# The 2016 EU-Turkey Refugee Statement: A case of further securitization?

by

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#### **Abstract**

This dissertation focuses on the 2016 agreement between the European Union and Turkey, known as the 2016 EU-Turkey Refugee Statement. The agreement between the two parties came at a time when the mobility of migratory flows was increasing as a result of the war in Syria and the general political instability in the Middle East. European Union member states, whose asylum systems were overwhelmed by the volume of asylum seekers, were therefore eager to work with Turkey to limit irregular entry into the EU and disrupt the smugglers' business model. Considering that the cooperation between the EU and Turkey enshrined in the Statement is nowadays considered a successful solution to reduce irregular migration flows and could be a model for future cooperation with third countries, this paper examines the results of this cooperation in terms of the human rights of refugees themselves. Incorporating evidence from academic research articles and reviews, this study aims to show how the 2016 Refugee Statement behind its noble goal of stopping deaths in the Mediterranean and creating safe routes for legitimate refugees, is actually a political compromise between the EU and Turkey.

Looking at this trade-off through the lens of securitization theory, this paper seeks to understand the reasons why immigration is seen as an existential problem that threatens the integrity of the nation-state politically, socially, and economically in the context of EU member states. The study goes a step further and acknowledges the EU's influence on Turkey's migration and refugee policies by shedding light on the ongoing relationship between the two parties. As a result, the study finds that the EU has shown itself willing to work with a state whose illiberal political character has otherwise prevented it from joining the EU. Reopening accession talks at a time of "existential danger" is a preferred tool of the EU, which links membership issues and visa facilitation to the humanitarian issue of asylum in diplomatic negotiations with Turkey. However, the link between political compromise and humanitarian issues has led to a situation in which both parties have sought to protect their regional and national borders, using unusual methods that have had devastating consequences for both the refugees themselves and the communities that host them. In light of these findings, it seems certain that the European Union's policy of outsourcing its migration management to third countries stems from its own inability to achieve adequate burden sharing among its member states. Ultimately, it is this inability that could prove to be an existential threat to the Union, as it leads to tensions between native and foreign communities, especially when the latter are seen as not belonging and therefore do not have sufficient opportunities to thrive in their new environment.

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#### Introduction

The following research focuses on the 2016 EU-Turkey Refugee Statement. The Statement, which followed the 2015 EU-Turkey Joint Action Plan, was an attempt to end irregular migration from Turkey to the EU (Commission and Sheet, 2016). More specifically, the agreement between the EU and Turkey appeared to be a solution to a very urgent problem given the mass arrival of migrants and asylum seekers fleeing civil war and political unrest in Syria, Afghanistan, Iraq and other countries. In the context of what has been called the largest migration flow since World War II (Endicott, 2018), the asylum capacity of countries with external Schengen borders, such as Greece and Italy, was significantly challenged (Fouskas, 2016). As a result, there was a call for unity and burden sharing among the European States. This was articulated with the introduction of a new redistribution plan in May 2015, which provided for a just distribution of asylum seekers among European States (Luša, 2019). However, due to political disagreements between them, burden sharing proved to be much more difficult than expected. Therefore, the supranational approach mentioned above, which was supported mainly by Southern, Western and Northern European States, soon proved difficult to implement, as many States, especially those in Central Europe, preferred to respond to the problem unilaterally (Ivanova, 2016). Faced with divergent views on the matter and the threat to further European integration and free movement in the Schengen area, the EU eventually cooperated with Turkey to protect its external borders and limit migration flows within the continent.

This cooperation between the EU and Turkey rejuvenated their relationship as both parties began negotiations to respond to the humanitarian crisis. Given Turkey's geographical location, it was necessary to reach an agreement with the State on how to circumvent irregular migration flows as well as provide adequate protection to asylum seekers. The 2016 Statement that followed these negotiations was intended to respond to what the two parties seemed to view as a common problem. The Statement, which built on the 2015 Joint Action Plan, was intended to be conducted in a spirit of burden sharing and mutual responsibility. It was also a compromise between the two parties, both of which had entered the negotiations to achieve their specific goals. However, given the linkage of the humanitarian nature of the issue with the geopolitical objectives of the two parties, there were soon objections from the

international community to the legitimacy of the Statement. The most common accusation against the EU has been that it failed to ensure the protection of the human rights of migrants and refugees and thus failed to fulfil its responsibilities under international law (Endicott, 2018; Martin, 2019; Rankin, 2016). There are also numerous criticisms from academics regarding the Union's tendency to externalize its migration policy to the Turkish State (Çetin, 2020; Demirsu and Cihangir-Tetik, 2019; Muftuler-Bac, 2021). The purpose of this externalization, which seems to have come to the fore in the Union's migration policy in general, is the practice of remote control with the intention of shifting the responsibility of controlling migration to third countries (Çetin, 2020).

