the Universal Declaration of Human Rights it is stated that everyone who has fled from persecution has the right of seeking asylum in safe countries (The Universal Declaration of Human Rights, 1948, Article 14 (1)). In this context, the refugees subject to the international law and international organizations such as the United Nations High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM). These organizations affect the states and non-governmental organizations (NGOs) in the policy- making process to be in the accordance with the international refugee regime.

The causes of the fleeing of a refugee must be the persecution, however,even if the state policies reached to persecution, they are not regarded as the situation that creates the condition of being refugee. Considering mass movements of people, it can be said that the wars or regional conflicts are generally the main causes of the refugee crisis (Koser, 2007). In this context, in the ongoing refugee crisis, unlike the previous century the war between states didn't cause this migration. The main reason of the massive outflows from Syria is the civil war between many groups within the borders of the country. As Zolberg claims in 1950s the individuals were not direct objects of the war, however in the situation of Syria, people are under the threat of death and persecution directly, for this reason it is necessary to define the who a refugee is (Aguayo, Suhrke & Zolberg, 1989:30).

 The refugee category is more special from the migrant. Because the national laws on asylum of the states are expected to be in the accordance with the international refugee regime which consists of the Convention and the international documents of UN. Although the definition of the refugee has been stated in the Convention, some policymakers and the media keep using the term of the illegal migrant. In fact, even if the asylum-seeking people enter a country without authorization, it is not true to mention as illegal about these people. Since they seek a secure place from persecution or conflict and as it is stated in both the Convention and the Protocol, the refugees

cannot be stake at the penalization or the refoulment (1951 Geneva Convention Relating to the Status of Refugees, 1951: Introductory Note).

1.1.3. Asylum – Seekers

Undoubtedly, another misused and mixed term used for the third-country nationals is the asylum – seekers. The asylum - seekers who are unable to fulfill of the requirements stated in the 1951 Convention, but they need protection of the third country. The causes of fleeing could be the same with the refugees and they could make the application of refugee status. Until the refugee application is approved by the current country, these people are called as *'Asylum – Seekers'.* However, if the application is rejected, the asylum seekers become irregular migrants (Koser, 2007:57).

According to UNHCR data on displaced people, there have been 65.6 million forcibly displaced people over the world and 22.5 million of them consist of the refugees and only 190.000 of the refugees have been resettled by the end of 2016 (UNHCR, 2016b). Among the refugees, undoubtedly Syrian refugees and asylum seekers have the first place. Since the break of Syrian Civil War in 2011 caused to increase of refugee numbers about 5 million more. According to the UNHCR report, after the Second World War, the current inflows became a crisis by reaching the highest numbers. (UNHCR, 2015).

Syrian people in Turkey have resided as the asylum – seekers as well, and they are subject to Temporary Protection Regulation adopted in 2014. Generally, they are named as refugees, however, according to the 1951 Convention Turkey didn't apply for the annulment of the geographical limitation and Turkey can approve only the Europe originated applications of the asylum – seekers (UNHCR, 2008). At that point, Syrians in Turkey are the asylum – seekers who have applied for refugee status from other countries because of the need for international protection and their refugee status has not approved or rejected yet. (DGMM, Article 1 (1), 2014).

1.2.   MIGRANTS IN EUROPE AFTER THE SECOND WORLD WAR

The conflicts and wars around the world have caused international movement of people. As the area of freedom, security, and justice the European countries have seemed attractive for asylum – seekers for years. While increasing violence and threats have forced people to flee, at the same time, it causes to follow more security-oriented policies by the EU member states. Although the strict regulations and policies tended to keep asylum – seekers out of the borders of the EU couldn't detain the asylum-seekers from entering the EU.

However, the triggering cause for a common migration policy has been the migration inflows to Europe after the Second World War. Especially high number of immigrants after the WWII caused the European countries to follow more restricted policies towards incoming immigrants and decreased the numbers of immigrants who want to enter legally into the European states. Therefore, to clarify the process of the creation of a common policy, it would be necessary to evaluate the previous migration inflows and the reactions.

1.2.1. Guest – Worker Program

After the WWII, the first migration inflow to Europe consisted of the migrants from former colonies and the guest workers to re-establish European economies. Especially in 1960's the European countries have resorted import of foreign workers to fill the lack of labor force in the process of the rapid growth in these countries (Dearden, 1997).

The European states accepted 'migrant workers' or 'guest workers' to conduct economic development after the Second World War. These people were thought as temporary residents of Western Europe, especially in the 1960s the intense worker flows sustained the growth of the European states. Until 1973 OPEC crisis the guest worker flows continued (Castles, 1986).

More than 2.6 million people migrated between 1958 – 1974 to Europe with the Guest Workers' Programme (Blackshire – Belay, 91: 4). The destination countries were eager to integrate these people into the economy. Especially until 1973 OPEC Crisis, the guest

workers in Germany, Denmark, Switzerland, Austria did not cause any restlessness, since they were willing to work in the fields that the citizens of these countries were not eager to work. And after the war, they needed these people's workforce to make economic development and obviously, the effect of guest works cannot be ignored in the European countries.

1.2.2. Family Reunification

Until 1974, 2.6 million people moved to Europe. However, the 1973 OPEC Crisis has affected European states as well. The economic distress caused the increase of unemployment rates and unlike before the Crisis the European citizens became willing to work in any jobs. Thus, the foreigners began to be seen as that the foreigners have taken up the existing job. With the Crisis and the restlessness in the society, the worker programmes were frozen in the European countries. Existing documented migrant workers instead of returning to home, started to seek the ways of bringing the family members to the European states. Especially after 1973, the migrants who had migrated on the purpose of the family reunification increased (Castles, 1986).

After 1974, people continued to migrate to European states via the reunification of families. More than 4 million people arrived in the Western Europe to unite with their families (Blackshire – Belay, 91: 4).

Until the 1980s, the endeavors devoted to establishing political integration, did not contain migration and refugee studies. It is possible to say that first studies on migration and refugees in Europe were the implementations of France towards to the migrants who passed the borders legally or illegally.

1.2.3. Refugees from Post – Soviet Region

Especially the OPEC Crisis caused the increase of negative attitude for the foreigners because of the reasons mentioned before. Especially after the adoption of free movement of people within the external borders, the European states feared the mass influx of people from the post – Soviet countries. Since, during the Cold War, the

number of fled people didn't increase in disruptive numbers for this reason, during the 1970s and 1980s, the Western European states welcomed these types of migrants. But, with the rising numbers of migrants from Post- Soviet countries, more strict rules have been taken within the EU towards to migrants from these countries. However, the incoming migrants from post- Soviet states did not reach the feared numbers. Almost 500.000 migrants from Eastern Europe moved especially to Germany because of the ethnic Germans (Boswell, 2003: 621).

1.3.   FORMATION OF THE MIGRATION POLICIES WITHIN THE EU BEFORE REFUGEE CRISIS

Due to the ongoing conflicts and foreign interventions, especially after 1990s the Middle East has seemed the main source of the asylum – seekers and refugees. In recent years, the conflicts, civil wars, and terrorism in Syria, Iraq, Afghanistan, Libya, Tunisia have triggered the greatest refugee influx since the Second World War (UNHCR, 2016a). The civil war in Syria has caused that 6.6 million Syrians have migrated inside the borders and more than 5.5 million Syrians had to flee from Syria to the neighboring countries such as Turkey, Lebanon, and Jordan (UNHCR, 2018c). This situation has made Syria the world's main refugee originating country by passing the number of Afghani people. As asylum-seekers and refugees more than 5.5 million people have fled from Syria in total. (UNHCR, 2018c).

The Middle East has been the key refugee producing region because of the wars, regional conflict, terrorism, and massacre. Thousands of people have been fleeing from the Middle East via Mediterranean and Aegean Sea to the EU lands. Since May 2015, the arrivals to Europe by the Mediterranean Sea reached to 1.550.132 asylum-seekers and 11.986 of them have drowned or missed (UNHCR, 2018b).

The break of the Syrian Civil War goes back to March 2011 and first asylum- seekers have left the country in April upon increase of violence against to demonstrators by the government (İçduygu, 2015:10). For four years, Europe has not comprehended the seriousness and the dimensions of the Syrian influx, since the neighboring countries as Turkey, Jordan, and Lebanon have hosted Syrians in high numbers. However, the

asylum-seekers have changed their directions to Europe after 2015, and in the summer of 2015, EU has had to face the reality of the Syrian Civil War. Because before the asylum-seekers reached to the EU borders in disruptive numbers, Syrian issue has been considered as a regional conflict and Europeans have never thought the conflict would splatter to their region.

There are some reasons that the asylum-seekers tended the EU after four years of the civil war in Syria. Especially the number of fled people started to increase in 2015, one of the reasons of that the civil war was not felt in the regime ruled regions and the daily life carried away in these regions where it has taken four years to reach. People consumed their savings and the life became more expensive and the public became poorer day by day. People who escaped from the terrorists and rebel groups arrived in the neighboring countries and the increase of the violence in the region casused that more people needed emergency assistance. After four years Syrian people realized the ongoing war would not be over soon and they needed to establish a new home in new regions instead of crisis tended countries. Since previously, they preferred the close regions to their homeland, and they fled to neighboring countries such as Turkey, Lebanon, and Jordan. However, consumed hopes for returning to home led Syrian people to look for better living standards and the EU seemed attractive as a region with job opportunities and democracy (Dickinson, Huffington Post, 2015).

The European Union, because of the economic and social welfare, has been the destination country for many Syrian refugees. However, with twenty-eight members, the Union has the trouble to place a common migration policy. Since a huge borderline, European countries come up with the border control right as a component of sovereignty. Thus, also this makes harder to constitute EU common migration policy, however, to place a common refugee and asylum system, EU held summits and legislated directives. While the European Commission has produced many documents towards to both border control and refugee system, it is also beneficial to evaluate the background of the European Union migration policies to comprehend the current practices towards Syrian refugee crisis. At that point, more than the structure of migration policy on the paper, the main duty of commission is to ensure practices of these documents by the member states. However, the European countries have been less

eager to accept Syrian people. Ongoing refugee crisis, which is the greatest influx, has led to the questioning of the European norms to make the Union as *'Freedom, Security, and Justice Area'.* As the situation has also revealed, the European Migration Policy is lack of solutions to the possible crisis.

1.3.1. Legal Framework of The European Migration History

The roots of the European Union go back to the European Coal and Steel Community which was founded in 1951 with the Schuman Declaration. In 1957 Rome Treaty let Europe establish an economic entity. The political aspect of the economic relations has not dwelled until the 1969 Hague Summit. In Hague, the Political Unification Process of Europe began and increase the integration between the member states was decided. In order to provide integration and political cooperation among the member countries, two different reports were prepared. According to these reports and the Summit except common security policies, the European Council agreed on the common action on both the international issues and issues within Europe (Final Communiqué of The Hague Summit, 1969). In 1992, the Maastricht Treaty constituted 'Common Foreign and Security Policy' instead of common cooperation process.

The struggles for establishing a political union is not including migration or asylum regime. The implementations of the French government in 1972 for the illegal migrants could be considered as the first step of the migration (Gençler, 2005). Until the 1990s, every member state could have constituted own policies as a matter of sovereignty. In this regard, in the absence of the Schengen Agreement, each state was protecting its own borders and applying own policies both for refugees and migrants. With the establishment of the EU, the enlargement process has been widened containing migration policies as well, and at that point conducting a common migration policy has been ranked among the aims of the EU.

The EU has regulated the law on asylum and migration in the accordance to both the 1951 Geneva Convention Related to the Status of the Refugees and 1967 New York Protocol Related to the Status of the Refugees (Şen & Özkorul, 2015:98). Besides, the Charter of Fundamental Rights of the EU guaranteed the right of seeking asylum and

non − refoulment in the framework of 1951 Geneva Convention and 1967 New York Protocol. All members are expected to make policies and acts in accordance with the Charter (The Charter of Fundamental Rights of the EU, Article 18 &19). Since, starting from Maastricht, the European common policy on asylum has been shaped in the framework of three documents of the European Charter of Fundamental Rights, 1951 Geneva Convention, and 1967 New York Protocol.

1.3.1.1.   The Maastricht Treaty

To constitute both the political and economic integration the European states signed the Maastricht Treaty in 1992 and after that, the European Communities began to be referred as 'European Union'. The Treaty brought the 'Three Pillar' system which is European Community, Common Foreign and Security Policy and Justice and Home Affairs.

The migration issue is handled under the title of 'Justice and Home Affairs' of EU after 1992 Maastricht Treaty, which offers to conduct a common action for the third country nationals (The Maastricht Treaty, Declaration on Asylum, 1992). 'Justice and Home Affairs' issues have been considered in the cooperation framework more than common action. Because Article K.1 of the Treaty specifies the asylum issue as the common interest of the EU states and K.5 emphasizes the common behavior of member states in the issues as asylum policy, rules on crossing the external borders of the member state, immigration policy, combatting drugs and customs which have taken under the Justice and Home Affairs (The Maastricht Treaty, Article K.1 & K5, 1992).

In the Maastricht Treaty the common decision on qualified majority was adopted for certain issues of the Common Foreign and Security Policy pillar. Thus, the common decision on qualified majority ensured the common action on these issues. However, the Justice and Home Affairs pillar issues necessitates the cooperation among the member states that means the migration and asylum would be handled at the level on governments instead of the Union's supranational organs. The asylum has been left to the initiatives of member states while it is such an issue that has been protected by international law and the UN (Kaunert & Léonard, 2012(a): 1398). Decisions are taken

by the representatives of the governments for the topics of Justice and Home Affairs, and this has revealed the migration has been dealt in the level of governments. Since the Maastricht Treaty has given little duty to the European Community about the migration issues (Kaunert & Léonard, 2012(b): 5).

1.3.1.2. The Schengen Agreement

In 1986 the Single European Act has provided the free movement of the labor within the EEC and Schengen Agreement has aimed to create a borderless Europe for the free movement of people. Considering these changes, the harmonization of national migration regimes of the member states became necessary for (CEAS) the Common European Asylum System (Dearden, 1997).

The area represents a field that has been founded in 1985 with the Schengen Agreement to ensure free movement to the EU people. Five signatory states agreed on the elimination of the internal borders, thus common external borders necessitated the common rules and regulations such as visa, border controls and asylum policies. The first version of the Agreement has been signed in 1985 and the wider Convention has been signed in 1990 and has been entered into force in 1995 (Pazzina, 2018).

Generally, 1995 has been considered as the beginning of the free movement area and elimination of internal borders. Thus, it is required to have common action and a problem-solving mechanism on the issues related to the external borders by the member states (Aldırmaz, 2017). Since eliminating the internal borders could help to create more homogeneous and integrated union. However, such a motion underpinned the democracy and freedom for the European citizens, that also means restricted polices and subsidiarity for the member states (Pazzina, 2018).

1.3.1.3. The Amsterdam Treaty

After the admission of free movement of people, it necessitated regulating the problems towards the common external borders. It has claimed in the Schengen Agreement that not only border states but also the parties to the Agreements have had the responsibility

for protection. In Amsterdam Treaty it has emphasized once more that to achieve common border system, it is needed to conduct a common defense system, asylum system, and visa procedures.

Before the Amsterdam Treaty, the European Parliament was not entitled to the migration policies of the EU and the member states could conduct their own migration policies independent of the Union. The Maastricht Treaty has prescribed the cooperation for the migration, asylum and visa procedures. However, Amsterdam Treaty has included the migration and refugee issues to the first pillar of EU to abolish the differences between the migration policies of the member states (Samur, 2008:3). Some issues have needed the Commission's communion such as asylum and migration, so the Parliament has been involved to the policy-making process of the migration and asylum (Novak, European Parliament, 2018). Thus, the migration policies and refugee regime of the EU have gained the supranational character by freeing from the member states' initiatives and common border controls of the Schengen area (The Amsterdam Treaty, Article 73i &73k,1997).

The European Council took the firm action in Amsterdam Treaty to cope with the illegal /irregular migration. It has been realized as an inevitable issue that the migration policies should have placed in the decision-making process of the EU. Since the Maastricht remained inefficient in the asylum and migration issues, for this reason, the migration and asylum procedures emerged as the fourth title and this title was transferred to the European Communities pillar. Thus, the immigration which was evaluated under the domestic policies of member states has been come under the European Communities. In this context, the migration and asylum became a supranational issue instead of intergovernmental cooperation area. Establishment of the common asylum policy could be seen as the first step to create an area of 'Freedom, Security, and Justice'. Thus, in the Amsterdam Treaty the migration issue was discussed under the title of 'Freedom, Security, and Justice' title in article 73i(b) and the constitution of the Common European Asylum System (CEAS) has concurred.

1.3.1.4. The Dublin Convention

The main objective of the process is to constitute an active policy towards migrants and refugees which is expected to comply with the norms and standards of the EU. At that point, in the Summit and the Treaty, the Council decided on the establishment of the Common European Asylum System for a common migration policy by the joint and unanimity of the member states. However, the responsible country for the decision on asylum applications has not been certain yet.

The Dublin Convention was signed in 1990 and ratified in 1997 to conduct common act on the applications of refugees and determine which country is responsible for the application. Until the Dublin Regulation determination of an application was handled in the framework of the Schengen Agreement. According to the Agreement, the member state could resend the asylum – seeker, to another member state which allowed to enter. The chapter VII of the Agreement titled as *'Responsibility for Processing Applications for Asylum'* states the process of admission and examination of the asylum applications to the European States (Convention Implementing the Schengen Agreement, Chapter VII, 1994).

According to the Dublin Convention, the member states which permit the asylum-seeker to enter and apply for refugee status is responsible for examining the application (European Parliament, Article 8, 1997). Moreover, in 2003, the EURODAC system was established to register the fingerprints of the asylum – seekers to assign responsible member state. The system prevents the second state examination in the process the application by data transferring among states, even if the applicant crosses over second state's borders.

This is considered as the most successful policy of the EU on the asylum since the system eliminates the possibility of more application by an asylum – seeker, and it also enables to conclude the application process as soon as possible. Considering the rules against irregular migration, it is beneficiary for the asylum-seekers not to wait for the uncertain period at the borders or the transit points of the member states. However, the Dublin system has prescribed not to send the applicants to another member state which is not in the accordance with the 1951 Geneva Convention.

At that point, considering the Dublin I regulation, European states cannot send the asylum-seekers to another member states with strict behaviors or policies against to both the asylum-seekers and refugees. However, the attitude of European states revealed that they are reluctant to admit war-weary people as of the crisis. Moreover, even if the European Parliament has offered sanctions for Hungary's policies and resistance to the asylum-seekers, because of the breach of democracy and fundamental rights, some of the EU countries take up for keeping people out of the EU. (The European Parliament, Press Release 17.05.2017).

1.3.1.5.   The Tampere Summit

The 1997 Amsterdam Treaty revealed that the foundation of a common and effective policy on migration and asylum with the cooperation of all member states has been a requirement for EU. Especially the enlargements and the accession of new members to EU have caused to revise both border and migration policies at the EU level. Because existing member states have claimed the rising numbers of irregular migrants and foreigners within the EU required the establishment of the common approach to migration, for this reason the steps for Common European Asylum System which has been rooted in the Amsterdam Treaty was accelerated in the Tampere Summit.

The Tampere Summit was held to abolish the obstacles for making the EU the area of freedom, security, and justice. These priorities were emphasized once more in the Vienna Action Plan. In the Vienna Action Plan, it was planned to constitute common standards and to continue EURODAC system on the procedures of refugee admitting. At that point, with the registration of fingerprints and data transfer among member states through EURODAC system have enabled burden-sharing about the refugee and asylum-seekers to the Union (European Council and Commission, 1998).

In the 1999 Tampere Summit the migration has been tackled in the scope of the foreign policy, at this point it has been emphasized the relationship between the economic development and irregular migration. Since, according to the Union, the causes of irregular migration lie on the economic underdevelopment of origin countries instead of the pull causes of the European states (Tampere Summit Presidency Conclusions,1999).

In the Summit, the EU envisages to provide economic aids for the development to abolish the push factors in the origin countries of the irregular migration. Thus, the migration policy, which is associated with the foreign policy of the EU, has become an instrument for the more functional mechanism. Since the EU has seen the migration issue as an opportunity for being a global foreign policy actor (Tampere Summit Presidency Conclusions,1999). However, the migration, which has been conceptualized as an instrument of the EU foreign policy, especially in recent years with the high numbers of irregular or illegal arrivals of asylum-seekers caused that the EU started to focus on the asylum issue more.

1.3.1.6.   Common European Asylum System

The European Council has uttered that the member states should have had the respect for the right of seeking asylum. So, it admitted the necessity to conduct the 'Common European Asylum System (CEAS)' based on the 1951 Geneva Convention and 1967 New York Protocol. At that point, the main objectives of the CEAS would have been the non -refoulment of asylum-seekers, effective EURODAC system, the operation of Dublin Regulation and fair treatment.

The European Commission adopted 2002 Green Paper which draws the path for the illegal migrants from third countries. At that point, the Green Paper is lack of precautions towards the refugees but underlines the necessity of the common migration policy within the framework of the EU. In addition, it has been aimed that the creation of CEAS, which the Commission agreed on at Madrid Summit, will have been supported by the Action Plans and as soon as possible will have been carried into effect (European Commission, 2002a).

Another title of the Tampere Summit Conclusions has been the management of migration flows. To manage big asylum-seeker influx the Summit prescribed the cooperation between both origin and transfer country. To prevent the possible crisis within the EU, the Council has been expected to conclude the admission agreements with the third countries.

The European Council articulated Schengen acquis to the European law, and according to that the acceptation of the common decisions by member states became a requirement, since the unification of the acquis forces member states to adopt Schengen acquis as a part of European legislation. In the name of the common migration policy, this articulation is significant, because the asylum and migration policies have been evaluated under the Schengen acquis and it is binding the signatory parties. Thus the decisions on asylum and migrations became independent from national legislation of members.

