



The EU-Turkey Statement on Migration: developments & challenges

On 18 March 2016, an agreement signed between the EU and Turkey introduced an obligation for the latter to readmit all irregular migrants -whether persons not applying for asylum or rejected asylum seekers- reaching the Greek islands from Turkish shores. In exchange for Turkey's collaboration, the European Union promised to lift visa requirements for Turkish nationals by June 2016 (the deadline was later postponed to December 2016) and to reopen negotiations for Turkish accession to the Union. In addition to this, a 3€ billion Facility for Refugees was set out with an aim to finance joint actions between the EU and Turkey to provide for the needs of refugees and host communities. An additional 3€ billion will be made available by the end of 2018.

In the deal, the Turkish government also committed to take all necessary measures to reduce the flow of migrants irregularly crossing to Greece and prevent the opening of new routes.

The agreement received much criticism from human rights NGOs, who accused Europe of "externalizing" refugee protection by placing the burden of hosting asylum seekers on a third country already overloaded with refugees from Syria and the Middle East. Turkey is currently hosting more refugees than any other country in the world –more than 2.5 million, according to UNHCR. Despite the EU Council President Donald Tusk praising Ankara as "the best example in the world on how to treat refugees", international human rights experts remain concerned over the conditions in which they live. Asylum in Turkey is regulated by the 2013 Law on Foreigners and International Protection (LFIP), which only grants full refugee status to citizens of Council of Europe member states. Non-European nationals who fulfil the conditions to be considered refugees are granted a "conditional refugee" status, which entitles beneficiaries to a lesser set of rights and does not offer the prospect of long-term legal integration in Turkey. Moreover, reports of police violence, sexual abuse, and child exploitation of Syrians have emerged questioning the very classification of Turkey as a safe third country.

While it is true that considerably fewer migrants have tried to reach Greece by sea since the deal came into place (97% less than in August 2015 according to the EU Commission), the number of rejected asylum seekers returned to Turkey remains very low. As of September 2016 only 578 people had been brought back to Turkish shores, possibly because lengthy asylum processes in Greece have slowed down the return procedure. A slightly higher number of refugees (1'614) has been relocated to Europe under the resettlement scheme agreed upon in the deal. According to the scheme, one Syrian is to be relocated to an EU country for every Syrian returned to Turkey under the March statement. This last provision was harshly criticized by human rights groups, who claim it unjustly penalizes asylum seekers of other nationalities (e.g. Iraqis and Afghanis).

Refugee rights concerns, however, are not the only obstacle undermining the effective implementation of the deal. Turkish President Recep Tayyip Erdogan recently threatened Europe to discontinue the agreement if the bloc continues delaying visa-free access of Turkish citizens. European officials have responded by pointing out that Turkey still fails to meet five of the 72 benchmarks required to complete the visa liberalization process. In particular, the EU has expressed concern over the strict anti-terror legislation adopted after the failed coup in July, which currently

allow journalists and opposition figures to be arrested without probable cause. Further steps to be taken by Turkey in order to benefit from the visa lift include concluding security cooperation agreements with Europol, introducing additional anti-corruption measures, and improving data protection legislation.

As the deadline for visa lift keeps being postponed and tensions grow between the parties, experts and NGOs have been calling out governments on the negative impact new measures are having on refugees. Despite the deal stating that all asylum claims must be examined on an individual basis, there is evidence that asylum seekers in Greece are being denied access to a lawyer and that at least 10 Syrian nationals were recently returned to Turkey without due consideration for their protection claims.

While the future of the EU-Turkey agreement remains undefined, thousands of refugees face an even more uncertain fate. In order not to fail them, Europe must ensure their safety and human rights are safeguarded at all stages of the asylum process.

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