In light of the above, there seems to be a contradiction between the EU's image as a leader in human rights and its practical behavior on the migration issue. The European Union, which plays a leading role in global politics in setting norms and humanitarian standards, would be expected to approach the matter with a human rights-based approach that focuses on the safety of refugees and migrants. However, under the 2016 declaration, the Union seemed more concerned with protecting its external borders than implementing its humanitarian ideals. This is illustrated by the situation on the Greek islands, where the accommodation of large numbers of asylum seekers has posed a threat to their health and well-being (Endicott, 2018). So how can this contradiction be explained? How has the EU come to terms with Turkey, whose protracted accession process has been severely delayed because it has itself failed to make the necessary political progress toward the human rights standards set by the European Union in past negotiations? And, most importantly, how does this cooperation affect Turkey's own migration policy?

These are the questions that the following chapters seek to answer in order to create an understanding of the reasons and motivations behind the March 2016 agreement. However, in order to adequately answer these questions, the EU-Turkey Statement should be placed in a historical context, as it is the result of a political development in a certain direction. In the following chapters, we will look at this development through the lens of the theory of securitization as developed by the Copenhagen and Paris schools. After first explaining the main theoretical framework, we will move on to an analysis of its implications for European migration policy over the last three decades. Later on, we will focus on the historical relationship between the EU and

Turkey when it comes to the issue of migration to show how the Union has influenced the migration management of the third country in a security-related way. Finally, the 2016 Statement will be analyzed in the context of the general relationship of the two parties and the criticisms of the international community will be highlighted.

# Literature review/ theoretical framework

#### The framework of Securitization: The Copenhagen and Paris Schools

To understand the evolution of European migration policy, the framework of securitization developed by the Copenhagen School is applied. The theory of securitization, as developed by Barry Buzan and Ole Waever, falls under the paradigm of Critical Security Studies, a branch within the theoretical field of International Relations. Its novelty lies in the fact that it challenges traditional definitions of security, which focus on military threats and State security and are thus influenced by realist International Relations theory (Robinson, 2010). On the contrary, the Copenhagen School has applied a constructivist approach to the definition of security, meaning that it recognizes the concept as socially constructed. Thus, the definition of the concept is not objective, and therefore any challenge may be considered a security issue by those in a position to influence public opinion (Eroukhmanoff, 2018). Moreover, according to Buzan and Waever, securitization of a subject is defined as a successful speech act 'through which an intersubjective understanding is constructed within a political community to treat something as an existential threat to a valued referent object, and to enable a call for urgent and exceptional measures to deal with the threat' (as cited in Stritzel, 2007, p. 358).

According to this definition, securitization occurs through discursive means and is therefore considered a 'speech act'. Thus, the mere utterance of the word 'security' is sufficient to designate a particular development as one that requires extraordinary measures which would otherwise be unacceptable for domestic and international audiences (Robinson, 2010). Consequently, any issue that challenges a particular political community can be depoliticized and securitized. As for who is responsible for portraying it as a security problem, the literature on the subject seems to suggest that the "securitizing actors" could be representatives of the state, foreign policy

elites, or power holders in general (Buzan et al. as cited in Robinson, 2010; Eroukhmanoff, 2018), the media (Huysmans, 2000; Mortensgaard, 2020) as well as transnational security agencies, technocrats and even academics (Bigo, 2001; Guiraudon, 2000). To summarize, the securitizing actor presents a particular problem as an existential threat that threatens the survival of a referent object that is considered valuable by the political community. In turn, the political community that receives the speech act either accepts its validity or rejects it. In the first case, the securitization of a problem is successful and therefore extraordinary measures are legitimized to deal with it, while in the second case the securitization fails.