1.3.1.7.   The Hague Programme on Migration

In the 2004 Brussel Summit, the Hague Programme was adopted to achieve the common action about the rules and procedures for the protection of asylum-seekers and refugees, fundamental rights, preventing cross-border crime and so on. The priorities of the program can be listed as:

1. Protection of Fundamental Rights: It prescribes the protection of human rights of not only citizens but also people from third countries against to racism, antisemitism, and xenophobia.

2. Fight on Terrorism: The Commission is expected to ensure data transferring between member states and the third countries. Moreover, the Union should give financial aid to the third countries for the cooperation.

3. Migration Management: Constructing common migration policy at the Union level is expected to be the first aim of the Commission. Besides common policy, the common fight on illegal migration are the main priorities of the Union.

4. Internal borders, External Borders, and Visas: It is planned to establish the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX) on 1 May 2005.

5. A Common Asylum Area: Establishment of common asylum policy will be ensured the common procedure on asylum based on 1951 Geneva Convention.

6. Integration: It is planned to integrate people from the third countries, thus the integration of people from the third countries would be beneficiary for both society and economy.

7. Privacy and Security in Sharing Information: Especially the data transfer between member states has been based on the protection of the fundamental right of privacy. Therefore, while sharing data with cooperative states, it is considered the right of privacy and security of people in the EU.

8. The Fight Against Organized crime: It has prescribed the common fight on the crimes committed organizationally, the Union has been open for the cooperation with member states to tackle with the organized crime via EUROPOL which was established in 1998 as the law enforcement agency. The main duty of EUROPOL has been ensuring more secured Europe for the citizens (EUROPOL, About EUROPOL, Official Website of EUROPOL).

9. Civil and Criminal Justice: The justice for everyone inside the EU borders, and the European Justice can be accessed by all.

10. Freedom, Security, and Justice: All members have had the responsibility to make the EU as the area of Freedom, Security, and Justice. The responsibility could have contained both political and financial instruments (European Council, 2005).

1.3.1.8. Dublin II Regulation

Dublin I Regulation has been the second important step for conducting the CEAS which was decided in the Tampere Summit after the Amsterdam Treaty. Another step to establish the CEAS, it was necesaary to determine which country is responsible for the examination of refugee applications. According to the Dublin I regulation, someone who applied to a member states for refugee status, cannot apply to another member state when the application is rejected or is taking a long time. As a comprehensive regulation the Dublin II brought the criteria of first entered country where an asylum-seeker enters to the EU firstly. According to the Dublin II, asylum-seekers can apply for the refugee status to the member country that s/he entered first. Subsequently, the application will be examined by the referred country. The criterion was adopted in 2003 which known

as the Dublin II Regulation. The aim of the Regulation is to prevent more than one applications of a refugee to different member countries and to make responsible only first entered member states. That was the main objective of the Dublin I Regulation.

According to the Article 3 of the Regulation "*The Member States shall examine the application of any third country national who applies at the border or in their territory to any one of them for asylum*" (Council Regulation, (EC) No 343/2003). This laid a burden on the border states especially the states with the huge number of irregular migrant such as Italy, Greece, Hungary. At that point, the external border countries would be the first step territories, and the applications of thousands of asylum-seekers would be made to these countries, and until the decision these member countries would have to host the asylum-seekers.

1.3.1.9.   Global Approach to Migration and Mobility (GAMM)

The EU follows the steps to conduct a common asylum policy which embraces all people within the EU. For this reason, that is determined in the official documents as well and the legal framework of asylum policy has been shaped based on the comprehensive approach. After the concrete steps of the Union such as the Hague Programme, the Dublin Regulation and so on, in 2005 the Global Approach to Migration and Mobility was adopted (European Commission, 2005).

The EU exposes the migration inflows especially from the neighboring countries and after the enlargement and the collapse of the Soviet Union, migration become the disincentive factor for the establishment of freedom, security, and justice area of EU. The migration has been considered as the cooperative area by the member countries and the EU handled the issue under the intergovernmental decisions. However, GAMM has integrated both transit and origin countries into the EU asylum policy. Since via GAMM, the EU has aimed both to benefit the advantages of legal migration and to prevent the illegal migrants at the out of the EU borders. After 9/11 the security concerns of the member states replaced in migration policies, as well. Therefore, after the importance of the border controls increased, as an instrument of prevention the irregular migration the EU looked for the cooperation with the neighboring countries. In

this context, the GAMM emphasizes the more cooperation with the third countries to manage the migration (Samur, 2008: 5).

The main objectives of GAMM can be listed as:

1. Conducting the better management on legal migration and led people to enter the EU in legal ways.

2. Blocking the irregular migration especially by human trafficking

3. Turning the migration into the advantage for the improvement

4. Policies of asylum in the international framework related to 1951 the Geneva Convention (European Commission, 2005)

The GAMM has strengthened the decisions and plans, which have been adopted at the Tampere Summit, on the relations between migration and economic- political development. Besides pulling factors of European countries, the main drive of irregular migration has been the instability and economic situation as pushing factors in the origin countries.

The European Union realized that the security of Europe continent depended on the economic and social development of the Middle East and North Africa. Especially after the 1990s, this region became the source of illegal and irregular migration to Europe. For that reason, the Union concentrated on migration issues by supporting the improvement of countries not only financially but also democratically and socially (Aknur & Karakır, 2015; as cited in Yıldız, 2010).

2004 European Neighborhood Policy (ENP) was adopted to have close relations with the MENA countries which can be considered as the main origin of irregular migration. Because of the geographical proximity with the crisis tended Middle Eastern governments, the EU has found the solution in the ENP to support and enhance both political and economic development with shared European norms and values (European Council, 2003).

The European Commission President Romano Prodi defined the ENP as the establishment of prosperous, stable, peaceful environment which is surrounded by the states called as the 'ring of friends' is that the countries would share same objectives

with the EU, thus they would be open to cooperation (European Commission, 2003). By the 'ring of friends', EU has expected to be circled by the democratic and full harmonized states with the European norms and values, and it would ensure the more secured European borders and cooperative 'friendly states' especially for the management of the irregular migration.

The GAMM has referred wider cooperation with the financial aids and common migration centers with the participation of more states. Moreover, it has decided that the technical operations of FRONTEX both in the sea and the land should have started with the partnership of all states. (European Commission, 2005).

Because of the East Mediterranean route which is the most intensely used by the asylum – seekers, the EU has inspected on the Mediterranean. The controls at the Mediterranean Sea aims to both rescue people and prevent illegal crossings over the Sea. During the operations, both the EU and FRONTEX should have considered both the fundamental human rights and the international sea rights. Since, in the 2004 amendment of the International Convention on Maritime Search and Rescue, the rescued people at sea should be placed in the secure area (The International Convention on Maritime Search and Rescue, 2004 Amendment to Chapter III, 2004).

1.3.1.10. The Lisbon Treaty

Until 2004, to create a 'European Constitution' was on the table of the EU which has been believed that the common institution would have made the more integrated area of freedom, security and justice area. For this reason, the European Parliament accepted the 'Common European Constitution' which would have taken the place of both the 1952 Rome and 1993 Maastricht Treaty. However, some member states rejected due to national constitutional arrangements. Thus, in Brussel Summit of 2007 the document of Lisbon Treaty was created and in 2009 it entered into force (Panizza, 2018).

The Lisbon Treaty has brought new changes on the asylum policy of EU. Since the Amsterdam Treaty the establishment of CEAS has been on the agenda and the Lisbon Treaty has enabled the legal basis for the CEAS. Since, before the Lisbon Treaty, the European Parliament was the recommendation chair on the asylum and migration.

However, the Lisbon Treaty has taken the asylum and migration under the European Communities' initiative with the abolishment of the three pillars system of Maastricht. This has given authority to European Parliament on the asylum issues, contrast to be a recommending organ.

The Article 79 of the Treaty states that the EU would constitute a common policy on asylum and third-country nationals who need international protection according to the non – refoulment principle and the provisions of 1951 Geneva Convention (The Treaty of Lisbon, Article 79, 2009). Moreover, the Article 80 has emphasized that the asylum policies and the responsibility of asylum-seekers have belonged to all member states. The burden-sharing principle is essential for the Union. Due to the Dublin II Regulation, the border countries have been exposed to the irregular migration in high numbers, and the Lisbon Treaty has obviously claimed that including the non-border countries CEAS requires the cooperation of all members. The asylum and migration became the subject of the qualified majority voting system of the Parliament, and the migration and asylum became a supranational issue (The Treaty of Lisbon, Article 80, 2009).

Although the EU tried to establish the CEAS from the Maastricht to the Lisbon Treaty, until 1997 the Amsterdam Treaty the member countries implemented their own migration policies to the asylum-seekers and refugees. After the migration issue gained supranational character in the Amsterdam Treaty, the steps for the CEAS accelerated. However, the crisis revealed that the Community is lack of conducting a common attitude to the immigration. Therefore, the next chapter states the changes in European migration regime after the crisis.

CHAPTER 2

2. THE REFLECTION OF THE LATEST REFUGEE CRISIS TO THE EU'S REFUGEE REGIME

In this chapter, the latest developments in the EU refugee regime related to 2015 migrant crisis will be evaluated. To make a good comparison, the first part of the chapter focuses on the situation before 2015. Thus, by analyzing the distribution of the immigrants before 2011, it will be possible to observe the effects of Arab Spring on the immigration inflows to the EU. On the other hand, in the second part of the chapter, the changes in European refugee regime after the crisis are evaluated. Since in 2015 the asylum seekers arrived the EU in unexpected numbers, and the crisis led the EU take urgent actions and make changes in existing migration policy.

In December 2010, the high unemployment rate, the worsening economy, the demand for democracy led people to hold demonstrations in Tunisia and the movements concluded with the extinguishment of the government. The outcomes of the demonstrations infused the people of the Middle Eastern and North African neighbors and lit the fuse of the demonstrations, uprisings and civil wars in Egypt, Yemen, Bahrain, Jordan, Libya and lastly in Syria. In the forthcoming days, these demonstrations were referred and named as 'The Arab Spring' (Doğan & Durgun, 2012).

The main objective of the Arab Spring was not only the democracy. The economic situation in North African and Middle Eastern countries were worsening day by day for the public, the low life standards, high unemployment rates, and low wages led to rise of the events in these countries. The instability threatened the civil people but considering the economic conditions people have found the solution by leaving the country. The migration has not obviously essential obviation, but it has been the reactions of these societies.

2.1. IMMIGRATION TO THE EU IN NUMBERS DURING THE LAST DECADE & THE EU POLICIES

Europe has always been a destination country especially for the migrants from the North Africa and Middle East. Although the Arab Spring started in 2010 and because of the civil wars in Libya and Syria, people fled to the neighboring countries in first place. The number of immigrants reached to the EU is not at the terrifying level. The North African immigrants reach the European countries over Central Mediterranean from Libya as transit country. Since, because of the border controls such as the visa requirements, EUROPOL registrations and the implementations of the Dublin Regulation, people are trying to reach European shores by paying to migrant smugglers. Many people begin a dangerous route in unsafety to seek asylum in European countries. Before the Arab Spring, the incidences have been happening in Mediterranean Sea, but with the increase of the high dead rate accidents the situation of migrants started to come to both the world and European agenda. In 2013, a migrant ship with more than 500 passengers from Libya sunk near the Lampedusa Island and 368 migrants died by drowning. Upon the increasing accidents, especially in the Mediterranean Sea, the immigration issue has been started to be called as humanitarian crisis (UNHCR, 2017a).

2.1.1. Distribution of Refugees in Europe Previous the 2015 & EU Policies

The Mediterranean has been the primary migrant producing and sending region to European countries. The sea border with the Arab countries led people to cross to Italy or Spain. According to Fargues, the Arabian youth have been more eager to live in the EU countries comparing the elders. On the other hand, generally North African people tend to migrate to Arab oil countries because of dangerous travel to Europe, for this reason they prefer the neighboring countries or the Gulf countries (Fargues & Fandrich, 2012:2).

The irregular migrants from Albania were the highest number among the other nationalities until 2011. Previous 2011, the distribution of the nationalities was as Albanians, Afghanis, Somalians, Palestinians, Iraqis. However, the events in Tunisia led

thousands of people to flee to different countries After the second half of 2011, the irregular migrants from Tunisia began to rise. In 2011 Afghan people were the second irregular group who entered the EU and Pakistanis were in the third place (FRONTEX, 2011a). Even though the demonstrations turned into a civil war in Libya, which has sea border with the EU, the people immigrated to the EU stayed limited comparing to Syria. Libya is a transit country for the Tunisian, Somalian, Eritrean and Sub-Saharan migrants because of the proximity with the Lampedusa Island of Italy. These countries are politically instable and have high unemployment rates hence, the migration numbers are high, and the border controls are not effective enough at the Central Mediterranean route.

In 2009 and 2010, the number of the irregular migrants decreased to 104.000 from 160.000 in 2008 for all nationalities, and there are some reasons for this decline. The first was the improving economic situations in countries of origin; and the second reason was the strict controls at the external borders of the EU. In 2009, the Albanians had the highest rates of the irregular crossings to EU, and the total detected crossings were about 104.000 and 40.000 of the total migrants were from Albania. After Albanians, the second highest number belonged to Afghan people. In 2009 14.500 irregular migrants crossed Greece – Turkey land and sea border. Lastly, Somalian people took the third place of the detected irregular crossings according to the FRONTEX. (FRONTEX, 2010).

Upon the high crossings from Libya to Italy, Italian authorities did not wait for the new government after toppling of Gaddafi Regime and signed a Cooperation Accord to cooperate on illegal crossings from Libya to Italy in June 2011. In 2012, a Memorandum of Understanding on Security was signed between Libya and Italy to fight against illegal crossings over the Central Mediterranean Route (Perrin, Migration Policy Center, 2012). Moreover, the Visa Information System, which had been introduced in 2010 to provide the exchange information on visa among member countries, was enlarged to Egypt, Tunisia, Algeria, Libya, Mauritania, and Morocco. That would provide the circulation of information data on visa applications which are refused, expired, or annulled (European Commission, 2012).

As the second greatest immigrants to the EU, Afghani people should be considered besides Syrians. Since, the irregular crossings of Afghani people have never stopped since 2009, but upon the rise of irregular crossings from Turkey to Greece over the sea and land border from 15.000 to about 25.000, Greece stated to build a wall along the Turkey – Greece border to prevent irregular crossings to the EU (The Guardian, Plans for a wall on Greece's border with Turkey, 11 Jan 2011). Especially since 2009, numbers of Afghan people to the EU have increased by year, high crossings from Turkey to the EU led Greece to increase the control at the border. In this framework, additional police forces have been tasked by Greek authorities and asked for the assistance of the Community to handle migration issue at the external border of the EU as well (FRONTEX, 2013). By this increased controls the irregular crossings dropped as 90% in 2013.

In return of the strengthened control mechanisms along the EU borders, percentage of the Albanians, Tunisians, Afghans in the total decreased until 2012. However, although Syrian Crisis broke out and the first asylum-seekers entered to Turkey in 2011, the rapid increase of the Syrians began to be struck in 2012. As seen in the Figure 1, Syrian irregular crossings were having the highest rate comparing the other nationalities.

Figure 1: The increase of the Irregular Crossing in 2011 and 2012 by Nationality
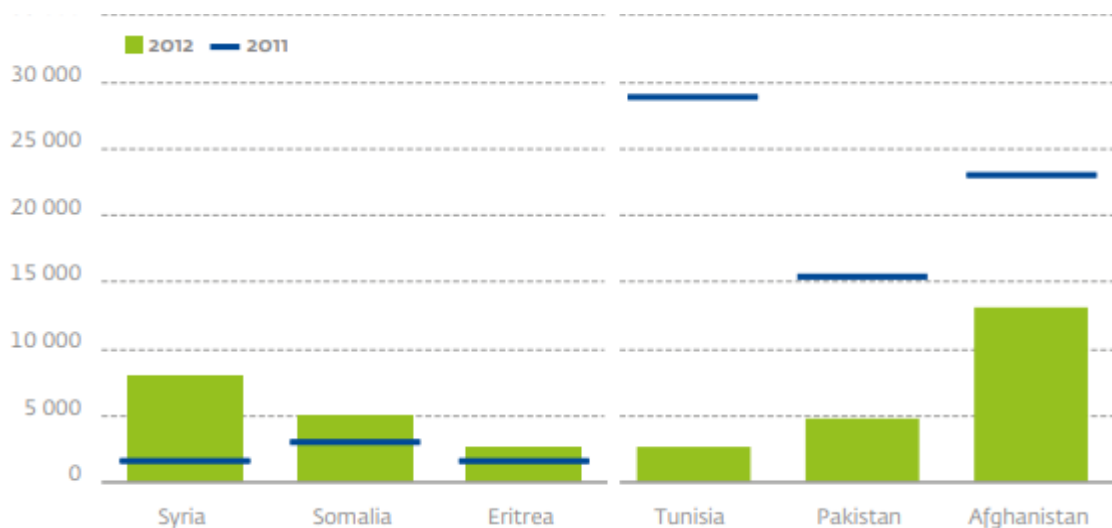
Source: FRONTEX, 2013

(https://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2013.pdf)

In 2013 the rising trend continued for the Syrian people who have risked their lives by crossing the Mediterranean to reach to the EU. However, according to the data of the FRONTEX about the nationalities of irregular migrants, besides Syrians, Egyptian and Libyan people began to move to the EU with rising numbers. Among the nationalities, the Eritrean people was ranked to the third place after Syrians and Afghans in 2013. Eritrea has never experienced the Arab Spring process like Tunisia, Egypt or Syria, but people have been fleeing over Libya to the EU to seek asylum.

In Eritrea the regime is totalitarian and the border conflict with Ethiopia couldn't be overcome and people feel unsafe in the threat of the war. For this reason, monthly almost 5.000 Eritreans leave their country. Indistinctness of the state which doesn't have a constitution, low life standards with low wages, the unemployment and a possible bloody war between Eritrea and Ethiopia have led people to flee and because of the pulling factors and geographical proximity Europe become the destination country for Eritreans as well (Kingsley, The Guardian, 22 Jul 2015).

In 2014, the rank of top three nationalities who entered the EU irregularly were Syrians, Afghans, and Iraqis. The Iraqi crossings were relatively high in 2009 and 2010 but with the surveillance at the Turkish border by Greece in 2011 and the numbers dropped in 2013 and 2014. However, the existence of the Daesh (Islamic State of Iraq and the Levant) as the terrorist group in Iraq led increase of the violence in the region. After the horrible activities of Daesh, many Yezidis and Turkmens fled to Turkey, moreover the operations towards the terrorist group rose the danger for the civilian people as well (FRONTEX, 2016). Turkey which is the main asylum- seeker hosting country among the neighboring countries welcomed Iraqi people besides Syrians, however such a huge asylum – seeker stock caused that the asylum seekers began cumulating at the borders or taking risk of reaching to Italian and Greek shores via the boats over the Mediterranean as of 2014. Moreover, the arrivals increased in the beginning of the 2015 and in the summer, Europe faced with the greatest migration crisis since the Second World War.

As of 2011, not only the Eastern Mediterranean route used by immigrants, the Central Mediterranean started to be crossed intensely by the migrants from Libya which is a transit country for Tunisians, Somalian, Eritrean migrants. Hence, the EU sought to

strengthen the controls over the Central Mediterranean route. In this context, as a main destination country Italy signed a Cooperation Accord with Tunisia. Moreover, The EU offered 140 million Euros to the authorities of Tunisia in return of the cooperation on preventing the inflow from Tunisia to the EU (The Reuters, 15 Feb 2011). Thus, after the break of the Arab Spring, the EU has strengthened the border controls and tried to conclude ongoing readmission agreements with the fear of the possible massive pressure to the external borders because of the conflicts in the MENA region. In this framework, FRONTEX began to the operation of Hermes in the Mediterranean to have control against any irregular crossings from Libya (FRONTEX, 2011a).

However, the statistics of the immigrants from the MENA to the EU between 2009 – 2012 show that there was no break in the inflows from the Arab countries to the EU after the Arab Spring. While the illegal crossings to the EU from the border crossing points were about 104.06 in 2009, after the break of the Arab Spring in 2011 they rose to 142.05 and decreased to 72.44 in following year (FRONTEX, 2018b). In fact, the revolutions did not cause a new massive increase in the number of the immigrants in 2011. Especially although Libya experienced the civil war, a significant inflow to the EU did not happen. In 2011, more than one million people fled Libya and the migratory movements can be grouped into three. Firstly 422.000 of people sought asylum in the neighboring countries in Sub- Saharan region rather than crossing the Mediterranean without the risk of death. The second group was the people, who came to Libya from different regions to work, numbered as more than 700 thousand. After the break of the civil war in Libya, these people from different nationalities began to flee to their own countries or neighbors of Libya. The third group is 'the de facto refugees of Libya', who needed international protection, were originally from Somalia, Eritrea, Sudan and so on. Although they lacked the protection of their own country, these people were not the refugees, since Libya has not signed the 1951 Geneva Convention yet (Fargues & Fandrich, 2012: 3). People find crossing the Mediterranean more dangerous than migration to the neighboring countries which maintained the open-door policy for more than 650.000 Libyans who were admitted by Tunisia, Egypt, Algeria, Sudan, Niger and Chad.

The main approach of the EU for the management of the migration is to ensure financial aid as an instrument of the implementation of the policies towards the neighboring countries. The main concern has become the massive inflows to the external borders so, the EU has improved the policies toward hindering the incomings from the Arab-Mediterranean countries. Since, while conducting free movement within the EU, the Union also tried to keep irregular migration at the minimum level (ORSAM, 2012:11). By doing so, the evaluation of the migration policies show parallelism with the integration process of the EU. The more the Community becomes homogenous in its own, the less it has become tolerant against unwished migrants. However, the European values and norms make difficult to take strict measures for the external border control. For this reason, the EU has worked on the GAMM as a more comprehensive and coherent migration policy for last decade.

The European Commission laid a foundation of the Common European Asylum System (CEAS) in 1997 Amsterdam Treaty which targeted to adopt common procedures on protection of the asylum-seekers The CEAS prescribes the shared responsibility of the member states, the equal – treatments to the asylum – seekers and refugees and preventing the forfeiture of their rights (Hampshire, 2015:538). In this framework the GAMM (Global Approach to Migration and Mobility), which had been introduced in 2005 by the Commission, developed in 2007 and 2009. However, the break of the Arab Spring in 2011, it became necessary to evaluate GAMM which have been considered as the main framework of the CEAS. Renewed GAMM would be more effective and ensure coherent policies between the member states. Moreover, the EU has been trying to be ready for the possible massive people mobility from the countries that experienced the Arab Spring. Especially the Commission emphasized in the Communication on the Functioning of the Schengen Area that "situation in Syria may prompt a future migration flow into the neighboring countries, and also into the European Union" (European Commission, 2012). According to the statistics, there was no significant inflow to the EU until 2015. In this connection, the precautions against possible massive inflows from the Mediterranean contains four pillars in the context of the GAMM as

1. Management of the legal migration and mobility,

2. Fight against to irregular migration and human trafficking,

3. Constructing an asylum policy based on the international protection and enhancing the external dimension of the migration,

4. Increasing the advantages of the migration and people mobility.

It is stated that the GAMM is expected to be based on the migrants, since the rights of the migrants have been blurred point of the asylum policies. (European Commission, 2011d).

Not only as in the GAMM, but also the cooperation with the countries of origin became necessary for the EU. Thus, the EU launched the Dialogues for Mobility with Tunisia and Morocco in 2012 (European Commission, 2011c). According to Fargues and Fandrich, these attempts like the partnerships or the readmission agreements with the third countries is just passing the buck to the neighboring countries instead of the managing current situation (Fargues & Fandrich, 2012:8). In the Communication of the European Commission on migration in 2011 the short-term solutions taken by the EU are stated as providing €100 million fund for the humanitarian needs of these people and their returns to origin countries; an operation by FRONTEX in the Central Mediterranean; the additional EUROPOL forces charged in Greek border (European Commission, 2011b). The attitude of the EU shows that precautions taken by the EU did not address to the problem on the humanitarian aspect. Since, the first response of the EU vis-à-vis the inflows has been based on the prevention the arrivals of the migrants to Italy and Greece, sending people, who arrived in the EU because of the economic reasons, back to origin countries, implementing security-oriented policies towards migrants and ongoing events in the MENA and solving the problem in their region via the financial aids.

The cooperation with the source and transit countries has been necessary, and financial aids have been tendered as the advantage of the cooperation with the EU on migration management. In fact, the financial support has been given to the MENA countries since the 1970s. Since the MENA countries seemed the first step of the security in Europe. To make Europe the area of security, freedom and justice, the stability and security was a requirement in the 'near abroad'. In this context, the harmonization with the EU has been pre-conditions for the facilities. (Yacoubian, 2004). After Arab Spring, the EU has

pursued the 'more and more policy' as in the democracy promotion in Arab Mediterranean countries, more than humanitarian aspect, the national security concerns came into prominence in the EU asylum policies as well.

Europe has pursued different policies towards the Mediterranean countries via the policies like the Global Mediterranean Policy (1972 – 1992), Renewed Mediterranean Policy (1992 – 1995), Euro – Mediterranean Partnership and European Neighborhood Policy (2004-2012). The Community asked for more cooperation and harmonization between Europe and the Mediterranean countries, however the asylum and migration management were not part of the policies. Only the Neighborhood Policy (ENP) referred migration issue which was launched after the construction of the framework of the CEAS in the Amsterdam Treaty (Samur, 2009). More than asylum and the migration, the democracy promotion and spreading of European values and norms become the main purpose of the policies. The ENP contains the beginning of the Arab Spring. For this reason, the EU tried to evaluate the 'Arab Spring' as a process of democracy promotion. The logic behind the precautions against to possible migration crisis has been to stop the asylum-seekers in return of the financial facility as stated in the Communication on "Partnership for Democracy and Shared Prosperity" (European Commission, 2011b).

Besides financial facilities, the readmission agreements are the main instruments of the Community for the implementation of the EU advantageous policies. The funds and possible membership have been presented as the condition of the more cooperation and harmonization with the EU institutions, however after the massive migrant inflows from these countries led the EU engage the funds and membership processes to the readmission agreements and more controlled migration policies (Fargues & Fandrich, 2012:13). Until the 2015 crisis, the EU tried to conclude the readmission agreements with countries of origin and transit.

2.1.2. Situation after the 2015 Syrian Refugee Crisis

After Libya the protests reached to Syria in the end of 2011, but unlike in the Libya case, the events have not caused a high migrant inflow to the EU. Since the neighboring

countries welcomed incoming asylum-seekers from Syria in the beginning of the crisis, and people were expecting the war would end in the short term. For this reason, in the first three year the EU has not met the large inflows from the MENA region. Yet, in the summer of 2015 the numbers have risen and irregular crossings to the EU exceeded 1.5 million. The representatives of the EU and the member states have been in a quandary about the crisis, because the irregular migrants accumulated in border countries such as Italy, Greece and Hungary. According to the burden- sharing principle of the CEAS (Common European Asylum System) introduced in the Amsterdam Treaty, the cooperation and sharing responsibility have been the main concerns of asylum policies of the EU (Hatton, 2016).

Figure 2: Sea Arrivals and Missing & Deaths in Mediterranean by Year

Years	Sea Arrivals	Missing and Deaths
2018	17,581 (*as of April 2018*)	517 (*Estimated*)
2017	172,301	3,139
2016	362,753	5,096
2015	1,015,078	3,771
2014	216,054	3,538

Source: UNHCR, 2018 (http://data2.unhcr.org/en/situations/mediterranean#)

Figure 3: Sea Arrivals and Missing & Deaths in Italy by Year

Years	Sea Arrivals (*as of April 2018*)	Missing and Deaths
2018	7,439	No Data
2017	119,369	2,873
2016	181,436	4,578
2015	153,842	2,913
2014	170,100	3,093

Source: UNHCR, 2018 (http://data2.unhcr.org/en/situations/mediterranean/location/5205)

Figure 4: Sea Arrivals and Missing & Deaths in Greece by Year

Years	Sea Arrivals (*as of April 2018*)	Missing and Deaths
2018	6,745	No Data
2017	29,718	54
2016	173,450	441
2015	856,723	799
2014	41,038	405

Source: UNHCR, 2018 (http://data2.unhcr.org/en/situations/mediterranean/location/5179)

As seen from the figures, the crisis broke out in 2015 and irregular entrances to the EU exceeded one million. Such a great inflow became a crisis especially in Greece, since 80% of the crossings happened over the Eastern Mediterranean to the Greek islands and mainland. However, after the statement between the EU and Turkey in 2016, both arrivals and deaths dropped drastically and in 2017 irregular arrivals to Greece dropped behind to 30.000 while the numbers in Italy were relatively high. It can be stated that the irregular crossings to the EU happened mostly over Turkey, which hosts 3.5 million Syrians. The cooperation with Turkey and the border controls let to the decrease of the rates of deaths in the Mediterranean and undesired migrants in Greece. The story of Libyan, Tunisian and Eritrean migrants has repeated itself a year after 2011. With the break of the Syrian events in 2011, people began to flee as small groups to Turkey, Jordan and Lebanon.

Figure 5: Detected Syrian Irregular Crossings to the EU (2009 – 2015)

		2009	2010	2011	2012	2013	2014	2015
Eastern	Land	354	495	1.081	6.216	7.366	4.648	7.329
Mediterranean	Sea	184	139	76	906	5.361	27.025	489.011
Other		75	227	324	781	12.819	47.214	97.719
Total		613	861	1.481	7.903	25.546	78.887	594.059

Source: FRONTEX, Distribution of the Illegal Crossings by Nationality, April 2018 (https://frontex.europa.eu/assets/Migratory_routes/Detections_of_IBC_2018_04_05.xlsx)

The illegal crossings of Syrian people to the EU have never been zeroized previous the civil war, however after 2011 the detection has been increased and only Syrian people exceed a half million in 2015. As seen from the Figure 5, nearly all crossings happened over the sea route of the Eastern Mediterranean route after 2013. The Eastern Mediterranean Route is divided as sea and land and generally crossings happen from Turkey's Aegean shores to Greek lands or the land border between Turkey and Greece or Turkey and Bulgaria. The irregular crossings from Turkey to the EU is not something new, since the number of Afghani crossings to the EU has been relatively high and they have used Turkey as a transit country by crossing the Eastern border of Turkey. After Syrian migrants tend to migrate to the EU, Afghani people are joining to the inflows therefore, their numbers have also increased with the Arab Spring. The security concerns in Afghanistan cause a significant push factor for migration, besides the Afghani refugees or asylum seekers have being hosted in the neighboring countries of Iran and Pakistan which do not have a common border with the EU. While Turkey adopts 'open door policy' for the people who need international protection, not only Syrians and Afghani migrants from Afghanistan but also from Iran and Pakistan began to enter Turkey as of 2011 (FRONTEX, 2017).

2.2.   THE NEW REGULATIONS IN EUROPEAN MIGRATION POLICY AFTER 2015

After the emergence of the crisis for the EU, the President of the European Commission Jean Claude Juncker emphasized some points on the migration crisis:

- To deal with the migrant crisis, the Community should make new regulations including the resettlement of the irregular migrants, the determination of the safe countries.
- FRONTEX should be strengthened for the protection of external borders of the EU.
- The legal background for the legal entrances should be regulated for the people who need international protection and a temporary sheltering regime should be constituted.
- 'The Blue Card' system should be revised in the migration management. (European Commission, 2015e).

Upon over 1 million arrivals to the EU and nearly 4.000 deaths and missing in the Mediterranean gave acceleration for the amendments in European migration policy. In 2013, more than 300 people died at Lampedusa shipwreck trying to reach to Italy over the Mediterranean. The EU was criticized for the manner against to the migrants and lack of regulations (Squires, The Telegraph, 4 Oct 2013). However, under these circumstances the attitude of the Community didn't change for the migrants from the third countries. In 2014, the Council handled the migration policy under the headline of 'Freedom, Security and Justice' of the European Council Strategic Guidelines (European Council, Conclusions of 26/27 June EUCO 79/14, 2014). Even though the renewed GAMM determined the scope of European asylum policy, ongoing accidents in the Mediterranean revealed that Europe has been lack of conducting an effective policy especially for the irregular arrivals to the EU.

2.2.1. Ten Points Action Plan on Migration

In 2015, the shipwrecks with high number of migrants continued increasingly, and on 19 April a migrant vessel from Libya with 900 migrants sunk offshores of the Italy. According to the UN, more than 800 people died or missed in the Mediterranean (Bonomolo & Kirchgaessner, The Guardian, 20 April 2015). Upon the heavy loss of the disaster and the public reaction to the increasing deaths in the Mediterranean, the High Representative of the European Union for Foreign Affairs and Security Policy Federica Mogherini brought the Foreign and Interior Ministers of the member countries together in Luxembourg on 20 April 2015. The sides have agreed on a 'Ten Point Urgent Action Plan' to make reforms in European migration policy to prevent the migrant tragedies at the Mediterranean Sea.

 "The ten points have been agreed by the EU as in the follows:

(1) Reinforce the Joint Operations in the Mediterranean, namely Triton and Poseidon, by increasing the financial resources and the number of assets. Within the mandate of the FRONTEX, the operational area would be extended;

(2) A systematic effort to capture and destroy vessels used by the smugglers. The positive results obtained with the Atalanta operation should inspire us to similar operations against smugglers in the Mediterranean;

(3) EUROPOL, FRONTEX, EASO and EUROJUST will meet regularly and work closely to gather information on smugglers modus operandi, to trace their funds and to assist in their investigation;

(4) EASO deploy teams in Italy and Greece for joint processing of asylum applications;

(5) Fingerprint application to all migrants by member states;

(6) Consider options for an emergency relocation mechanism;

(7) The EU wide voluntary pilot project on resettlement, offering a number of places to persons in need of protection;

(8) Establish a new return programme for rapid return of irregular migrants coordinated by FRONTEX from frontline member states;

(9) Engagement with countries surrounding Libya through a joined effort between the Commission and the EEAS; initiatives in Niger have to be stepped up.

(10)   Deploy Immigration Liaison Officers (ILO) in the key third countries, to gather intelligence on migratory flows and strengthen the role of the EU Delegations." (European Commission, 2015d).

Since 2011, Italy and Greece have been calling the EU for a joint action as the countries that exposed the irregular crossings and accidents in their shores. Hence, the Representative Mogherini stated that the EU countries have no excuse anymore for the common action. She invited the member states to compromise on the migration issue (European Council, 2015b). However, the main reason of such a compromise was not the humanitarian concerns and the high death rates. The main concerns of the EU countries are providing control at the Mediterranean and preventing the migrant smuggling more than the humanitarian causes of the inflows.

The regulations in the framework of the Action Plan emphasized the border control at the Mediterranean, the establishment of return programmes, and fingerprinting of the migrants. Because of the shipwrecks in its shores, Italy launched the operation of 'Mare Nostrum' in October 2013. However, the operation has been carried out by Italian government which have borne the costs of the operation by itself and asked the

assistance of the EU for search and rescue in the Mediterranean. In the Action Plan a new operation 'Triton' was replaced by the operation of 'Mare Nostrum' by the EU (Tazzioli, Oxford Migration Studies, 2016).

The Northern EU countries claimed that such operations would cause the pull factors for the migrants. Since they would be encouraged for the journeys with the minimum risk of death under favor of the rescue operations (Garelli & Heller, 2018:2). However, according to the Executive Director of the *Human Rights Watch* the migrants take the risk of crossing the Mediterranean not for the possibility of being rescued. In contrast they try to cross the sea since they are so desperate due to the war, poverty, and persecution that they are risking their lives to arrive in the EU (Human Rights Watch, EU Ten-point Plan Not Adequate Response to Deaths at Sea, April 2015).

According to Ana López Fontal who is the spokeswoman for the European Council on Refugees and Exiles (ECRE), the Action Plan emphasizes the prevention of the irregular migrants and the migrant smugglers, whereas the smugglers are not the main cause of the irregular crossings at the sea. However, the Plan has pointed out to hinder smuggling for the solution of the migrant disasters. These people are fleeing from the war and need protection, the main objective of the Action Plan should have been about providing safe place with legal arrivals to the EU instead of leaving them to the smugglers' hands (Harris, The Euronews, 21 April 2015).

2.2.2. European Agenda on Migration

Ten Point Action Plan has been emerged as the list of urgent and direct steps to the crisis in short term. The main framework of the Action Plan has stayed away from the humanitarian aspect of the migration management in the legal basis. From this point of view, ongoing crisis has shown that the EU still has needed an updated, inclusive, and coherent policy on the migration. Thus, on 13 May 2015, the European Commission adopted 'A European Agenda on Migration'.

The Agenda has been separated into two sections. The first section includes the ten points of the Action Plan which have been required the implementation urgently. In this connection, besides Action Plan, the Council intended to take concrete steps vis-a-vis

the crisis within the framework of the Agenda. "The main concerns of the Agenda's urgent action plan have been,

(a) Saving lives at sea

(b) Targeting criminal smuggling networks

(c) Responding to high-volumes of arrivals within the EU: Relocation

(d) A common approach to granting protection to displaced persons in need of protection: Resettlement

(e) Working in partnership with third countries to tackle migration upstream

(f) Using the EU's tools to help frontline Member States" (European Commission, 2015a).

The Commission adopted the 1st Implementation Package of European Agenda on Migration which contains the relocation of the 40.000 asylum-seekers to the member countries. Since Italy and Greece locate at the frontline of the EU, the migrant stock has cumulated in these countries. In 2015, while the irregular arrivals to Greece exceeded 800.000, 150.000 of people arrived in Italy (UNHCR, Situation in Mediterranean, 2018). The CEAS has been established on the base of burden-sharing and shared responsibility among the member states. The article 78(3) of the TFEU (Lisbon Treaty) stated this emergency actions as *"In the event of one or more Member States being confronted by an emergency situation characterized by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned."* Italy and Greece called the EU to take responsibility with other members, since the crisis has not been a national problem of Greece and Italy. In the consequences of the urgent action plan Agenda has projected the relocation of the migrants in Italy and Greece to the other countries within the EU (European Commission, 2015a).

The relocation of the migrants to the member countries (the quota system) has been the most controversial issue among the members. It has projected to decrease the numbers of migrants in Italy and Greece by distributing to member countries according to their population, GDP (Gross Domestic Product), unemployment rate and the existing numbers of asylum-seekers. The number was so high especially for Greece and the primary 40.000 relocation would not decrease the pressure in the frontline of the EU.

For this reason, the European Commission adopted the additional quotas in September 2015, according to the new scheme it has been projected to relocate 120.000 asylum-seekers (European Commission, 2017c). However, the unwillingness of the Northern and Eastern members caused the controversion, since on the one hand Italy and Greece are demanding the relocation under the share- responsibility principle, on the other hand the countries which are not exposed the irregular arrivals directly, object to obligatory relocation scheme of the EU (BBC, 2015).

The asylum applications have been made to Germany, Italy, Hungary, United Kingdom and France and economically better countries approved the majority of the applications. Because of the Dublin II Regulation, the applications are examined by the first country of entrance. For this reason, Italy, Greece, Hungary, and Bulgaria as the frontline of the EU have had unfair responsibility comparing the other member countries. Considering the situation inside the EU and the asylum-seekers in December 2015 Germany decided on suspending the Dublin II Regulation temporarily with the open − door policy for the asylum − seekers (Holehouse, The Telegraph, August 2015). As of the end of 2015 and 2016, 890.000 asylum − seekers arrived and in 2016 more than 700.000 have applied for refugee status (Dockery, Deutsche Welle, September 2017). However, this policy was criticized by the members. Since Germany's open-door policy for the asylum seekers let the irregular migrants to move inside Europe. That brings the national controls at the internal borders to the agenda. In this context, this the Schengen Border Code would become void and the free movement of people within the EU, which is a part as the European area of freedom, security and justice, would be eliminated because of the ongoing crisis.

While the UNHCR indicates the data on people who need to be resettled as more than 40 million, the total quota of the EU with 28 members is thought-provoking (UNHCR, 2016c). Especially while the neighboring countries of the crisis are hosting millions of asylum − seekers, the response of the EU and the member states considered as inefficient vis-à-vis the crisis.

2.2.3. Four Pillars to Manage Migration Better

The European Agenda on Migration has focused not only the short-term actions but also the structural inadequacies of the migration policy. In this connection, the Commission has determined a structural framework for better management of the migration in the Agenda. The new roadmap of the migration management would include all members with the principle of 'The more Europe' and give a clear message on that the crisis would be overcome with the collectivity of the EU actors. The roadmap contains four main pillars to manage the migration.

1. Reducing the incentives for irregular migration: The migrant smugglers are considered as the main cause for the irregular crossings in the Mediterranean by the EU. Preventing the deaths, fighting against human traffickers and smugglers should be the main concern of the Community. Moreover, the return programmes should be prepared and in this subject the cooperation with the third countries is necessary as the country of origin or the country transit.

2. Border management – saving lives and securing external borders: The 'smart borders' initiative would be revised in the name of border control which enables to collect data about third country nationals and detect the irregular crossings and illegal stays within the EU. Moreover, for preventing the loss of lives in the Mediterranean and the border control, both FRONTEX and national coast guards would be strengthened.

3. Europe's duty to protect: a strong common asylum policy: It has been prescribed more active European Asylum Support Office (EASO), which would provide the cooperation among member countries, and the more coherent Common European Asylum System (CEAS) with the infringement procedures against the members which breaks the legislated regulations under the CEAS.

4. A new policy on legal migration: The crisis at the EU borders has been the consequences of the nonoperative asylum legislation of the EU. The regulations on the regular entrances to the EU have been so strict that people apply to migrant smugglers instead of EU institutions for the regular entrances. Moreover, in the long term the EU would enjoy the advantages of the regular / legal migration. Since the labor force deficit would exist in the EU in the long

term as in the 1960s, the migrant could fill the gaps under the relationship between migration and economical improvement (European Commission, 2015a).

As in the framework of the Agenda, the return programmes or the readmissions are the main struggle for the EU. While the migrants are forced to wait at the hotspot points or temporary shelter centers, the legal basis has become the main controversial issue for the EU. In order to prevent crossings, the EU allows for the applications of the international protection at borders or transfer points. However, according to Directive 2013/32/EU it is not legal to force applicants wait at the borders and transfer points or return to country of origin, until the result of the application. If the process is not concluded in four weeks, the EU should permit the applicants to enter the EU (European Parliament and of the Council, Article 43(2), 2013).

Indeed, the EU pushes itself into the vicious circle. Since the strict visa rules triggering the irregular migration. These people are fleeing from the war with need for the international protection. They apply for the asylum from a different country because of their country doesn't ensure them the rights of a citizen. That reveals that the EU considers ongoing humanity crisis under the normal circumstances and seeks the visa requirements before the entrance.

In the framework of the 'EU Directive on Common Procedures for Granting and Withdrawing International Protection' the asylum seeker is an applicant for the refugee status. And the Article 9 (1) of related Directive prohibits the deportation of the asylum – seeker until the admission or rejection of the application. In other words, the applicant has the residence permit within the EU up to the decision of the authorities (European Parliament and of the Council, Article 9, 2013).