However, the above model of securitization can only be understood in a historical context by analyzing the relationships among decision makers, the construction of threats, and the discursive processes through which they occur (Guzzini, 2011). Therefore, securitization should be understood as a process by which the representation of an issue as threatening is gradually constructed. But are speech acts the only means by which this development takes place? The Paris School of securitization, another paradigm of Critical Security Studies, argues that not only public policy and political discourse, but also practices of control and the use of specific technologies are important for understanding securitization (Bigo, 2001). Thus, when analyzing the continuum of securitization in the historical context of European policy development in relation to migration, there are two aspects that should be considered. The first aspect is that of discourse, that is, the successful speech acts through which migration was gradually portrayed as a security issue. The second aspect is that of the above-mentioned practices, which have been legitimized by a discourse that presents the control of migration as a problem that requires extraordinary measures.

#### The beginning of securitization of migration within the EU

Looking at the above model of securitization, the process becomes clear. Actors perform speech acts that commit migration policy to restrictive practices that would not take place if the issue were not seen as existentially threatening. In the context of the European Union, however, migration was not always seen as such a threat. In fact, the securitization of migration was a slow process that began in the 1980s (Guiraudon,

2000; Huysmans, 2000). Before the 1980s, illegal migration was not considered a politically sensitive issue, as migrants were seen as a cheap and flexible labor force that added value to the European labour market (Huysmans, 2000). That being said, in the late 1960s and 1970s immigration increasingly became an issue of public concern because of a desire for greater protection of the social and economic rights of nativeborn workers. Thus, there was a shift toward more control-oriented, restrictive immigration policies on the part of European States (ibid.). Nevertheless, as Huysmans argues, this change did not radically affect the image of immigrants itself as many of them were still considered as guest workers (2000).

In the following years, however, political rhetoric tended to associate migration with the disruption of public order, leading to decisions to stop labour migration. Despite these decisions, the number of immigrants in Europe continued to increase as people continued to immigrate on the basis of family reunification (ibid.). This led to an increase in public awareness of the immigrant population as temporary guest workers slowly became permanent settlers. At the same time, there were two interesting developments at the political level that are seen as laying the groundwork for subsequent barriers to intra-European migration of third-country nationals. Specifically, Ugur mentions the decision of Council Regulation 1612/68 as one of the first steps towards the construction of 'Fortress Europe' as it distinguished between the right of free movement of nationals from European Member States and that of nationals from third States (as cited in Huysmans, 2000). The later 1973 Paris Summit confirmed the idea that citizens of Member States should enjoy special rights.

Regardless of these developments, migration was viewed in economic terms by the European Communities until the mid-1980s. In fact, one of the first important steps in the development of common positions on migration in the EU was the adoption in 1974 of the action programme in favor of migrant workers and their families (ibid.). However, the situation was to change at the beginning of the next decade, when a Europeanization of migration policy began. According to Featherstone and Radaelli, Europeanization is most commonly associated with 'domestic adaptation to the pressure emanating directly or indirectly from EU membership' (as cited in Sadriu, 2021, p. 33). Moreover, Olsen argues that this is a process in which national and subnational systems of government are permeated by a European political centre and European-wide norms (ibid.). In the following chapter, I will use this concept of

Europeanization to explain how the European Communities have arrived at a common understanding of migration as a problem related to transnational crime. I will argue that through the Europeanization of Member States' migration policies, the issue has been presented in a securitarian framework developed mainly through the process of 'venue shopping' on the part of certain security actors.

## Securitization through 'Venue Shopping'

As mentioned earlier, Europeanization moves the policies of member states in a common direction to deal with common problems. According to Thielemann, however, Europeanization is a two-way process, i.e., it not only involves a diffusion of norms from top to bottom, but also allows national discourses, public policies, and political structures to shape European integration (2001). There is now a consensus in the literature that the link between migration and crime, which has led to migration being seen as an issue of security, was the result of such domestic discourses influencing European institutions. This assumption is based on the fact that in the early to mid-1980s immigration and asylum issues became the subject of discussions in supranational 'clubs' involving civil servants and police officials (Guiraudon, 2000). Given that these intergovernmental 'clubs' were officially dedicated to discussing issues such as drugs and terrorism, it is interesting to note how they served as the basis for the beginning of European cooperation on asylum policy (Thielemann, 2001). It is also interesting to note that this intergovernmental cooperation among security officials coincided with the abolition of internal border controls as part of the establishment of the single European market (Huysmans, 2000). In fact, it is generally agreed among scholars that the economic project of the European internal market has spilled over into an internal security project (Bigo, 2001; Guiraudon, 2000; Huysmans, 2000; Thielemann, 2001).