The EU Directive on Common Procedures for Granting and Withdrawing International Protection obviously states the common policy on asylum is one of the cornerstones of the process of making Europe an area of freedom, security and Justice (European Parliament and of the Council, 2013).

The EU admitted the non-refoulment and common act principle of the 1951 Geneva Convention in the article 78 of 'The Treaty on the Functioning of the EU'. The article

states that the EU would make common policy towards the third country nationals who need protection as an asylum – seeker, a refugee or a protection demander (The Treaty on the Functioning of the EU, 2012).

According to the EU Directive 2013/32/EU, the EU member state can replace the applicant to the third country while the application process has been completed. But, the safe country should have the requirements which are stated in the article 38 (1) of the related directive. Those are that the applicant should have not met the negative discrimination because of the race, religion, nationality and so on; the safe country should have been in the accordance with non – refoulment principle of Geneva Convention; and the third country should accept the applicant from EU states (European Parliament and of the Council, 2013).

At that point, the cooperation with the third countries is extremely important for the EU. Not only countries of origin but also countries of transit have become the main actor in preventing the irregular crossings. While in the Central Mediterranean route Libya has significance as the transit country of Tunisian, Eritrean and Somalian migrants, Turkey is the main partner in the Eastern Mediterranean. The cooperation with Turkey has not been a negligible issue before the Syrian crisis. Before 2011, high numbers of Afghani and Iraqi people were crossing to the EU from Turkey, and after the Syrian crisis, 95% of the 1.5 million irregular migrants of the EU crossed from Turkey – Greece border or over the Aegean Sea. For this reason, the readmission agreement with Turkey has been considered as the main instrument of preventing the irregular crossings.

In the recent crisis, the refugee issue has been interpreted and the solution has been sought in the security framework as well. Moreover, some problems originated from the asylum-seekers and refugees have strengthened this perspective. The Europeans have been complaining about the foreigners by asserting that the asylum seekers cause to increase of crimes, to have the negative effects on the employment opportunities, to decrease in the educational level and to exploit the sources of the states. All these accusations have blown up the prejudgment and the hatreds against to people from the third countries (Alkousa, The Reuters, Violent Crime Rises in Germany and is Attributed to Refugees, 2018).

Although the Schengen Border Code makes the internal borders indistinct, with the crisis the external borders of the EU have become the most apparent since the Schengen Agreement (ORSAM, 2012:11). In such a manner, the EU has changeable borders which can be invisible within the EU or can be more prominent in the name of external borders. In both situations the migration policies have significant effect on the alteration of the borders (Geddes & Sholten, 2016: 214).

All in all, even though the EU fears any massive inflow from not only Syria but also the MENA since the beginning of the Arab Spring, the precautions and policies remained incapable to manage the crisis. Especially from the Lisbon Treaty to the revision of GAMM in 2011, the EU did not have any considerable progress on migration. Although the European Commission has stated its concerns about the inflows since the beginning of the Arab Spring, the community could not complete the CEAS even the crisis broke out. Thus, when the numbers turned into a tragedy in the summer of 2015, the urgent action plans and a new policy on the migration management came to the agenda. In this process, due to Turkey's significant role in the solution of the crisis, the next chapter focuses on Turkey's role on the irregular migration in the context of the EU.

CHAPTER 3

3.   TURKEY, THE EU, AND THE IRREGULAR MIGRATION

The chapter emphasizes the role of Turkey as the country of destination and transit in the recent crisis. Geographically Turkey is the neighbor of the MENA region and the EU. For this reason, Turkey has become the key actor of the EU's migration policies. On the other hand, with the differentiation of migration the inflows to Turkey have shaped the Turkish migration policy as well. Especially increasing numbers of the immigrants in Turkey led the country to revise Turkish asylum system. At that point, the crisis opened a new page for Turkey and the EU relations. Since Turkey has become a strategic partner of the EU on migration policies.

3.1.   TURKEY'S POSITION VIS- À- VIS IRREGULAR MIGRATION

The geographical and historical background of Turkey caused people movements heretofore. Considering the wide territories that the Ottoman Empire ruled, and the Ottoman people resettled in different regions, huge number of people migrated from the post- Ottoman territories to newly established the Republic of Turkey until the 1970s. However, as of the 1990s, irregular /illegal migration has become the main problematic issue for Turkey as well. Increasing conflicts and civil wars forced people to leave their homes, consequently Turkey experienced a record influx of immigrants from Afghanistan, Azerbaijan, the Balkans, North Africa, the Middle East, and the Russian Federation (ORSAM Rapor No: 123, 2012: 16). Especially Turkey has been exposed to movement of migration from the MENA region, where the conflicts, interventions, wars, terrorism and the instable governance examples all exist. Since Turkey has common frontier with some of the above-mentioned countries and geographic proximity, it has become country of origin, transfer and destination for immigrants.

3.1.1. Geopolitics of Turkey and its Effects on the EU Borders

As of the 1990s, while the migration has become a massive movement, it has also gained the global character by crossing the national borders. This movement which was named as the international migration is different from the general understanding of migrants. Just before the 1990s, the notion of migration applied to the movements from villages to metropolitan cities with economic causes. The purpose to migrate caused some changes in the term of migration and the pulling causes become significant for the movement of people. However, some recent massive migratory movements have taken place because of the economic conditions, political instabilities and civil wars in the country of origin (İçduygu & Aksel, 2012:7).

There are three categories of migrants who immigrated to Turkey. Because of the purposes and the conditions, the migration has diversified, but the irregular migrants can be assorted as well, especially for the countries such as Turkey. Firstly, people come to Turkey because of its links to the EU by the sea and land. At this point Turkey is a transit country for these people who enter Turkey in legal or illegal ways, and who aim to cross to Greece over the Aegean Sea or to reach Bulgaria via road transportation. Kirişci calls this type of irregular entrances as 'illegal transit migration' (Kirişci: 2008:2). The second type of irregular migrants are people who enter Turkey with a valid visa, but by the time they have become undocumented because of the expiration of visa, ineligibility for residence permit and so on. These people generally take the visa via family, friend connection or travel documents on the purpose of the trade, the construction and tourism sector, as a household employee, or prostitute. (Kirişci, 2007:93). The last type of irregular migrants of Turkey are asylum-seekers and the applicants of refugee status to the UNHCR. This type of migrants poses a problem to the countries, since they can get involved to a crime, or work as illegal labors.

3.1.1.1.   Turkey as the Country of Origin

With the 1960s, Turkey converted into an emigration country. After the Second World War, with the guest- worker programs of European countries, many Turkish citizens started to migrate to Germany, France, Belgium or Austria. Between 1961 and 1973,

nearly 790 thousand Turkish workers were sent to European countries (Abadan – Unat, 1976:7). With the marriages, family reunifications and births, the Turkish worker numbers abroad exceeded 1.5 million in a short term. As from the 1973 OPEC Crisis, the European countries especially Federal Germany endeavored to bring some restrictions on guest- worker arrivals. The regulations on labor migration and long period of approval process prompted people to enter European countries through illegal ways (Abadan – Unat, 1976:129).

Figure 6: Distribution of Turkish Guest Workers between 1961 – 1974

Country	Women	Men	Total
Federal Germany	135,575	480,252	615,827
France	172	33,720	33,892
Austria	2,622	27,905	30,527
Netherlands	2,700	27,391	30,091
Australia	2,710	17,619	20,329
Switzerland	2,710	17,000	19,710
Belgium	220	13,809	14,029
Denmark	210	6,040	6,250
Sweden	1,922	3,139	5,061
Great Britain	131	1,880	2,011
Others	117	8,627	8,744
Total	149,089	637,382	786,471

Source: Turkish Employment Service(İİBK) Statistics on Turkish Migrant Worker, Ankara 1974, Publ. No. 111, p.19. (Cited in Abadan – Unat, 1976:129)

Especially after the Ankara Agreement in 1963, the European communities have been perceived as an objective by both the governments and the society. Since, according to Turkish citizens, both political and geographical closeness have forged a link between Turkey and Europe. Turkish citizens have demanded for access to the European countries and labor market without any visa or requirement for a long time. For this

reason, the admission of guest workers has been demanded by Turkish citizens intensely, thus Turkey until the 1990s was mentioned as a country of origin.

3.1.1.2. Turkey as the Country of Transit

Country of transit is the country that is crossed by the migrants, asylum-seekers or the refuges on the route of the country of the destination or origin (Çiçekli, 2009:57). After the end of the Cold War, the incoming migrants to Turkey have been estimated nearly 1.5 million. The massive migration movements have been from Iraq, Bulgaria, Yugoslavia and again Iraq in the last thirty years (Goularas & Sunata, 2015:20). These people have come to Turkey on the purpose of crossing to the European countries which makes Turkey a transit crossing corridor.

Especially the instabilities and the civil wars in the MENA region forced thousands of people to leave their land. Because of the events, Syria has still preserved its critical situation in the Middle East since 2011. More than 5 million Syrian people are seeking asylum in different countries and Turkey received nearly 3.5 million of them (UNHCR, Monthly Data Report, 2018), since the first asylum-seekers crossed Turkish border at Yayladağı, Hatay in April 2011 (Hürriyet, 2011).

Figure 7: Number of Registered Syrians in Turkey (2012-2017)
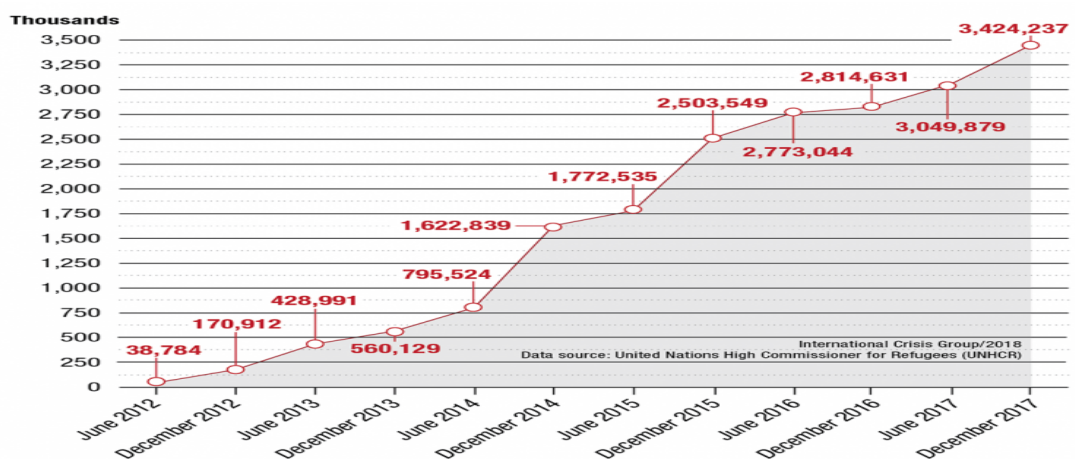
Source: UNHCR, International Crisis Group, 2018 (https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/248-turkeys-syrian-refugees-defusing-metropolitan-tensions)

As seen in the Figure 7, by 2014 the arrivals to Turkey increased and the migrant inflow have led to Europe after crossing Turkish border. After the strict border controls in the Balkan route, the asylum-seekers have gravitated to the Mediterranean on the purpose of irregular entrance to the EU via sea.

Figure 8: Mediterranean Arrivals – January to July 2017
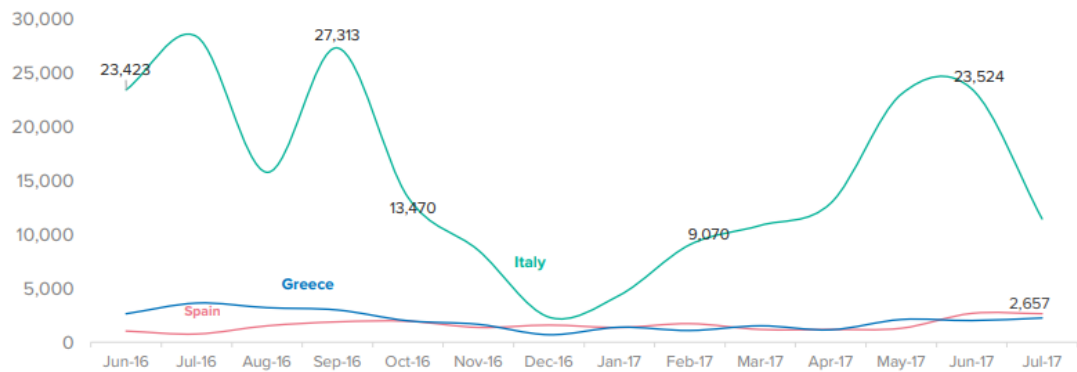
It is possible to name three routes that Syrian people have followed for reaching to Europe. The Western Mediterranean route was used by the asylum-seekers from Guinea, Algeria, and African countries to the coast of Spain. On the other hand, the Central Mediterranean route was used by the people from Nigeria, Eritrea, Libya to Italy and the Eastern Mediterranean route was used for the crossings by Syrians, Afghans, Iraqis from Turkey to Greece (FRONTEX, 2018a). As seen on the Table 1, the irregular crossings have been the considerable amount before 2015 as well. However, the numbers have exceeded 1.5 million with the irregular crossings over the land. Such an intense migration flow to the EU increased the security concerns and this made inevitable to cooperate with Turkey about the illegal crossing especially over the Eastern Mediterranean Sea.

3.1.1.3.   Turkey as the Country of Destination

The inflow to Turkey before 1990 was composed of the people who had Turkish ancestry and lived in the post-Ottoman regions. The loss of wide territories caused that the rule of the regions and people living there to be transferred to another country. Thus, these people began to migrate to Turkey, for this reason the Turkish root was the pre-

condition to immigrate into Turkey. However, the internationalization of the migration led the migration to diversify. After the Cold War, immigration from post-Soviet countries rose with the purpose of working in entertainment, housework, tourism as the maid, prostitute, baby-sitter, guide sectors and so on.

There are some factors that make Turkey a suitable destination country for the immigrants. Since the end of the 1990s, Turkey has been a democratic and stabile country politically. Comparing the many neighboring countries, the Turkish economy has made progress for years as a stabile country. Turkey has become the most asylum-seeker hosting country across the world because of welcoming policies towards third country nationals such as 'open-door' policy, (UNHCR, 2017b).

In the last flow, the immigrants prefer to stay in Turkey besides the EU. While some of them are obliged to stay in Turkey because of the financial impossibilities, some even do not attempt to cross the EU borders because of the dangerous route, maltreating, and cultural unfamiliarity. However, generally Turkey has become a destination country for the asylum-seekers as obligatory, since even if they can reach to the EU, they are aware that they will be sent back to Turkey without their consent. So instead of returning to their country in future, more than 3.5 million asylum-seekers preferred Turkey as a destination.

3.1.2. The Impacts Turkey's Geographical Position on the EU

The main concern of the EU is the management of transit migration from Turkey to the EU borders (İçduygu, 2005). The geographically closeness to the origin countries, advanced economy and high standards of living make the European countries first choice as destination (İçduygu & Aksel, 2012:7). As a long period of time, Turkey has been waiting to become a part of the European Communities, however the EU has different concerns about Turkey's membership, and two of them come into prominence. Firstly, the population issue, and the second one is the weak border control of Turkey. Considering only 2015, 885.000 people reached to member states from Turkey in irregular ways (European Commission, 2017a).

Figure 9: Detected Crossings by FRONTEX

Detected Irregular Border Crossings by FRONTEX										
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Western Mediterranean Route	6,500	6,642	5,003	8,448	6,397	6,838	7,272	7,164	10,231	23,143
Central Mediterranean Route	39,800	11,043	4,450	64,261	15,151	45,298	170,664	153,946	181,459	118,692
Eastern Mediterranean Route	52,300	39,975	55,688	57,025	37,224	24,799	50,834	885,386	182,277	42,305

Sources: Frontex, Risk Analysis Reports for 2018 & 2017 & 2016 (https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2018.pdf)

As seen from the Figure 9, the irregular crossings have never been zeroized, however these crossings from Turkey to the EU happen in the Eastern Mediterranean Route. The events in the MENA region caused a huge human mobility and because of the geographical position, Turkey is used as a bridge between problematic regions and Europe.

Increasing numbers have revealed that the management of the migration would not be possible without the cooperation of Turkey. Especially after the Amsterdam Treaty, the EU attached importance to conduct common asylum policies and in this connection the harmonization of Turkey with the EU acquis on the migration management has become a requirement of the accession process as well.

3.2. HARMONIZATION OF TURKISH MIGRATION POLICY WITH THE EU ASYLUM POLICY

While the immigration to Turkey has happened as a mass influx of people, at the same time it produces irregular migrants as well. Emigrating from Turkey can be considered relatively more regular comparing to immigration. Since the countries are more eager to sending people to different countries, rather than taking people from other countries, especially with great numbers. Thus, the policies on immigration have been more significant comparing to policies on leavings.

The migration management is a process which starts with the legal regulations before the entrance and continues as the precautions and the controls for the possible problems during and after the entrance. Moreover, the social integration and the fulfillment of the basic needs of the migrants are in the scope of the migration management. Since Turkey has a long history with the European communities, for this reason Turkey's migration policies have been shaped in the accordance with the European system.

3.2.1. Regulations on Turkish Migration System

In recent years, Turkey has had to face different types of mass movements through its territories. Turkey is an active actor in its region with its geographical position and historical background which makes Turkey a country of destination and transit (Goularas & Sunata, 2015:13).

According to the Directorate General of Migration Management (DGMM), since 1922 Turkey has welcomed more than 5 million people, for this reason there are some factors that determine Turkish migration policies. In the first place, in the first years of the Republic, conducting a national identity was the main purpose of the state. In this connection, Turkey was receiving people who have Turkish ancestry. Secondly, in the period of bipolar system of world affairs, Turkey has been the member of NATO as the front country and during the Cold War Turkey has closed its border control points down de facto and de jure. Thus, Turkey handled the migration issue via the security related institutions with the security concerns. In the third place, Turkey signed the 1951 Geneva Convention with the geographical limitation which Turkey gives the refugee status to only people from Europe. However, Turkey has met with the other dimension of the migration when the Cold War ended, and the globalization has begun to accelerate (ORSAM Rapor No: 123, 2012:15).

In addition to the factors in the Report, the negotiations with the EU especially after 2005 can be considered as the forth factor. As in the all policy- making areas the harmonization with the EU in migration has become significant for Turkey, as well, especially as the candidate country. The fifth factor that reshaped the migration policies of Turkey has been the intense migration flows from Syria where a civil war has

continued. The civil war began by that the regime used disproportionate force against to demonstrators in 2011. Instability within Syria forced people flee their homes. Since 2011, 5,607,286 people have emigrated to different countries (UNHCR, March 2018) and 6,326,000 people displaced internally (UNHCR, December 2016).

3.2.1.1. Turkish Legislation on Migration Before the Law on the Foreigners and International Protection

The first regulative document about the foreigners is the Settlement Law of 1934. This law was amended in 2006 with the Law 5543 which is limited with the Turkish kinship. The migrants are diversified base on the 'having Turkish kinship and loyalty to Turkish agnation' (Official Gazette, 2006). The settlement law regulates the admission of people with Turkish roots. The 1950 Passport Law and 1950 Law on the Residence Permits for Foreigners in Turkey established the general framework of the current YUKK law. (Official Gazette, 1950). Any statement about the international protection and asylum procedures has not be involved in the laws towards to any external movement from different countries.

Turkey faced the international migration and the massive inflows in the 1990s. Especially the break of the Gulf War brought more than 500 thousand people from Iraq as from the end of the 1980s and the almost 50 thousand people came from the Balkans because of the conflicts in the region (Directorate General of Migration Management, 2017a). For this reason, the necessity of the regulation directed to international protection and asylum management emerged after 1990. In this connection, the Regulation dated 30.11.1994, numbered 22127 can be the first document on the international protection and the asylum. The regulation named as '*Türkiye'ye İltica Eden veya Başka Bir Ülkeye İltica Etmek Üzere Türkiye'den İkamet İzni Talep Eden Münferit Yabancılar İle Topluca Sığınma Amacıyla Sınırlarımıza Gelen Yabancılar ve Olabilecek Nüfus Hareketlerine Uygulanacak Usul ve Esaslar Hakkında Yönetmelik'* determines the rules and procedures that would be implemented to the people who seek asylum in Turkish territories and need international protection (Official Gazette, 1994). There are articles and regulations that have been involved into different laws which are not directed to international protection seeking peoples.

Turkey has held the chair of the Budapest Process since 2006. The Budapest Process has proposed to define problems and present the solutions to the irregular migration. With this aim, more than fifty governments, including the EU countries and ten international organizations have participated to the Process. The focus point of the Process is to construct a cooperation between country of origin and destination. On 27-28 November 2017, a meeting with more than forty representatives from countries and international organizations was held in İstanbul. In the meeting Turkey offered an action plan towards ongoing asylum-seeker and refugee inflows originated from Syria. In the 20th annual year meeting of the Budapest Process, the Ministerial Declaration on a Silk Routes Partnership for Migration was adopted. The declaration prescribes to manage the migration with more humanitarian concerns. The cooperation via exchanging information, the coordination between origin and destination country were emphasized via the Declaration especially in the large movements of asylum – seekers and refugees along the Silk Route. Moreover, via the improvements in legal asylum-seeking procedures, both Budapest Process and Silk Route Partnership aimed to avert the irregular cross borders (The Ministerial Declaration on A Silk Routes Partnership for Migration, 2013).

3.2.1.2.   New Regulations on Turkish Migration System

More than 3.5 million people have fled to Turkey, and it is the highest number of immigrants Turkey has faced up until now. This massive inflow showed that the existing regulations and the legislative background is lack of dealing with the ongoing crisis. Since, the migration is a multi-dimensional event so, it needs to have multi-directional and long terms policies. As mentioned before, every stage of the external migration should be considered in policy- making process. Considering this intense inflow, Turkey needs to be assisted by international society, but mostly by the EU. Its affected countries are Turkey, Lebanon and Jordan that are hosting 5 million Syrian people. However, among these countries, Turkey has a special place in the EU as a candidate country and with the common land and sea borders.

Figure 10: Syrian Asylum Seekers in the Neighboring Countries

Location	Data Date	Population
Turkey	8 Mar 2018	3,547,194
Lebanon	31 Jan 2018	995,512
Jordan	13 Mar 2018	659,063
Iraq	31 Jan 2018	247,379
Egypt	28 Feb 2018	128,034
Other (North Africa)	30 Apr 2017	30,104
Total Externally Displaced Person	13 Mar 2018	5,607,286

Source: UNHCR, Operational Portal Refugee Situations, Syria Regional Refugee Response, 2018. (https://data2.unhcr.org/en/situations/syria)

A great number of asylum-seekers have crossed the Turkish borders after the Arab Spring process. They are mainly from Syria, however disorder at the entrance points and the chaotic atmosphere have caused the crosses of people from Iraq, Afghanistan, Iran and Somali to Turkish borders without any document as asylum-seekers. By the asylum seekers Turkey has been seen as a transition route to Europe, for this reason the significance of Turkey has risen not only for the EU but also the UNHCR.

Figure 11: Distribution of Asylum – Seekers in Turkey, 2017

Syrians	3.5 M
Afghans	145,000
Iraqis	140,000
Iranians	32,000
Somalis	4,000
Other	9,500

Source: UNHCR Fact Sheet on Turkey, October 2017b (https://data2.unhcr.org/en/documents/details/60548).

Turkey is a party of the Geneva Convention, the UNHCR has a representative agency in Ankara and the field offices in İstanbul and Van. The main duties of the UNHCR in Turkey are improving Turkish migration system, checking the convenience of the

asylum procedures with the existing international agreements, giving advices to Turkish government about the asylum-seekers who came from the third countries except from Europe and supporting Turkey in the maintenance of the asylum-seekers (Çelebi, Özçürümez & Türkay, 2011). After the massive inflow from Iraq because of the Gulf War, the International Organization for Migration (IOM) also set up a regional office in Turkey in 1991, thus to be integrated to the international refugee regime Turkey became the full member of the IOM in 2004. This can be considered as the first step of Turkey to have more institutional framework on migration, since the IOM has been assisting Turkey on widening the scope of the Turkish migration system, signing the readmission agreements with different countries, adopting new regulations on illegal migration and migrant trafficking (Goularas & Sunata, 2015:21).

Another platform that Turkey has been included is the Global Forum on Migration and Development. It is a governmental project under the UN to recognize the effects of development to the migration. Turkey has assumed the chair of the 'Global Forum on Migration and Development (GFMD)' in the period of 2014-2015. In this period, the 8th Meeting of GFMD was hosted by Turkey in İstanbul. In the Meeting, the Turkish Chairmanship emphasized three main objectives of the migration policies, in first place the management of irregular migration with the cooperation of both the migrants and civil society, secondly the international awareness on increasing effects on constructing the public policies, and lastly, the consideration of the relationship between development and the migration (Eighth Meeting of the Global Forum on Migration and Development, 2015).

3.2.2. The Law on Foreigners and International Protection

As a high number of asylum-seekers hosting country within the borders, Turkey has played a significant role in the construction process of the migration policies with the international organizations, as well. However, Turkey has lacked in the legislation for the asylum-seekers and international protection process. Especially the ongoing crisis has revealed that the Syrians are not temporary guests in Turkey and they are a part of the continual migration culture. For this reason, Turkey has adopted the Law on Foreigners and International Protection (Yabancılar ve Uluslararası Koruma Kanunu,

YUKK), numbered 6458 on 4th April 2013. The YUKK is constituted with the respect of the migrants' rights on the base of humanity. In this framework, the YUKK bases conducting a totalitarian and inclusive migration management.

Turkey has not had any updated legislative regulations on the asylum and the international protection which has brought the disadvantages to Turkey. Since the administrative regulations have not enough to fill the gaps in the legislation and this has created interference area and the image as if Turkey needs the assistance of especially the European countries as a candidate country. For this reason, the creation of a law has become necessary for Turkey.

Moreover, in the harmonization process with the EU Turkey has rearranged the policy areas, and as a candidate country Turkey should have had an effective asylum policy and the requirements for the border controls should have been in the accordance with the EU external border control. The EU has attached the great emphasis on the migration issue to create the justice, security and freedom area within the EU. In this connection, the negotiations on the asylum and international protection have begun under the title of the '24th Chapter: Justice, Freedom and Security' and "The National Action Plan of Turkey for the Adoption of EU Acquis in the Field of Asylum and Migration" adopted on 25 March 2005 (İltica ve Göç Mevzuatı, 2005:2). In the framework of the Action Plan, enacting the coherent laws and regulations with the EU have become the priority for Turkey. For this purpose, the Council of Ministers ratified the establishment of the Asylum and Migration Bureau (AMB) of the Turkish Ministry of the Interior (Seyhan, 2014:187). Thus, the working groups under the AMB has begun to prepare the law on the migration and the international protection, in the process of preparing the law, the AMB has had not only guidance of the non-governmental organizations but also the technical assistance of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). Moreover, the EU Council conventions and the case law of the European Court of Human Rights have been examined and in the scope of the commentary statements of the other organs of the EU led the new law to be in the accordance with the EU Migration Policy. After the process of the legislation The Law on Foreigners and the

International Protection is published in the Official Gazette with the number and date of 28616 / 11 April 2013 (Official Gazette, 2013).

The main purpose of the law has been expressed in the part one as "*to regulate the principles and procedures with regard to foreigners' entry into, stay in and exit from Turkey, and the scope and implementation of the protection to be provided for foreigners who seek protection from Turkey, and the establishment, duties, mandate and responsibilities of the Directorate General of Migration Management under the Ministry of Interior*" (YUKK, Article 1, 2013).

There are three parts in the law on Foreigners and International Protection as the foreigners, the international protection and the DGMM. The law regulates the issues of the provisions on the entries to and exists from Turkey, the residence permit, the stateless persons and their rights, the deportation, temporary centers for admission, the international protection, the temporary protection, the non-refoulment principle, the integration of the asylum – seekers, the establishment of the Directorate General for Migration Management (DGMM), the central and provincial organizations of the DGMM. The Law has established the Migration Policies Board, which is directly connected to the Ministry of Interior, meet twice in a year to determine and conduct the relationship between the public institutions. On this purpose, the Undersecretaries of each Ministries have attended to the meetings to reconsider the goals and strategies for the migration (DGMM, 2018a).

3.2.2.1.   The Directorate General of Migration Management

Turkey has received the asylum-seeking people without any condition under the temporary protection. Rapidly increasing inflow to Turkey made necessary to determine the institutional management of the people who need the humanitarian assistance. For this reason, the Disaster and Emergency Management Authority (AFAD) has charged for the coordination between the related ministries on the mass- movement from Syria. The deportation, the replacement to temporary shelters for the foreigners or the exiting from Turkey have been under the responsibility of the Department of Foreigners, Borders and Asylum of the General Directorate of Security. However, associated with

the establishment of the DGMM, which is comprised of the central, provincial and oversees organizations, the issues related to asylum-seekers and refugees transferred to the DGMM and its organs. For instance, while the provincial organizations are responsible for the registration of the incoming people and reporting to the other assisting institutions, the central organization hold the meetings with the related ministries and the international organizations.

3.2.2.2.   Temporary Protection

Temporary protection, has been used by the European countries for the people who fled from the conflicts in the former Yugoslavia in the beginning of the 1990s, ensures the protection to the people without any status, since these people come within a migrant influx and they stay in the country temporarily. Because of the geographical protection, Turkey admits these people under the temporary protection. According to the Temporary Protection Regulation, their necessities are supplied by Turkey, moreover they can leave the country on demand. However, when they get temporary protection, they are assumed that they give up the right of seeking asylum in another country. In fact, the temporary protection is applied in the emergency situations for temporary period to the people who couldn't get the refugee status from the third countries. According to the Article 12 of the Regulation, temporary protection is removed in the cases of getting refugee status, seeking asylum in third countries, leaving Turkey on demand (DGMM, 2014).

Under the circumstances determined by the Regulation, Turkey is preventing the people, who have temporary protection, from seeking asylum from Europe. Such an article caused the refusals by Europe without any detailed examination and resending people who seek asylum in Europe to Turkey. The 18 March Statement showed that temporary protection is a deterrent factor for the asylum- seeking in Europe, since if it is not, the 18 Statement between Turkey and the EU would include retaking the readmitted people under temporary protection.

Another questionable point is the situation of the people from other nationalities who need international protection. While Syrians in Turkey are subject to the Temporary

Protection Regulation, especially Iraqi peoples need international protection because of the terrorist threat in their region.

Figure 12: Detected Border Crossings from Iraq 2014- 2018

2014	1.728
2015	7.247
2016	30.947
2017	18.488
14.03.2018	3.972

Source: The DGMM, Distribution of Illegal Crossings to Turkey According to Nationality, 2018b. (http://www.goc.gov.tr/icerik6/duzensiz-goc_363_378_4710_icerik)

According to the UNHCR Fact Sheet of October 2017, the Iraqi people in Turkey exceeded 140 thousand (UNHCR, 2017b). The instability and lack of the administration has caused the emergence of the terrorist groups both in Syria and Iraq. One of the terrorist groups is the ISIS (Islamic State of Iraq and Syria) or Daesh as the many politicians prefer to say, according to the statement of Matthew Olsen who is the Director of the United States National Counterterrorism Center (NCTC). The ISIS was controlling a large area, that was as large as large as the United Kingdom territory in 2014, includes the parts of Iraq and Syria (Dews, Brookings, ISIL Is Not Invincible, 2014). Fight on ISIS as of 2014 displaced over 3 million Iraqi people both internally and externally (IOM, 2018:65). Considering the Figure 12, because of the intensified operations against to terrorist group Daesh by the coalition powers the migrant inflow to Turkey from Iraq has risen in 2016. However, although there have been massive incomings, the Temporary Protection Regulation doesn't include the asylum-seekers from Iraq into the temporary protection. The provisional article 1 states that people from Syrian Arab Republic who will be subject to the law. Since according to the data of DGMM, the majority of Iraqi people have residence permit on humanitarian grounds instead of international protection (The DGMM, 2017b).

3.3. THE EU RESPONSE TO IRREGULAR MIGRANT CRISIS AND THE COOPERATION WITH TURKEY

Through history Turkey has placed on the migration routes between Asia and Europe. Especially the recent events and the geographical proximity to the Middle East and North Africa caused that Turkey has become both origin and transit country for millions of migrants. For the migrants who want to enter the EU countries irregularly, Turkey has become the main route. However, the Ministry of Foreign Affairs emphasizes that the irregular migration is a cooperation area more than a problematic issue for the bilateral relations of the Republic of Turkey (Republic of Turkey Ministry of Foreign Affairs, 2017:22).

Turkey is considered as the country of transit by the EU, for this reason it has a special place in the European migration policies. The migration issue has a significant place in the relations between Turkey and the EU. Until 2005, Turkey responded to existing migratory movements with the temporary regulations. However, in the harmonization process with the EU, Turkey sought the ways of more institutionalized and rooted migration management. The 2011 crisis has indicated that Turkey is unprepared and there is no prescriptive regulation for mass migrant inflows withal Turkey has placed in such an instable region that possible conflicts and wars can cause any mass migratory movements in next years. In first place, Turkey has adopted the 'National Action Plan of Turkey for the Adoption of EU Acquis' in 2002. To harmonize the asylum and migration regulations with the EU, Turkey has also begun to the Asylum – Migration Twining Project in 2004. The Project has prescribed some changes in existing Turkish asylum policy, such as the integration process of the migrants, the institutionalization, updated legislation, the removal of the geographical limitation (National Action Plan of Turkey for the Adoption of EU Acquis in the Field of Asylum and Migration, 2005). In this framework, Turkey constituted the Migration Working Group which is responsible to promote the EU oriented policies in the harmonization with the EU migration polices. Within the same context of the European migration policies, it required that Turkey has made some arrangements in its acquis since its accession process began.

As of the middle of 2015, Syrian, Iraqi and Afghan people leave their countries in high quantities for seeking the international protection in different countries. Inflows to the EU borders, make the EU realize that the cooperation with the third countries is necessary because of the ongoing destabilizations and conflicts especially in the wider neighborhood of the EU. The Turkish Ministry of Foreign Affairs and the FRONTEX (European Border and Coast Guard Agency) agreed on the Memorandum of Understanding in May 2012. Within the scope of the Memorandum and Turkey and the EU have carried out the joint operations, information exchange, risk analysis, research and development towards to irregular migration to ensure border control (FRONTEX News Release, 2012). At that point, a joint communication from the High Representative of the Union for Foreign Affairs and Security Policy to the Parliament and the Council was also declared in 2015. According to the Communication, the migration issue is not a challenge only for the EU, it is an international crisis and considering the other countries, the EU can be the least affected region from the migration flows. In the Communication, Syria, Iraq, Turkey, Western Balkans and Africa have been mentioned as the action areas, and under the special title, the cooperation with Turkey has been pointed out. The irregular migrant inflow arrives to the EU mostly from Turkey, for this reason, the cooperation and dialogue with Turkey has been extremely important for the fight on irregular incoming to the EU (European Commission, 2015c :5).

Turkey would be a part of the Schengen Area in future process, for this reason Turkey has tried to have the EU oriented regulations and policies. Since, when Turkey becomes a member of the EU, it would be a border country with the instable neighbors of the Middle East. In fact, the EU considers Turkey's visa regulations and border controls as weak and inadequate. That has been indicated both in the Joint Declaration on Technical Assistant of the Readmission Agreement and the 18 March Statement. (European Commission, 2015b).

Moreover, to overcome the refugee crisis the EU and Turkey agreed on holding the high-level meetings with the presidents of the governments, the Commission, the Council and the Parliament twice in a year. The first meeting was held on 29 November 2015 and in this meeting the sides decided on the activation of the Joint Action Plan,

which was planned in October 2015, the transfer of three billion euro to support Turkey about the Syrians, resending people who don't need international protection to their country of origin (European Council, 2015a). Moreover, considering the readmission agreement process in the same period, the revitalization of the accession of Turkey was offered by the EU in return of the readmitting irregularly border crossing Syrian people to Turkey. Financial aid worth 3 billion euro to the asylum- seekers in Turkey would be allocated via the projects as in the Joint Action Plan (European Commission, 2016a). However, any relationship between the irregular migration and the accession process of Turkey have not been conducted in this meeting.

The second meeting was held on 7 March 2016 on the purpose of the cooperation for the ongoing migrant crisis in the Eastern Mediterranean and preventing the illegal crosses to the EU borders. In this connection, some solutions have been offered by the EU to Turkey as resending of irregular migrants came from Turkey, the acceleration of the process of visa liberation for Turkish citizens, the transfer of the 3 billion euro of the facility for the migrants, the cooperation on the humanitarian situation in Syria, the implementation of 1:1 System of taking one Syrian from Turkey for one admitted by Turkey under the 18 March the EU - Turkey Statement. Also, the operations in the Aegean Sea would be managed by the Turkish officials and FRONTEX to prevent the illegal crossings and migrant deaths.

In addition to the bilateral negotiations, the leaders of the European countries and the EU met in G- 20 Summit in Antalya, Turkey as hosting country on 15-16 November 2015. After the terrorist attacks in 2015 fight on terrorism and foreign terrorist fighters were on the agenda of the Summit, in this framework leaders agreed on the cooperation and responsibility sharing related to ongoing migrant crisis (European Council, 2015c).

On the other hand, since the break of the crisis, the EU - Turkey High Level Political Dialogue Meetings have started to be held on 25 January 2016, 9 September 2016 and 25 June 2017 with the participation of the ministers and the EU high representatives, as well. Especially in the last meeting, the Vice President of the European Commission Federica Mogherini and the EU Commissioner for Enlargement and Neighborhood Policy Johannes Hahn attended. In this meeting the issues on migrants, accession negotiations of Turkey, visa liberalization process, the customs union update and the

cooperation areas of economy, energy were negotiated (Republic of Turkey Ministry for EU Affairs, 27/07/2017).

3.3.1. 18 March the EU – Turkey Statement

Turkey has been open to the cooperation on the asylum with the EU and its institutions. In this connection, Turkey and the EU leaders held certain summits to seek a solution about irregular migration. The first summit was held on 29 November 2015. In the declaration of the Summit, it was claimed to revitalize the accession process of Turkey, and it has been decided on abrogating the visa requirements for Turkish citizens after the full application of readmission agreement between Turkey and EU (European Council, 2015a). The second summit was held on 7 March 2016. In this summit Turkey confirmed to readmit the irregular migrants crossed to Greece from Turkish coastal waters in the framework of the Readmission Agreement. The EU and Turkey made a compromise that the EU would take Syrian asylum – seekers in return of the Turkey's readmitted irregularly entered Syrians and the EU would accelerate the visa liberation process in order to extinguish visa requirements until the end of June 2016 (European Commission, Article 1, 2016b). The third Summit was held in 18 March 2016 when the EU – Turkey Statement was adopted. Within the context of this Statement, the irregular migrants, who enters Greek islands from Turkey after 20 March 2016, will be returned to Turkey after.

Meanwhile, on 23rd April 2016, the President of the European Council Donald Tusk, the First Vice President of the European Commission Frans Timmermans and German Federal Chancellor Angela Merkel visited Turkey. The main objectives of the visit were to negotiate the implementation of the 18 March Statement and to determine the next phases in the framework of the Statement (European Council, 2016a).

The statement was prepared and offered by Turkey to prevent irregular crossings to the Greek islands over the Mediterranean Sea. Since 4 April 2016, the asylum- seekers who reached to the islands started to be retaken by Turkey. In fact, according to the Temporary Protection Regulation, if someone, who has temporary protection, leaves Turkey without any authorization, the temporary protection can be given by

Directorates (DGMM, 2014). However, according to the 18 March Statement between the EU and Turkey, the migrants, who have had temporary protection in Turkey and leave Turkey, when they are retaken by Turkey from Greek islands, they can benefit from the temporary protection again (Statement Between the EU and Turkey, 18 March 2018).

For the implementation of the 18 March Statement, some meetings were held in Ankara with the Turkey's initiative, and the participation of the representatives of Greece and the European Commission on 20 January 2017. For the elimination the flaws for retaking the migrants, the first meeting was hosted by the Minister of Interior Directorate General of Migration Management in Ankara, the second was held on 5 May 2017 in Athens and the last one on 6 October 2017 in Ankara (Republic of Turkey Ministry of Foreign Affairs, 2017:23).

In the summer of 2015, the cross between Turkey and the EU has reached the highest level, however with the active border controls, irregular migrants who tried to enter the Greek islands without any document over the Mediterranean decreased at the rate of 90 percent. In 2015 865,425 migrants reached the Greek islands, but after Turkey and the EU adopted 18 March statement, only 22, 838 migrants reached over the East Mediterranean route. Turkey and the EU agreed on the Joint Action Plan to implement the EU – Turkey Statement (European Commission, 2017b).

Besides the border controls, the people who have crossed into the Greek islands from Turkey and not applied for the asylum or been refused by the European countries will be retaken by Turkey. In return of each Syrians who doesn't need international protection and admitted by Turkey, the EU countries will accept Syrians from Turkey as well. At that point, additional quotas for the relocation in member states would be notified by the Commission. Previously promised 3 billion euro would transfer to Turkey via the EU Facility for Refugees in Turkey, and additional 3 billion euro has been planned to allocate up to 2018 (European Commission, 2018).

The Relocated Syrian people in Europe have reached to 11.000 in the end of the 2017. This constituted a new relocation model via the Statement and Turkey. This 'one by one' system of the Commission depends on the consent, for this reason in future periods

the Resettlement and Humanitarian Admission Programme will be carried into effect under the European Migration Network. This creates a legal humanitarian corridor between Turkey and the Schengen region which helps construct a mechanism for legal/regular relocation system as well (European Commission, 2016b).

3.3.2. The European Refugee Funds to Turkey

As stated in the communication of JOIN (2015), the EU believes in the cooperation with the neighbors to deal with the irregular migrant inflows to the EU. In this framework, Turkey and the EU agreed the 'Joint Action Plan' on 15 October 2015. The Action Plan has prescribed the cooperation on supporting the Syrian people who need international protection and managing the migration. There are three objectives of the Action Plan that the main causes to migrate from Syria and current situation of the Syrian Crisis, supporting Syrian people in Turkey and the burden sharing with Turkey as hosting community, and preventing irregular migration inflows to Turkey to the EU. The Action Plan has emphasized that Turkey has spent more than 7 billion euro as of 2015 on her own and for this reason, the EU has committed the fund worth 3 billion Euro except from IPAs for the humanitarian assistance, education, migration management, health, municipal infrastructure, and socio-economic support (European Commission, 2015b).

The EU delivered 175 million Euro to Turkey related to the Syrian Crisis, also the IPA (Instrument for Pre- Accession) has been increased to €4,453.9 million which is not including the financial aid for cross border cooperation on the migration (European Commission, 2014a :46) Obviously, the amount of Syrian asylum- seekers was considered by the EU under the title of 'Needs and Capacities'. Turkey was referred as the most refugee hosting country, and the improvements in Turkish migration management were welcomed by the EU. Since, with the large asylum-seeker population, Turkey needed to revise the policy and law areas towards to the asylum-seekers. In this connection, the great part of the IPA reserved for the socio - economic development (European Commission, 2014a: 4-5).

The EU Facility for Refugees in Turkey aims to support Turkey that hosts 3.6 million registered asylum-seekers mainly from Syrian Arab Republic. The Mentioned fund has

been managing by the EU Facility for ensuring the humanitarian assistance, education, migration management, health, municipal infrastructure, and socio-economic support. As two billion euro of the planned aid for 2016- 2017 has been received from the member countries, the remained part has been defrayed by the EU fund. Moreover, the committee for the Facility is composed of the representatives of member countries (The European Commission, 2018).

Three billion euro has been agreed to support Turkey about the Syrian asylum-seekers. The amount of the aid has not been transferring directly to Turkish institutions. Moreover, as of December 2017 only 1.1 billion euro of planned aid allocated via 158 projects over Turkey. At that point, Turkey is not able to manage the aid from the EU, however, as the Vice Prime Minister Recep Akdağ stated that up to December 2017, Turkey has disbursed more than 30 billion dollars for the health, education, security and public services (Anadolu Ajansı, 2017).

Even though the three billion euro is nearly one tenth of expenses done by Turkish institutions, the European countries disregard the Turkey's burden because of the civil war nearby its borders. As a neighboring country Turkey followed open door policy in the humanitarian framework. However, the EU is creating the image of that Turkey is keeping this money for herself and not expensing for the asylum-seekers. In fact, the money from the EU is managed by generally the European NGOs.

As of March 2018, the number of the Temporary Accommodation Centers (TAC) reached twenty-two since the first camp has been opened in 2011 by the first asylum-seekers from Syria arrived Turkey. The TACs locate in Hatay, Şanlıurfa, Gaziantep, Kilis, Osmaniye, Mardin, Malatya, Kahramanmaraş, Adıyaman and Adana. The Total amount of the registered Syrian people reached 3,561,707 in March 2018 and 234.062 of total Syrian people live in the Temporary Accommodation Centers near to the south border of Turkey. Thus, ninety percentage of Syrian people continue their livings in the urban and their situation is worse than the camp people. The government supports the non-governmental organizations (NGOs) to provide the humanitarian needs such as accommodation, health care, nutrition and education (İçduygu, 2015:7). In this connection, AFAD has a significant place to guesting Syrian people via ensured assistance since 2011. Especially the primary education has been provided to more than

600 thousand children in TACs, the public schools, and the temporary education centers not to have a lost generation (AFAD, Geçici Barınma Merkezlerindeki Son Durum 13 Mart 2018 Raporu, 2018).

3.3.3. Greece: As a Practical Sample Case

Turkey and Greece cooperate about the irregular cross over the East Mediterranean Sea in the framework of the 2001 Readmission Agreement between Turkey and Greece. Turkey and Greece hold meetings for the active cooperation on common issues. In this connection, the specialists visited the Turkish institutions shared mutual opinions especially on migration issue in 2016 (Republic of Turkey Ministry of Foreign Affairs, 2017:23).

According to the FRONTEX data more than 200.000 asylum applications, which have reached to Greece, were rejected during 2017 who cannot be deported or sent back to their countries. At that point the cooperation on border control and migration management has become extremely significant for the EU. The process of readmission with Turkey has been interrupted because of the disagreement about the provisions of the agreement. However, the EU has insisted on retaking of arrived Syrian people to Turkey especially from Greece and Turkey and the EU dealt on retaking Syrian people who reached to Greece from Turkey on 18 March 2016.

The DGMM claims the number of Syrian people who were admitted to the European countries from Greece as almost 12.000. According to the 1:1 System of 18 March Statement, resent irregular migrants from Greek island to Turkey are almost 2.000 (Deutsche Welle, AB: Türkiye ile Mülteci Anlaşması İşliyor, 2018). In fact, it is expected that the difference taken and resent irregular migrants between Turkey and Greece would be disadvantageous to Turkey. However Syrian people make asylum application as soon as they arrive to Greece. Because of the high number arrivals and applications to Greece cause long process of examinations. Thus, to allocate refugee stock in Greece the European states are accepting Syrian asylum-seekers to their countries.

To sum up this chapter, as of the break of the Arab Spring, the EU feared a massive inflow from the MENA region. Especially, after the demonstration spread to Syria and turned into a civil war, the community sought the ways of keeping immigrants out of the EU borders instead of focusing on the CEAS. In this context, Turkey become a key partner for the EU because of its geographical position and the long history with the European communities. In fact, the migration has always been a vital issue between Turkey and the EU. Since, Turkey is a neighbor of problematic areas and the immigration to Turkey from Afghanistan, Iraq or Eastern Europe has never stopped. In this framework, Turkey has given efforts to harmonize its migration policy as a candidate country. However, increasing numbers of asylum-seekers showed that the existing laws on migration were lack in Turkish legislation. While Turkey regulates its own legislation on migration, Turkey and the EU agreed on the 18 March statement, which has been implemented to the Syrian asylum-seekers arrived the EU from Turkey in last two years. However, as if the relations broke down with the Statement, the problematic areas remained from the readmission agreement, therefore the next chapter focuses on the Readmission Agreement between Turkey and the EU.

CHAPTER 4

4. TURKEY – THE EU RELATIONS IN THE CONTEXT OF THE MIGRATION AND THE READMISSION AGREEMENTS

Turkey has had a long history with both the European states and the European organizations since the 1950s. The harmonization with European policies and organizations has been the first aim of Turkey towards Europe since Turkey's application for the membership. After the negotiations started and the candidate status of Turkey was declared, Turkey has endeavored to harmonize its migration policies according to Schengen acquis. However, besides the accession process, the Community invited Turkey to the negotiation for the readmission agreements in 2005 and the negotiations continued until 2013. When the Syrian civil war outbreak in 2011, Syrian people started to flee to Turkey. Therefore, the EU began to insist Turkey on the completion of the RA. The EU envisaged the massive inflow from Turkey which have great number of asylum-seekers within the borders. However, because of the inequalities of the agreement, Turkey started to discuss both accession and visa liberalization process simultaneously. In fact, the road to 18 March Statement and ongoing disputes were rooted in the RA negotiations. For this reason, to analyze the recent relations between Turkey and the EU, it is necessary to define the problems emerged in the RA.

4.1. HISTORY OF TURKEY – THE EUROPEAN UNION RELATIONS

After the establishment of the European Economic Community (EEC) in 1958, Turkey applied for the membership in 1959 to be a part of the European communities. Turkey has been eager to join the Community to enjoy the advantages of the economic aspect of Europe and the EEC would have been the golden key for the economic growth (Müftüler Baç, 2001:26). However, the Community offered an association agreement instead of full membership until Turkey fulfills the criteria base on the Article 238 of Rome Treaty (Treaty of Rome, Article 238, 1957). According to the Treaty, the

Community gives the privileged status for the applicant third countries which conducted an association beyond the customs union. Thus, in 1963 the Ankara Agreement was signed between Turkey and the EEC (Republic of Turkey the Ministry for the EU Affairs, History of Turkey and The EU Relations).

The Ankara Agreement has envisaged the foundation of Customs Union for non - barrier trade and economic development. Moreover, according to the Agreement the financial aid and the European assist have been promised during the preparation period (Agreement Establishing an Association between the European Economic Community and Turkey, 1963).   The Article 28 of the Ankara Agreement has regulated the conditions of the accession. According to the article, if Turkey reveals the ability to undertake the necessities of the establishment Treaty, the parties of the agreement could review the possibility of the full membership.

Turkey and Greece applied the EEC for the full accession in the same period. However, contrary to Greece the Community has had some hesitations about the membership of Turkey. In the first place, the Community has had the doubts on the European identity of Turkey, according to the European states, Turkey could not have been considered as a European country. For this reason, the cultural and social differences of Turkey could have been seen as a handicap for the membership. Lastly, the concerns on both democracy and the political structure enabled the customs union as the proper association formula (Müftüler Baç, 2001: 27).

With the Additional Protocol in 1970, the preparation term ended and the conditions for the transition period were defined. The Protocol envisaged the free circulation of people, agricultural and industrial goods between the parties as a matter of the Customs Union. According to the last article of the Additional Protocol, free movement of workers would have been ensured for the Turkish workers after 1 December 1986 (Additional Protocol, Article 36,1970)

Because of the political instability in Turkey in the 1970s, foreign policymakers concentrated on the European relations and after the 1980 coup d'état the bilateral negotiations on membership have nearly come to a halt (Kuneralp, 2017). In 1987, Turkey applied for full membership without waiting for the conditions in Ankara

Agreement and the application was not approved because of the lack of political, economic and social development. The Commission offered to carry out the relations in the framework of the Association Agreements. The reasons of rejecting the application have claimed by David Barchard as the wide geographical area of Turkey, increasing population, cultural differences with the European countries, low economic standards and disputes with Greece (As Cited in Müftüler Baç, 2001: 39).

However, Turkey has never excluded the European Union from her agenda and has worked on the completion of the Customs Union. In 1996 the Association Council admitted the establishment of the Customs Union which could be considered as the end of the transitional period and the beginning of the last term of the Ankara Agreement (Decision No 1/95 of the EC – Turkey Association Council).

In 1997 Luxembourg Summit the European Council came together for the accession negotiations for the Czech Republic, Cyprus, Estonia, Hungary, Poland, and Slovenia (Joseph, 2012). Negotiating the accession process, Turkey's status stayed unchanged. However, in the 1999 Helsinki Summit the candidate state status was approved and the path for full accession was determined. In addition, the uniformity with the other candidates' accession process was emphasized, according to this commitment Turkey would follow the same steps with the other six candidates (Helsinki European Council Presidency Conclusions, 1999). Consequently, Turkey has been pursuing the policies for being a part of Europe as a member state and in this context, the European Council approved the Accession Partnership Document as in the same process of other six candidate countries. At the end of 2004, the commence of the Accession Negotiations was agreed by the EC, and the document containing the process of accession and the procedures were adopted in 2005 (The Republic of Turkey, The Ministry for the EU Affairs).

While Turkey has sought the possibilities and the ways of harmonization with the European Union starting from the application, it is expected that the full membership of Turkey would be agreed in short of time. However, either the criterions of the Community or the Cyprus issue has been put in front of Turkey as the requirements for the membership. To adapt to the European states, Turkey has changed many policies in the accordance with the EU for the accession. In the last place, the ongoing readmission

negotiations for the admission of illegally existing people by Turkey has opened a new era in the relations.

4.2. THE READMISSION AGREEMENTS: AS AN INSTRUMENT FOR THE EXTERNALIZATION AND SECURITIZATION OF THE MIGRATION

4.2.1. The Readmission Agreements in the EU History

Europe, through history, has been the main destination for people who want to live in better standards with the prosperity, freedom, security. Especially, after the 1990s, the increase in irregular migrants led the Community to conduct a common asylum policy. For this reason, the European states have been implementing these agreements with different countries for nearly a century. Especially since the Second World War the RAs have been used for the people who were not welcomed by the EU countries and when it comes to the 1950s, the RAs began to be used for controlling the migration by the Benelux Economic Union of Belgium, Holland and Luxembourg (Coleman, 2009:14). These agreements have been ensured that the European countries could send unwelcomed people via an international agreement.

However, the EU has tried to conduct a common asylum policy since the Maastricht Treaty, because the conflicts and economic structure of the Middle East and North Africa Region (MENA) have caused the irregular migration movements in rising numbers. For this reason, the irregular/ illegal immigrants became one of the main concerns of the Community. The EU members focused on the irregular migration at the Union level in order to avert the increase of irregular migrants within the borders. Because these people would have caused the complications in the security, economy, and society.

According to Billet, there are three periods in the process of the EU's RAs. The first period consists the bilateral agreements until 1995, in this term the asylum policy was at the third pillar of the EU. Each member state was conducting its own national RA process. Hence, there were differences between the RAs signed by member states. The Council had no authorization as an advisory status which gives recommendations to the

member states in the procedures and implementations of RAs. The second period was between 1995 and 1997 when the RAs were used for the partnership and cooperation agreements. In this term, the EU used RAs as a provision of the cooperation with the countries. The third period of RAs started with the 1997 Amsterdam Agreement on which the Council had the authority to negotiate and complete the process of RA as a legal entity. In fact, the Amsterdam Treaty does not mention the readmission agreements directly, the word 'repatriation' is used for the return of the irregular migrants (Coleman, 2012:528). However, the Lisbon Treaty Article 79(3) has pointed the EC for the process of the agreement obviously (The Lisbon Treaty, Article 79(3), 2009). This made the RAs more binding, the comprehensive and the supranational (Billet, 2010: 48).

The efforts for conducting a common asylum policy started to be shaped after the Amsterdam Treaty, for this reason, the readmission agreements have been signed between a member and the third country bilaterally. However, after the European Commission signed the Readmission Agreements, the Community claimed that the previous bilateral readmission agreements that the member states signed would be in force. (European Commission, 2002b).

Readmission Agreements have been the main instruments of the European Council starting from Tampere, Laeken and Seville Summits. In Tampere Summit, it was claimed that it is necessary to cooperate with both origin and transit countries to manage immigration inflows to the EU. It was aimed to make return of irregular migrants by supporting both origin and transit countries (1999 Tampere Summit Presidency Conclusions, Article 26&27, 1997). In Laeken Summit, the necessity of the conclusion of readmission agreements with the third countries was emphasized as an instrument of common asylum policy of the EU (European Council Meeting in Laeken, Article 40, 2001). The Commission adopted the Common Policy on Illegal Immigration which exhibits six ways to deal with the irregular migration. The repatriation process was attached the ways of a fight on illegal residents and migrants, as well (European Commission, 2001).

In Seville, beyond the importance of readmission agreements upon the third country's nationals, the other countries' illegally entered nationals were targeted as well. Since the

third country is responsible both for her own nationals as the origin and for the other country nationals as transit by lack of its own border control (Seville Summit, Article 34, 2002). In the Summit, the common action against irregular migration was adopted and the member states brought forward the sanctions against countries which are lack of the precautions against irregularly entered migrants. Moreover, the consensus was made that fighting irregular migration should be placed into any partnership, candidate and cooperation agreements with the third countries. Another change, that the Seville Summit brought, was the conditionality. In Seville, the financial aids, privileged status in the Community, prosperous relations were tendered as the prize for the successful cooperation for the irregular migration.

The Lisbon Treaty prescribed some changes in the structure of the Community. Eliminating the pillar system caused differences in the main scheme of the readmission agreements. The Treaty also emphasized the Communities' readmission agreements with the third countries about the nationals who have resided without fulfillment of the legal requirements (Treaty of Lisbon, Article 79(3), 2007). Moreover, that article has left the open door to the agreements with transit countries where the irregular migrants have come from, besides the origin country.

In 2008, the Return Directive on common standards and procedures in the Member States for the return of illegally staying third-country nationals was adopted. The Parliament and Commission agreed on the common standards and procedures which would applied by the member states in the process of returning of irregular migrants (European Parliament and of the Council, 2008).

In the Stockholm Programme, it was emphasized that the cooperation and dialogue with the third countries are the necessity for handling the irregular migration, and to prevent the tragedies at seas was aimed. At that point, signing readmission agreements became extremely important for migration management (European Commission, 2009). The deaths and losses at Eastern Mediterranean in 2011 revealed that an extensive and consistent migration policy is a requirement to prevent these tragedies.

4.2.2. Main Features of the EU's Readmission Agreements

The EU has held the readmission agreement in the accordance with the 1951 Geneva Convention and the Charter of Fundamental Rights of the EU. The people cannot be sent to a country where s/he would have come over any treatment out of the Convention and the Charter, even if s/he has entered as irregular migrant (European Commission, 2002b). The implementation of the repatriation of an irregular migrant differs from the expulsion and deportation. In fact, the repatriation is a kind of removal of the aliens from the territories. However, while the repatriation is based on an international treaty or agreement, the expulsion or deportation can be created by the national legislation. Moreover, a state doesn't have to admit deported or expulsed third country national or a stateless person, contrary, a state which signed RA, should accept third-country nationals and stateless person according to the provisions of related agreements (Ekşi, 2016:5).

The repatriation has been the main tool for the undocumented people who do not have authority for staying in the country in the fight against the illegal/ irregular migration. However, by the numbers of illegal migrants have risen, it has been realized that cooperation between member states is not enough to prevent the incomings, in this connection, cooperation with both origin and transit countries is compulsory for averting irregular migrants (Billet, 2010: 46).

According to the UNHCR Europe Monthly Report of January 2018, over 3 million people have applied for the asylum in the European states since 2015, and only 33 thousand asylum-seekers have been relocated in whether Greece or Italy (UNHCR, 2018a). According to this data, the EU has preferred the return of asylum-seekers even if they have been suitable for the refugee status. Since examinations of the applications have been concluded in short terms which have revealed that the status of these people has been examined shallowly and the EU has taken up for controlling the irregular migration out of its borders.

Obviously, the main instrument of the European migration policy is the readmission agreements between the member states and non-member states. The logic behind the agreements is to resend the people, who are residing within the EU irregularly, to the

third countries. The third countries are defined as the non-member states generally in treaties, however, in documents related to asylum or refugees, the third country statement is used for the country of origin or a safe country (European Parliament and of the Council, 2013).

The Community has been applying the RAs as a condition of any agreements with non-member countries since 1996. The 'Readmission Clauses' has been replacing with the partnership, financial aid and accession agreements by the persistence of the EU (Billet, 2010:49).

After the Amsterdam Treaty, the Community had the authorization for regulating the asylum policies of the EU, and the primary legal regulations of the EU institutions took the place of intergovernmental cooperation. (Billet, 2010:47). That made the RAs more binder than previous bilateral agreements of member states. Since the RAs have been a part of the EU acquis instead of a national legislation and the RAs with the EU have been supranational over the member states, as well.

However, after the Seville Summit, a tendency in the Community occurred as promoting foreign relations with the third countries in the framework of readmission agreements. Especially the EU has kept the accession as its 'Golden Carrot' for the possible future members of the EU. Moreover, the candidate states or the signatory sides try to achieve the expectations of the EU on the RA as the EU criteria. In Summits the Community claimed that any supports for the return of the third country nationals would have provided by the EU and the promotion of the third countries to readmission process would have been considered by the community. For this reason, it can be said that the readmission policy has been integrated into the foreign policy of the EU with the third countries.

The soul of the RAs depends on the equality of the signatory parties; however, the RAs are asymmetric in the point of burden – sharing because of the provisions, only one party can benefit from the agreements. The third countries are aware of this inequality, while they are signing the RAs with the EU, for this reason, they are looking for postponing the entry into force (Ekşi, 2016: 19). On the other hand, the EU has attempted to make the RAs more attractive for the third countries via financial aids,

access to economic organizations and unions. That contributes third countries' economic burdens, but the incentive is lack of both the political and social aspects of the migration (Küçük, 2008).

4.2.2.1.   Externalization

The externalization of migration control is *defined* as the actions in the external territories of the EU to prevent irregular migration and transfer the responsibility to the countries of origin and transit by the François Crépeau who is the Special Rapporteur on the human rights of migrants (Crépeau, Article 55, 2013). According to his report, the EU has used the readmission agreements as an instrument of the 'externalization' of border control and sending asylum-seekers has caused the disregard of the fundamental rights of the migrants (Report of the Special Rapporteur on the Human Rights of Migrants, A/HRC/29/36).

By the RAs, the Community enjoins the neighboring and third countries to retake the irregularly entered people. The EU gives the responsibility of illegal entrances to the third countries. Therefore, if they kept the border control properly, these people wouldn't enter to the European member countries. This policy makes the admitting countries the border controllers of the EU (Billet, 2010:74).

4.2.2.2.   Securitization

In the 1990s the migration changed and instead of the migration with the aim of working or family reunification, the irregular migration rose because of the conflicts and political changes. At the beginning of 1990 the Berlin Wall fell, the Soviet Union collapsed, the Yugoslavian Civil War and the Gulf War broke out and the EU completed the political integration, afterward, the enlargement brought the EU borders closer to unstable North Africa and the Middle East. The Second-generation RAs' main objective is to conduct the 'cordon sanitaire' towards the East and Central European border. (Crepeau cited in Roig & Huddleston, 2007:367). The 'cordon sanitare' is to establish an invisible border via the strict regulations and policies for keeping the immigrants out of the EU (Mulcany, 2011:113).

Securitization is to make a certain policy area as an extraordinary threat target and to evaluate out of legitimate and formal procedures (Orsam Rapor 123, 2012:13). The securitization of the EU migration policy is the conventional procedure of the EU towards migrants. After the Second World War, the migrants were the main components of the economic growth, the migrants have been considered as the threats to national security. For this reason, the community has assessed the migration issue in the security framework and tried to hinder the irregular entrances by the security precautions.

The 9/11 terrorist attacks caused to be in attention against to foreigners all over the world. After some terrorist attacks in Europe, the more restricted policies led inflows of foreigners to increase, especially as the EU was trying to make Europe the area of justice, freedom, and security. After 9/11, the EU tended to adopt more security-oriented policies related to the asylum and migration. The main objective of the European migration regime is the protection of the external borders instead of focusing on the causes and the pushing factors of the irregular migration. This approach of the EU is evaluated as the establishment of the 'Fortress Europe'.

4.3.   THE READMISSION AGREEMENT BETWEEN TURKEY AND THE EU

The conflicts in the Middle East and North Africa (MENA) region caused that the EU has begun to give more attention to Turkey. The geographical proximity of Turkey to the problematic region, the EU realized that Turkey is the country of transit for the people from the MENA. The outbreak of the Syrian civil war led the EU to follow the policies over Turkey in order to prevent irregular immigrants. For this reason, the main expectation of the Community is the harmonization of Turkish policies with the EU.

There are three main routes used by asylum- seekers to reach Europe and Turkey has been the most intensely used one. Especially the migrants from Asia, Middle East and North Africa region use Turkey as a transit country over the East Mediterranean route.

By the increasing numbers of asylum-seekers, the Community has realized that it is not possible to solve the current migration crisis without Turkey. For this reason, Turkey

has become extremely important for the creation of the area of freedom, justice, and security which the common asylum policy of Europe has been rooted in. And the solution has laid on the cooperation with Turkey on the illegal residents of the EU.

Since the 1990s nearly two hundred readmission agreements (RAs) have been signed around the world. More of these RAs are signed by the EU members (İçduygu, 2011:9). Considering the European countries, unlike the EU countries, Turkey doesn't have the tradition of the RA. Turkey signed the first agreement with Greece in 2001, except from Greece, there are RAs signed with Syria (2001), Romania (2004), Kyrgyzstan (2003), Ukraine (2005), Pakistan (2010), Nigeria (2011), Russian Federation (2011), Yemen (2011), Bosna – Herzegovina (2012), Moldova (2012) and the European Union (2014) (Reçber, 2016: 269).

Turkey has the process of RA since 2001, but the RA with the EU is mentioned quite different from the others. The public became more aware of the RA with the EU in 2013 which is the signatory year of Turkey because of the expectations on visa liberalization and the accession process. Since, depending on the Ankara Agreement and the Additional Protocol, the Community is expected to lift the barriers of visa requirements for the Turkish citizens based on the verdict of the EU Court of Justice for the free service and settlement. For this reason, the visa facilitation commitment is something to be rethought about it, and according to the Association Agreement between Turkey and the Community, Turkey does not need to have any obligation in the RA for the already vested right (Reçber, 2016: 272). The EU Court of Justice approved Turkey's right for the entrance Europe without the visa requirements, but due to the lack of regulations of the accredited institutions of the EU, Turkish citizens has been debarred from the free entrance to the EU. Although this issue should be handled in the accession process, it is offered to Turkey in return of the adoption of the RA (Reçber, 2016:244).

4.3.1. Roadmap for The Visa Liberalization and Readmission Agreement

Upon the EU's invitation of Turkey to the negotiations of readmission agreement in 2003 the process began. Without Turkey the EU would not have overcome the irregular

migration, for this reason, a draft agreement was held by the Community. However, the readmission agreements have already been unequal agreements and provided the advantage to the Community, thus Turkey did not approve the EU proposal without the certain roadmap for the visa liberation for Turkish citizens (İçduygu, 2011: 10). In 2013, the readmission agreement between Turkey and the EU was signed and came into force in 2014. The RA was signed between Turkey and the European Commission in the name of the EU. Different from the previous agreements of Turkey, this one is between Turkey and an international organization, not the member states. Because of the supranational character of the EU and as Lisbon Treaty confirming that the RAs are the part of the EU acquis thus, this document is a binder for the member states as well. However, to admit an irregular migrant each member state should have an additional protocol for the implementation of the process (Ekşi, 2016:5).

The Syrian Civil War began in March 2011 and the first Syrians arrived Turkey in April 2011 (BBC, 2016). The year of the agreement could be considered as significant since the people fled from Syria began to enter to Turkey because of the 'open – door policy'. The Open-Door policy was the temporary solution for the people who have fled Syria at the beginning of the civil war. In fact, it was considered as the short-term conflict in the certain regions of Turkey (Kanat & Üstün, Seta Turkey's Syrian Refugees Report, 2015:11). For this reason, an asylum-seeker crisis was not expected such that the Prime minister Davutoğlu stated the psychological threshold as 100.000 asylum – seekers in August 2012. However, almost 70.000 Syrian people crossed over Turkish border in first four months (BBC, 2012). The agreement came into force in 2014 when the number of Syrian asylum-seekers already exceeded 1.5 million (Erdoğan, 2014).

The European states envisaged the situation in Turkey and had the fear of mass influx via Turkey. Therefore, the readmission agreement has crucial importance, since Turkey's 'open door policy' with liberal visa system caused over 3 million people be hosted in Turkey as the neighboring country. Obviously, Turkey is both a destination and more transit country for millions of people. It seems impossible to establish peace and stability in Syria in the short – term. Syrian people are getting hopeless day by day about the future of Syria and returning to home, therefore, after 2015, people began to

flee with high numbers. Upon increasing numbers, Turkey started to deal with the asylum-seekers under the 'Temporary Protection Law' in the accordance with the EU

The Readmission Agreement with Turkey has the same concerns as in the Seville Summit. As mentioned before some acquirements are offered by the Community as a return for the achievement of the readmission agreements. The visa facilitation was claimed as the second step of the readmission agreement. In fact, the RAs and the visa liberation are different processes. The readmission agreements generally have the same schemes for the third countries. Hence, it is not favorable for Turkey to include the RA to the accession process. However, the readmission agreements have created the conditionality criteria for the membership process of Turkey. As seen from the First Progress Report beside the four requirements of the visa liberalization dialogue, as the Fifth Block the achievement of readmission agreements have been added to the Roadmap of the EU. According to Ahmet İçduygu, that brought the conditionality and the readmission agreements have been integrated into the membership process of Turkey (İçduygu, 2011:2).

On the other hand, it is obvious that Turkey tried to transform the crisis into opportunity. Since the EU was eager to conclude the RA with Turkey, and Turkey was in favor of the acceleration in the accession process. Therefore, Turkey didn't resist to the attachment of the 'Visa Liberalization Dialogue' into the RA process. Thus, the requirements for the visa liberation were listed in the Roadmap of Turkey. In the Roadmap, it is stated that Turkey should fulfill the criteria and the requirements under four titles and one of these titles is the 'Migration and Border Management', according to the Roadmap (European Commission, 2013b).

The visa liberalization is guaranteed by the Community upon Turkish adoption of readmission agreement in 2013. To manage the visa liberalization, the Roadmap contains four objectives. According to this document,

1. The geographical limitation, that was determined by the 1951 Convention and 1967 Protocol, will be reconsidered at the completion level of the accession process. It has not been applied for the removal of geographical limitation which enables Turkey not to accept any refugee except Europe.

2. After the accession, Turkey should get the visa policy of the EU.

3. Turkey should adopt and sign the international agreements in the accordance with the visa liberalization agreement and the RA.

4. During the implementation of RA, the additional financial aid will be on the initiative of the certain institution of the EU (Reçber, 2016: 270).

The Documents Security, Migration and Border Management, Public Order and Security, Fundamental Rights; the Readmission of irregular migrants were determined by the Community as a Roadmap for Turkey. Undoubtedly, the main concern of the EU that Turkey would fulfill the provisions of the RA. Since, the process of the agreement will be completed after three years of the agreement came into force. If Turkey meets the requirements put by the Commission, the visa liberalization process would start at the earliest in 2017 with the qualified majority vote of the Council (First Meeting of The EU – Turkey Visa Liberalization Dialogue, Article 5, 2014).

According to the 2014 RA, upon a member states application about a person, who doesn't fulfill the requirements to enter or to reside, Turkey will be obliged to accept this person in the conditionality of the proof of Turkish nationality (Reçber,2016: 247). Moreover, the Article 4 of the Readmission Agreement between Turkey and the EU, Turkey will accept third-country nationals and stateless people with the related conditions,

1. Having Turkish visa
2. Having Turkish residence permit
3. Crossing Europe border after staying in Turkey.

There are some exceptions to the readmission by Turkey. If the person uses only Turkish airports, has longer the EU visa than Turkish visa and has the right of the entrance to the EU without the visa, Turkey does not have any obligation for accepting a third country national (European Commission, Article 4, 2013a).

According to a related article of the RA, this breeds extra responsibility for Turkey in the name of the third country national. Because, if an illegally entered person has Turkish visa or residence permit before the entrance, the EU expects Turkey to accept this person as well. However, while Turkey ensures visa or the residence permit, it cannot be sure about the people who demand or the residence permit in Turkey.

In Turkey's Roadmap, it has not been mentioned the readmission of the third nationals as a criterion of the visa lifting for Turkish. However, in the First Progress Report for Turkey, besides the Documents Security, Migration and Border Management, Public Order and Security, Fundamental Rights; the Readmission of Irregular Migrants was added to the requirements of Roadmap (Turkey First Progress Report, Introduction, 2014). According to this document, by being unreciprocated to the requests sent by Greece caused the unfulfillment of the Roadmap, at that point the Commission stated that it is necessary to have good relations and cooperation with the members of the EU. But the efforts of Turkey on asylum-seekers has welcomed by the Community. The establishment of the Interior Directorate General of Migration Management and the adaptation of the Temporary Protection law are considered as the improvements by the Commission in the first Progress Report of Turkey (Turkey First Progress Report, Article 6.1, 2014).

The Second Progress Report was held in 2016 which includes only the implementation of the readmission agreement. According to this document, a technical assistant group would have been enabled by the seniors and specialists from the member states, the Commission, FRONTEX, EUROPOL. They would assist Turkey in the legal and practical sides of the readmitting both Turkish citizens and third-country nationals residing in the EU states without any documents (European Commission, 2016c).

The Third Progress Report caused the break of the relations between Turkey and the EU. Since the Report offers the changes in the legal structure of the fight terrorism. The expected change in the fight terrorism would have been in the same line with the member states, that means the EU requested Turkey to fight the terrorist groups which are in the list of member states. The Turkish government has resisted severely (European Commission, 2016d).

The Agreement has prescribed return of the third-country nationals to both origin and transit countries. According to the Agreement between Turkey and the EU, Turkey shall readmit the Turkish nationals residing in the EU without a visa. The third country nationals, residing in the EU without visa and irregularly entered the EU over Turkish territory, should be admitted as well. This creates an inequality between sides of the

agreement. At that point Turkey has become responsible for the third country nationals which caused the long negotiations between Turkey and the EU from 2003 to 2014.

By readmitting the third country nationals and keeping the international asylum – seekers Turkey has been made a 'refugee country' and buffer zone for the EU. According to the EU documents, the asylum policy should be based on the burden-sharing principle same as member countries. However, as Kirişçi claimed that the readmission agreements are for the third countries, not for the candidate countries. Beyond the visa liberalization the Community sought the opportunity of dealing with Turkey on the visa facilitation (Kirişci, 2008:21).

The main objective of the RAs is to tackle with the illegally entrance and residence within the EU. After the Tampere Summit Conclusions, the Community emphasized the necessity of the cooperation with the third countries in the fight of irregular migrants (Agreement between the EU and the Republic of Turkey on the Readmission of Persons, COM (2012) 239 Final). The readmission agreements target generally the irregular /illegal migrants who entered the EU via illegal ways except customs, control gates, borders so on. They become the main objective of the agreements, however, besides the nationals of the signatory country, it contains the third country nationals who entered the EU by crossing the transit country (Özsöz, 2014:15).

The statement of 'third country nationals' has been extremely important for the EU. The 'Third Country National' is defined in Readmission Agreement as the person who belongs to a different country from Turkey and the EU member states (The Readmission Agreement, Article 1 (3), 2013). Especially in recent years, Syrian Civil War caused increase in irregular entrances to the EU. In 2009 - 2013, it was detected that every year meanly 100 thousand of people crossed the borders. Starting from 2014, the number doubled, and it became a crisis in 2015 by reaching 1.8 million people who entered irregularly (Statista, Illegal entries between border-crossing points (BCPs) detected in the Europe 2009 -2016). However, according to the FRONTEX data, the irregular entrances have declined sharply via the controls in the Mediterranean route and the cooperation with Turkey towards to the Greek -Turkish Border (FRONTEX, 2018a).

4.3.2. Candidate Country Criteria

Billet mentioned three different groups of countries that the EU signs RAs. The first group of Schengen Associated Members is involved in the Schengen Area, but they (Iceland, Liechtenstein, Norway, and Switzerland) are not the full members of the EU. The agreements with the first group were signed bilaterally. The second group is neighboring countries which are extremely important for the Community in the combat of irregular migrants. These countries are mixed countries of both origin and transit, and they have common borders with the EU. Because of the Eastern enlargement, the EU's borders need more stable neighbors for the strength of the border controls. The Balkan countries and Turkey can be considered in this group. The last group is distant countries so the relations and RAs not close as in the first two groups (Billet, 2010:53).

Turkey was invited to the negotiations for a RA in 2002 and the RA between Turkey and EC was not signed until 2013. Turkey also started to the accession negotiations in 2005 and as a candidate country, the EU insisted Turkey on signing the RA. However, in 2002 the Justice and Home Affairs adopted the 'Criteria for the identification of third countries with which new readmission agreements need to be negotiated'. According to this document, 'given the European Union's forthcoming enlargement, countries with which it is negotiating accession agreements should not be included' (7525/02 MIGR19, Article 2(ii)). In 2002 Turkey began the accession negotiations and has the candidate status since 1999. But after 2005 as a candidate country Turkey was insisted on the RA even if the RAs with candidate countries are mentioned in the criteria by the EU. In 2013, the signing of RA was also asserted as a requirement of the accession process for Turkey. Turkey had to face the obligation of admitting third-country nationals for the future of the membership (Billet, 2010:54). However, the status of Turkey should be reconsidered from the perspective of the EU, as Kirişci claims the EU led up to make Turkey as asylum-seeker storage via RA and the signing RA aims to secure external borders from irregular migratory flows (Kirişci, 2008:21).

The overlooked point is that what the plans of the EU about Turkey are, in the case of full membership if the EU would accept Turkey inside the external borders is blur. Moreover, according to the Roadmap for visa liberalization, it is expected from Turkey

to adopt Schengen acquis and asylum policy of the EU. Thus, if Turkey becomes a full member of the EU, repatriated asylum-seekers and irregular migrants could be a problem for Turkey. According to the EU asylum policy, in future, it can be asked for the repatriation of all these third-country nationals, again.

4.3.3. The Reflections of the RAs to the Relations

Although some states applied for full membership after Turkey, they accessed to the membership before Turkey. The content of migration issue is multidimensional, for this reason it can affect the relations between countries. After the outbreak of Syrian civil war, many Syrians fled to Turkey, as neighboring and border-sharing country. High numbers of asylum-seekers started to harass the European countries upon they tended to cross the EU border.

However, the European countries are aware that the migration issue cannot be dealt without the cooperation with the third countries. For this reason, the main instrument of the European Common Asylum Policy is signing the readmission agreements with the third countries (Sözen, 2016). In this connection, the RAs have been submitted as the part of the partnership, association agreements or the accession negotiations. The RAs are unequal agreements in general, they create win - lose situation for one side. Especially the agreements with the EU can be considered more unequal comparing the RAs between two countries. Since one party of the agreement is an international organization with 28 members.

The recent developments in the near abroad of the EU confirms that the partnership of Turkey is not an option, it is a necessity for the EU. Turkey is hosting more than 5 million asylum - seekers and with the pulling factors, the EU is a country of destination for many of them. Previously until 2015 the EU tried to complete the RA process with Turkey by envisaging the possible massive inflow over Turkey. However, the problematic areas caused the tie-up in the relations between Turkey and the EU.

In the period of November 2015 – May 2016, the Turkish Ministry of Foreign Affairs worked in the accordance with related institutions about the Visa Liberalization Roadmap, hereat 72 criteria claimed in the Roadmap have been nearly fulfilled

(European Commission, 2014b). The EU Commission has begun the legislation process about the visa liberalization in the EU Council and Parliament (Republic of Turkey Ministry of Foreign Affairs, 2017:22). The first two progress report was giving favorable opinion on the Turkish improvements towards asylum-seekers. Regarding the beginning of the visa liberalization process, Turkey was more eager to fulfill the requirements that the EU presented. In this context, considering the high dead rates at the Mediterranean Sea and the Roadmap process, 18 March Turkey – the EU Statement came to the agenda.

Greece as a frontline member of the EU and having common border with Turkey has been complaining about the lack of support to the frontline members. Among three main routes, the Eastern Mediterranean route is the most used by the irregular migrants, therefore a great asylum -seeker stock emerged in Greece. In this framework, the Statement envisaged the return of Syrian people to Turkey within some conditions. The 18 March Statement emphasizes the visa liberalization process of Turkey, the transfer of the additional 3 billion euros to Turkey and 1:1 system for the relocation of the Syrians once more (18 March Turkey – the EU Statement, 2016).

In this period, the improvements in the relations revealed that the current migration crisis created a new cooperation area both for Turkey and the EU. Since, both sides considered the crisis as an opportunity. As Turkey expected the acceleration of the accession process, the EU handled the cooperation as the part of the externalization policy. By cooperating with Turkey, the EU could stop the migratory pressure beyond the external borders, and at the end of the collaboration with Turkey, the asylum-seekers would continue stay in Turkey. Moreover, previously arrived people became a controversial issue for the EU members. While Greece is demanding the burden-sharing with the members, on the other hand, the members which are not directly exposed the inflows, resist the relocation program. For this reason, keeping asylum-seekers in Turkey has been extremely important for the future of the EU structure.

However, while the last date for the visa liberalization was June 2016, the Third Progress Report was declared. According to the Report, the visa liberalization doesn't seem possible in June 2016, because of the lack criteria that Turkey couldn't fulfilled. The five criteria were the changes in the legislation on personal data protection with EU

standards; an operational cooperation agreement with Europol; the effective judicial cooperation in criminal matters with the EU member states; the revision of the legislation and practices on terrorism in line with European standards; adopting the measure to prevent corruption foreseen by the Roadmap (European Commission, 2016d).

Undoubtedly, the Report created a disappointment for Turkey in the eve of the visa liberalization. Moreover, the criterion related to terrorism became controversial. Since Turkey which has been fighting terrorism more than forty years, complains about the EU support on the terrorist group of PKK (Kurdish Workers Party) and disregarding the Turkey's conjecture (Çetin, Anadolu Agency, 2018).

With this Report, Turkey realized the visa liberation for the EU couldn't be possible in short-term. After the Report the positive atmosphere was broken down between Turkey and the EU. Although Chapter 33 on Financial and Budgetary Provisions was opened to negotiate, after five months the European Parliament voted to suspend negotiations with Turkey on the EU membership. Since on 15 July 2016, Turkey experienced an attempt of coup d' eta and the state of emergency was declared across the country. In this period, Turkey was criticized on becoming distant from the democracy. For this reason, the suspension of the negotiation was approved in the Parliament (Kanter, The New York Times, 2016).

Upon the decision, the discourses became more strained between two sides, however the relations were not interrupted. Since the situation that the EU had to face made the cooperation with Turkey necessary, and in every platform the EU has uttered the pleasure for the Turkey's efforts on the migration. At the same time, Turkey softened the discourses related to the membership, and the relations proceeded stable. Since there is no consensus on Turkey's situation among the members. When German Chancellor Angela Merkel offered to stop the accession process for Turkey, the President of France Emmanuel Macron emphasized the position of Turkey for the EU and appreciated the efforts on preventing the future massive inflows (BBC, 2017).

The President Erdoğan met with the EU Council President Donald Tusk and the European Commission President Jean – Claude Juncker in Brussels on 25 May 2017. In

this meeting, the EU submitted a roadmap of 'Reengagement with Turkey' to the President Erdoğan. President Erdoğan emphasized Turkey's concerns about terrorist groups supported by the EU countries. According to this meeting, there are six components of current relations, they can be referred as visa free Europe for Turkish citizens, operating 18 March Statement between Turkey and the EU, transferring 6 billion Euro to the projects towards the Syrians in Turkey, the cooperation on fight terrorism, and political, economic meetings on mutual dialogue (Kilislioğlu, NTV, 29 March 2017). However, the demands of both sides are not met, and the RA emerged as a problematic area instead of cooperation.

As a summary, in the period up to the 18 March Statement, the RA emerged as a problematic area between Turkey and the EU. While the EU is familiar with the RAs as an instrument of foreign policy and a mechanism to control the immigration, Turkey's RA history has been limited with Greece. Since, both high number of asylum-seekers within the borders and the common borders with the EU make Turkey primary country to sign the RA for the EU. However, although the negotiations started in 2005, the EU wanted to result the negotiations after 2011 with the worry of massive inflow. In this context, the EU used Turkey's candidateship as a 'Golden Carrot' to prevent the possible inflows over the Mediterranean. Since Turkey is waiting the visa liberalization for a long time as a part of accession process. However, although the visa liberalization is promised in return of Turkey's cooperation to prevent inflows, the EU got late to ensure the outcomes of the RA. Therefore, it can be said that the first doubts on both sides rooted in the RA process.

CONCLUSION

In the summer of 2015, massive inflow of the Syrian asylum-seekers caught the EU unprepared. That caused direct criticism about the lack of common attitude of the EU towards the irregular migrants. The immigration issue has always been controversial since it contains the security concerns and the financial dimension. The organizations such as the UN, IOM, and UNHCR address the situation of the people who need international protection. Although the asylum seems a regional problem, it is a multi-dimensional global problem of the world politics. In the process of the analysis the reality of situation cannot be disregarded. For this reason, it is necessary to get root into the crisis, and the states should consider that these people leave their countries because of the risk of death and persecution, and as a main fundamental right they seek protection in the safe countries. However, besides the migration policies the states are lack of conducting an asylum regime not only nationally but also internationally.

The crisis cannot be overcome with the independent national policies, it is the indicator of the interdependency of the international society. Beyond being a regional issue, the immigration flows to a certain country create the problems in other countries. Thus, the migration becomes influential on the international peace, prosperity, and security directly. There is no possibility to abolish the causes that create the asylum-seeking process, however the effects can be minimized by the coherent and comprehend policies. In this context, the stability of the country of origin is significant in the process of action. Syrian people leave their country, since the war continues for years. As claimed in the Tampere Summit of the EU in 1999, the analysis of the pushing factors in the countries of origin is the first step to deal with the immigration. Not only the affected countries, but also the international society handle the issue in the comprehensive approach. The immigrants to a developing country can cause the crisis in the country of destination, since providing shelter, nourishment, and security as the first attempt will burden extra responsibility and in the long term not only vital requirements but also the social needs of the asylum-seekers can lead countries of transit and destination into the economic and social crisis.

Not only because of the pulling factors but also due to the geographical availability, the EU has been the country of destination especially for the immigrants from the MENA region. Therefore, as of the 1997 Amsterdam Treaty the EU has been trying to conduct a comprehend, coherent and effective migration policy. For this aim, the EU put the establishment of the CEAS on its agenda. In the Summits of Tampere, Seville and Laeken, this issue was handled at the intergovernmental level. However, the Lisbon Treaty brought significant changes to the migration policies, and with the authorization of the Parliament for the migration, the migration and asylum became supranational issues. The migration is a multidimensional area; therefore, it is not possible to handle the issue without any cooperation. In this framework, the GAMM emphasizes the global approach to the migration via the dialog between the countries of the origin, transit, and destination.

For a long- term the EU has tried to establish the CEAS, however when the Arab Spring started in the MENA region, the EU couldn't complete the process. In 2011, the Commission stated the worries about the massive inflows from these countries, thereupon the EU focused on the RAs processes instead of the CEAS. In this respect, Turkey with the geographical proximity to instable region and the common border with the EU is seen as the key actor for the EU's migration policy.

Irregular migrants use three main routes to reach the EU. The first one is the Western Mediterranean route between Morocco and Spain which is the least used route by the immigrants. Secondly the Central Mediterranean route from Libya to Italy which is used by the Tunisian, Eritrean and Somalian migrants. For this route, Libya is the country of transit and more than Libyans other North African people arrive in Italy irregularly. The third route is the Eastern Mediterranean which is used by Asian and Middle Eastern migrants over Turkey. Among three routes, the Eastern Mediterranean is the most intensely crossed route. Especially due to the sea and the land border with the EU, Turkey is the country of transit for the immigrants. The land border with both Greece and Bulgaria encourages the people from the Middle East and Asia. Since Turkey is the neighboring country of the origin countries which have dictator regimes, instability, low life standards or worsening economic conditions. In this connection, mostly the irregular migrants arrive in the EU over Turkey which is the country of origin, and

country of transit for the immigrants. Hence, Turkey is the key country for the EU in the migration issue.

Turkey's relations with the EU go back a long way to 1959 when Turkey made its application to join the European Economic Community (EEC). As a possible member and the long-term friend of the EU, the EU norms and values have influencing effect on Turkish policies on different areas. As a permanent aim of Turkey, the full membership has been presented Turkey as the 'Golden Carrot' of the EU, and on this target, Turkey has endeavored to harmonize the national regulations with the EU.

Until 2014, Turkey- EU relations proceeded without any progress in the name of the membership. In the beginning of the process, the EU evaluated the Arab Spring within the framework of democracy and civil rights of people. However, after the Libyan civil war, the representatives of the EU worried about the possible migrant inflows from Libya, Tunisia, Egypt and so on. Hence, the completion of the readmission agreement negotiations became the first aim of the EU to protect its external borders from a massive inflow. According to the general provisions of the agreement, signatory parties guarantee the admission of their citizens and the third country nationals who arrived from each other's territories. For years, the RAs are the main instruments of the EU migration management. Therefore, as a main transit country, the completion of the RA with Turkey was extremely important for the EU. Since the illegal crossings to the EU happened over land and sea borders, and Turkey was receiving Syrian asylum- seekers in high numbers. The negotiations for both the RA and the abolishment of the geographical restriction by Turkey was continuing since 2005, but after 2011 the process was accelerated by the EU. To conclude the RA with Turkey, the visa liberation and the entrance of the Turkish citizens without any visa requirement were presented as the 'Golden Carrot' by the EU. Until 2014, the number of the asylum seekers reached to high level in Turkey and the EU could envisage the possible massive inflow from Turkey to its borders. Hence, although the visa liberation is a part of the membership process, it is offered to Turkey in return of the achievement of the RA. In this context, the Roadmap was introduced to Turkey. According to the Roadmap, 3 million Euros would be transferred to Turkey for the assistance of the Syrian asylum-seekers.

Considering the RA process, the asylum was added as a condition of the membership process.

Turkey is at the door of the EU for a long term, because of the resistance within the EU, the accession negotiations couldn't record any improvement. Turkey hosts more than 3 million Syrian asylum-seekers, and according to the burden-sharing principle, the asylum- seekers and refugees are not only under the responsibility of the neighboring countries, but also the international society. However, Turkey has handled the Syrian issue in the humanitarian aspect and followed open-door policy since the beginning of the crisis. At the end of this policy, Turkey has transformed from emigration to immigration country.

In the beginning of 2015, Syrian people began to arrive the EU with great numbers. For four years, the irregular crossings did not increase as many as in the summer of 2015. Contrary to common belief, people who arrived in the EU were not already living in Turkey. In other words, people arrived in the Greek islands and Bulgaria, started their journeys mostly from Syria. In the first three years, people had the hope for peace in Syria and the Regime was holding relatively wide area. However, after Syrians consumed their hopes for their homeland, they determined their destination countries as the European countries. Moreover, the areas that the Regime controlled shrunk and different actors emerged. Among the different groups, obviously Daesh is the most violence-prone. The bloody actions of the Daesh in the region also led people to flee from Syria.

Turkey, in first three years could ensure better conditions for the asylum-seekers. However, upon rising numbers, the life standards worsened for Syrian people in Turkey, as well. Considering the situation in Turkey, the Syrian people chose the European countries instead of Turkey as the destination countries. Hence, in the summer of 2015, almost 1.5 million people crossed the EU borders irregularly.

The irregular crossings from Turkey to Greece have been a problem for years. Before Syrians, Afghani and Iraqi people have been already using the route. However, the outbreak of the Syrian crisis led the EU not to disregard Turkey as a key partner. The

RA negotiations were continuing since 2005, however after 2011 the continuum accelerated.

The process of the RA between Turkey and the EU has been complicated because of the demands of each sides. While the scope of the RA for the third country nationals was controversial, the visa liberalization, which is the part of the Turkey's accession continuum, was added to the RA process. In fact, since the relations between Turkey and the EU came to a halt, Turkey wished to revitalize and accelerate the accession process. In this context, the crisis was transformed into the opportunity by both Turkey and the EU.

Seventy- two criteria were presented for Turkey in the Roadmap for the visa liberalization and new negotiation chapter. According to the Roadmap, after Turkey fulfills the criteria, the European Commission will offer the visa liberalization for Turkish citizens to the Parliament. Between 2014 and 2016, Turkey fulfilled sixty-seven criteria out of seventy- two, and took recommendation on remained five criteria. However, the EU stated that the RA with Turkey should come into force on 1st June 2016 without the visa liberalization by arguing that Turkey was unable to fulfill the criteria.

While the EU was taking the precautions for the possible massive inflow over Turkey, the 2015 crisis caught the EU unprepared. Upon 1.5 million of people crossed the borders and high death rates at the Mediterranean Sea, the EU and Turkey held 29th November 2015 Summit and agreed on the Joint Action Plan. In the Summit, the Roadmap for the visa liberalization, and the acceleration of the accession process were on the agenda. According to the outcomes of the Summit, up to June 2016 Turkish people could reach the EU countries without visa. In return of the visa liberalization, Turkey would implement the RA for the third country nationals and strengthen the border controls.

Between November 2015 and March 2016, Turkey and the EU representatives had meetings at different levels. Upon there was short period of time to the visa liberalization and the deaths at the Mediterranean Sea increased, in March Turkey and the EU held a Summit. As an outcome of the Summit, Turkey and the EU declared a

common statement to prevent the deaths at the Aegean and Mediterranean Sea. According to the 18 March Statement, Turkey stopped the irregular crossings at the great extent.

The migration crisis opened a new page for the EU – Turkey relations. In the beginning of the massive inflows to Europe, the representatives found the solution in the cooperation with Turkey. This created a positive atmosphere for a short term. The hope has been risen in Turkish people for Turkey's accession to the EU. In fact, this situation created the image that the EU is dependent on Turkey to stop the irregular crossings. For this reason, not only the EU but also Turkey instrumentalized this humanitarian crisis for their own interest.

In the first place, Turkey saw 3.8 million as the golden ticket for the membership. Among Turkish people, the discourses became more strained against the European offer. On the other hand, the crisis seemed as a cooperation area by some circumstances. Since as a candidate country, Turkey has already been inside the EU institutions. Especially, because of the nature of the migration, the responsibility cannot belong to only one country.

Secondly, Turkey has been still waiting for the full membership, consequently, Turkey considered the visa liberalization as a part of the accession process. Turkey evaluated the migration crisis in the acceleration of the process. Turkey's regulations and policies towards the asylum seekers and the efforts for preventing irregular crossings are welcomed in the first two progress reports.

In this period, Turkey and the EU agreed on the 18 March Statement which prescribes the cooperation to prevent deaths and irregular crossings at the Eastern Mediterranean Sea. According to the statement, Turkey would admit Syrians who reached the Greek mainland and islands after 20 March 2016. Regarding the June 2016 as the beginning of the implementation of the visa liberalization, Turkey approved the statement and hindered the deaths and crossings on a large scale.

However, this short term positive atmosphere got damaged with the Third Progress Report on May 2016. Within two months, Turkey implemented the Statement successfully and fulfilled the 67 criteria out of 72. One of the five remaining criteria

created controversion between the sides. The third report emphasizes the criterion of revising the legislation and practices on terrorism in line with European standards.

More than forty years, Turkey suffers from the terrorist group of PKK inside the borders. However, the European states handle the PKK issue with sympathy and they are welcoming the members of PKK and let their activities in their countries. As Turkey has complained this situation for years, this criterion drove a wedge between Turkey and the EU. Disregarding Turkey's conjuncture, the legislation on terrorism has been postulated by the EU.

Hence, with the crisis, Turkey and the EU relations have proceeding in the context of the RA, visa liberalization and asylum – seekers. Since, not only the roadmap but also the facility that the EU promised to transfer to Turkey for the assistance of the EU is controversial. Concerning 2018, only 1.8 billion of 3 billion Euro was transferred to Turkey via the NGOs. As the world's most asylum-seeker hosting country, Turkey has spent more than 30 billion dollars for the asylum-seekers up to today. This amount is too little considering Turkey's expenditures.

The visa liberalization and any improvement in the relations between Turkey and the EU couldn't be seemed in short term because the demands and expectations of each sides are not overlapped. Moreover, the rise of rightist regimes in the EU countries is threatening the membership of Turkey. In the past few months, Germany called the members to stop the negotiations with Turkey. In this context, it is stated that the transfer of the IPA is evaluated as unnecessary and Turkey's accession doesn't seem possible by German Chancellor Merkel.

While Turkey handle the migration issue as an opportunity for the acceleration of the accession process, the EU's approach to the crisis has been in the context of the instrumentalization, securitization and externalization. The EU has been trying to establish the CEAS since 1997. However, although the legal structure of the CEAS bases on the European values and norms, the main critics toward the European Migration Policy are about the implementation of the CEAS. Since while the CEAS emphasizes the right of refugees and asylum-seekers and the humanitarian aspect of the migration, the implementation is quite different from the norms and regulations.

In the first place, the EU instrumentalizes the migration issue, because the EU tackles the migration and asylum issue as a part of its foreign policy. Especially the Tampere Summit conducts the relation between the development and migration relation, and the underdeveloped economies are considered as the main pushing factors. Therefore, the EU gives priority to assist the neighboring countries' economies to prevent massive inflows from these countries. At that point, the EU operated the ENP towards the MENA countries by ensuring the financial aids in return of the prevention the migratory movements and the harmonization with the EU norms and values. At the same time, that makes the EU more active foreign policy actor as one of the main destination country. By this feature, the EU could have the potential to influence the countries at its near abroad.

Secondly, while the EU has been trying to make Europe as an area of freedom, justice and security, at the same time, the policies are becoming more securitized. After 9/11, the security- oriented policies have spread around the world, and the EU adopted the policies with the security concerns in order to make a secure area for the citizens. In this context, the migration policies within the EU have been securitized. Therefore, the EU is criticized by the international society about the visibility of the borders for the foreigners. The Schengen Agreement eliminated the internal borders; however, it does not mean that the external borders would be invisible, on the contrary the EU brings new regulations which are making more difficult the legal entrances. In fact, the more the EU places security- oriented policies for the foreigners, the more these policies led people to enter the member countries in illegal ways.

The third approach that the EU used for the asylum and migration is the externalization. Since the 1990s, the EU has conducted some policies towards near abroad to create more secured Europe. According to the EU perception on the neighboring countries, it is necessary to be circled with the friend countries in order to create the freedom, security and justice area for the EU citizens. In this context, the EU conducted the ENP between 2004 – 2012 to create the ring of friends. With this policy, the EU aimed to enlarge the EU values and norms to the neighboring countries and in the possible crisis, these countries would act in the accordance with the EU. For the migration, these countries would act as a second border to prevent the inflows to the EU. In fact, the

cooperation with Turkey confirms this approach. Since the RA and the 18 March Statement purposed to keep asylum-seekers in Turkey and to stop massive inflows before they arrive the EU.

When the EU met the massive inflow of immigrants from Syria, the process of the CEAS has not been completed. Even though the migration started to be handled at the supranational level after the Lisbon Treaty, it is possible to say that it more stayed at the intergovernmental level because of the sovereignty and security dimensions of migration policy. Even the EU established the GAMM as a global approach, when more than 1.5 million people crossed the external borders, the EU had to face the greatest migrant movements since the Second World War. In this context, the urgent action plans to prevent arrivals and deaths at the Mediterranean were conducted by the EU. However, Turkey as a transit country of the most used route should have been cooperated to deal with the high numbers. Before the crisis, the EU was trying to conclude the RA with Turkey and after the emergence of the crisis the negotiations were accelerated. In this process Turkey was offered to have visa liberalization, the opening the negotiation chapters and 3 million euros in return of the completion of the RA especially for the third country nationals.

Until May 2016 the migration brought a new breath to Turkey – the EU relations. However, the Third Progress Report envisaged that the visa liberalization for Turkey wouldn't seem possible because of the missing criteria. Among the criteria, obviously the terrorism is the one of the most controversial issues. Moreover, the promised 3 million euros became the problem between Turkey and the EU. Although there are problematic areas between the two sides, Turkey's precautions led the numbers to decrease in the Eastern Mediterranean route and Turkey is hosting more than 3.5 million asylum-seekers. Such a great number of people bring a huge burden to Turkey. Not only the EU but also the international society are escaping to share responsibility with the neighboring countries.

With the fear of the massive inflow, the EU found the solution in the cooperation with Turkey, and some commitments were promised to Turkey. However, some points stayed controversial between Turkey and the EU. As long as, the visa liberalization and the transfer of 3 billion euros are provided, the relations do not seem to have any

progress in the short term. Therefore, the crisis showed that Turkey and the EU lack of trust. Each side tries to use the ongoing crisis as a tool of their own advantages. Even though the latest meeting in Varna created a positive atmosphere, rise of rightest parties across Europe caused to increase the opposition of Turkey's accession within the EU. Thus, the discourses of the leaders have become harsher over the asylum- seekers and refugees. However, while Turkey as a refugee hosting country is expected to play an active role on establishment of the international asylum regime, the EU as an effective foreign policy actor would get involved to this process, as well. For this reason, it is out of the question to break off the relation between Turkey and the EU. When the trust is established between both sides and they consider the migration issue as a cooperation area more than a threat, Turkey and the EU would benefit from the migration and bilateral relation.

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APPENDIX 1: ORIGINALITY REPORT

HACETTEPE UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
MASTER'S THESIS ORIGINALITY REPORT

HACETTEPE UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
INTERNATIONAL RELATIONS DEPARTMENT

Date: 07/06/2018

Thesis Title: Refugee Crisis in the Mediterranean and Its Impact on Turkey – EU Relations

According to the originality report obtained by myself/my thesis advisor by using the Turnitin plagiarism detection software and by applying the filtering options checked below on 11/05/2018 for the total of 119 pages including the a) Title Page, b) Introduction, c) Main Chapters, and d) Conclusion sections of my thesis entitled as above, the similarity index of my thesis is 9 %.

Filtering options applied:
1. ☑ Approval and Decleration sections excluded
2. ☑ Bibliography/Works Cited excluded
3. ☑ Quotes excluded
4. ☐ Quotes included
5. ☑ Match size up to 5 words excluded

I declare that I have carefully read Hacettepe University Graduate School of Social Sciences Guidelines for Obtaining and Using Thesis Originality Reports; that according to the maximum similarity index values specified in the Guidelines, my thesis does not include any form of plagiarism; that in any future detection of possible infringement of the regulations I accept all legal responsibility; and that all the information I have provided is correct to the best of my knowledge.

I respectfully submit this for approval.

		Date and Signature
Name Surname:	Merve AYTAÇ	07.06.2018
Student No:	N14226048	Merve AYTAÇ
Department:	International Relations	
Program:	International Relations MA Program	

ADVISOR APPROVAL

APPROVED.

Asst. Prof. Dr. Esengül AYAZ AVAN

HACETTEPE ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
YÜKSEK LİSANS TEZ ÇALIŞMASI ORİJİNALLİK RAPORU

HACETTEPE ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
ULUSLARARASI İLİŞKİLER ANABİLİM DALI BAŞKANLIĞI'NA

Tarih: 07/06/2018

Tez Başlığı: Akdeniz'de Düzensiz Göç Krizi ve Türkiye Avrupa Birliği İlişkilerine Etkisi

Yukarıda başlığı gösterilen tez çalışmamın a) Kapak sayfası, b) Giriş, c) Ana bölümler ve d) Sonuç kısımlarından oluşan toplam 119 sayfalık kısmına ilişkin, 11/05/2018 tarihinde şahsım/tez danışmanım tarafından Turnitin adlı intihal tespit programından aşağıda işaretlenmiş filtrelemeler uygulanarak alınmış olan orijinallik raporuna göre, tezimin benzerlik oranı % 9 'dur.

Uygulanan filtrelemeler:
1- ☑ Kabul/Onay ve Bildirim sayfaları hariç
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5- ☑ 5 kelimeden daha az örtüşme içeren metin kısımları hariç

Hacettepe Üniversitesi Sosyal Bilimler Enstitüsü Tez Çalışması Orijinallik Raporu Alınması ve Kullanılması Uygulama Esasları'nı inceledim ve bu Uygulama Esasları'nda belirtilen azami benzerlik oranlarına göre tez çalışmamın herhangi bir intihal içermediğini; aksinin tespit edileceği muhtemel durumda doğabilecek her türlü hukuki sorumluluğu kabul ettiğimi ve yukarıda vermiş olduğum bilgilerin doğru olduğunu beyan ederim.

Gereğini saygılarımla arz ederim.

Tarih ve İmza
07.06.2018
Merve AYTAÇ

Adı Soyadı:	Merve AYTAÇ
Öğrenci No:	N14226048
Anabilim Dalı:	Uluslararası İlişkiler
Programı:	Uluslararası İlişkiler Tezli Yüksek Lisans

DANIŞMAN ONAYI

UYGUNDUR.

Dr. Öğretim Üyesi Esengül AYAZ AVAN

APPENDIX 2: ETHICS BOARD WAIVER FORM

HACETTEPE UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
ETHICS BOARD WAIVER FORM FOR THESIS WORK

HACETTEPE UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
TO THE DEPARTMENT PRESIDENCY OF INTERNATIONAL RELATIONS

Date: 07/06/2018

Thesis Title / Topic: Refugee Crisis in the Mediterranean and Its Impact on Turkey – EU Relations

My thesis work related to the title/topic above:

1. Does not perform experimentation on animals or people.
2. Does not necessitate the use of biological material (blood, urine, biological fluids and samples, etc.).
3. Does not involve any interference of the body's integrity.
4. Is not based on observational and descriptive research (survey, measures/scales, data scanning, system-model development).

I declare, I have carefully read Hacettepe University's Ethics Regulations and the Commission's Guidelines, and in order to proceed with my thesis according to these regulations I do not have to get permission from the Ethics Board for anything; in any infringement of the regulations I accept all legal responsibility and I declare that all the information I have provided is true.

I respectfully submit this for approval.

Date and Signature
07.06.2018

Name Surname: Merve AYTAÇ
Student No: N14226048
Department: International Relations
Program: International Relations MA
Status: ■ Masters ☐ Ph.D. ☐ Integrated Ph.D.

ADVISER COMMENTS AND APPROVAL

Approved.

Asst. Prof. Dr. Esengül AYAZ AVAN

HACETTEPE ÜNİVERSİTESİ
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ULUSLARARASI İLİŞKİLER ANABİLİM DALI BAŞKANLIĞI'NA

Tarih:07/06/2018

Tez Başlığı / Konusu: Akdeniz'de Düzensiz Göç Krizi ve Türkiye Avrupa Birliği İlişkilerine Etkisi

Yukarıda başlığı/konusu gösterilen tez çalışmam:

1. İnsan ve hayvan üzerinde deney niteliği taşımamaktadır,
2. Biyolojik materyal (kan, idrar vb. biyolojik sıvılar ve numuneler) kullanılmasını gerektirmemektedir.
3. Beden bütünlüğüne müdahale içermemektedir.
4. Gözlemsel ve betimsel araştırma (anket, ölçek/skala çalışmaları, dosya taramaları, veri kaynakları taraması, sistem-model geliştirme çalışmaları) niteliğinde değildir.

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Gereğini saygılarımla arz ederim.

Tarih ve İmza

07.06.2018

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Programı:	Uluslararası İlişkiler YL
Statüsü:	■ Y. Lisans ☐ Doktora ☐ Bütünleşik Dr.

DANIŞMAN GÖRÜŞÜ VE ONAYI

Uygundur.

Dr. Öğretim Üyesi Esengül AYAZ AVAN

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