According to this understanding, the issues of migration and asylum were securitized as a result of a common discourse that emerged in the context of the intergovernmental 'clubs' mentioned above. Forums such as the Schengen Group, the Trevi Group, which was taken over by the Ad Hoc Migration Group in 1986, and Interpol were dominated by national government officials and were generally closed to other interested groups such as subnational officials, officials of EU organizations, and international and non-governmental organizations (Thielemann, 2001). As

Thielemann argues, the European institutions created as a result of such cooperation selectively empowered a small elite of Interior Ministry officials (2001). Officials such as the military and police who were interested in cross-national cooperation were enabled by these European meetings to formulate common interests away from national government control. Through the practice of 'venue-shopping,' these actors were able to bundle their common interests into a discourse that presented migration as a potential threat to the internal security of member states. Recognising that they faced legal constraints in their national context, as well as parliamentary opposition and migrant support groups, they preferred to use a European environment shared by like-minded actors, a 'venue' that allowed them to influence European policy.

At the same time, the politicization of migration and asylum in the European Community showed its face as political parties courted votes with promises to curb unwanted migration. However, given that liberal democratic European States were bound by national constitutional and international legal norms, attempts to restrict asylum systems proved problematic (Boswell, 2003). In light of the signing of the 1985 Schengen Agreement, which sought to abolish border controls between a growing number of European States, the security actors mentioned above needed to adapt to institutional constraints in a changing environment. As the political environment in Europe became increasingly restrictive due to pressure from voters, governments found themselves questioning the liberal asylum system of the postwar period in the context of newly emerging restrictive tendencies. Therefore, it was in the interest of these governments to promote a certain discourse at the level of the European Community, especially since migration and asylum policies were seen as a threat to the single market.

In general, restrictive policies found their ground in an environment where national actors tried to adapt to the new reality created by Schengen. These actors noted that there was a trend toward such policies in the European context, and thus their discourse gained legitimacy both in that context and in the national level. Thus, as Bigo puts it, a fusion of internal and external security was imminent, as European states, faced with the emerging single market, promoted certain agencies' ideas about how best to protect the Community's external borders from unwanted migration. These agencies, part of what Bigo calls the "field of security experts," in turn had an interest in competing for legitimacy as well as budgets and contracts in addressing the

problems at hand (Bigo, 2001). It is thus clear that there was a connection between national distrust of the international norms of the 1951 Geneva Convention and the abolition of internal European borders that the single market demanded. These two factors worked together to create a transnational field of security experts whose discourse on how to deal with the new problems created by the establishment of the single market influenced common European policies in the following decades.

#### Securitization through Europeanization

Given the new restrictive tendencies emerging in the European political landscape, the European institutions created to facilitate integration and cooperation within the Community in the field of asylum and migration were influenced in a restrictive direction. In this way, the 1992 Maastricht Treaty, following the momentum developed in the Schengen Group, introduced a third pillar for justice and home affairs, in which the previous intergovernmental cooperation on asylum was brought into the EU's institutional framework (European Parliament, 2018). The intergovernmental character of the third pillar reflected the unwillingness of the European States to surrender sovereignty in the supranational level. Moreover, the 1992 treaty restored the link between asylum and migration policies and tougher security issues such as terrorism. In order to provide citizens with an enhanced level of security in an area of freedom, security and justice, the creation of a European Police Office (Europol) with a system for the exchange of data between national police authorities was imminent under the Treaty (Nugent, 1999). Together with the establishment of rules and the implementation of stricter controls on the crossing of the Community's external borders, this confirmed the Union's adoption of securitarian measures that compensated for the abolition of internal borders.

In the years that followed, the idea that the Union needed to protect its citizens from third countries by developing a common asylum and immigration policy took hold. The Schengen Agreement, which had previously developed outside the formal treaty framework, was incorporated into the Treaty of Amsterdam, which entered into force in 1999 and brought asylum and immigration issues under the first pillar, thereby communitarizing them. Two years earlier, the Dublin Convention determining the State responsible for examining an asylum application had also entered into force. Both the Schengen Agreement and the Dublin Convention were developed as a result

of intergovernmental negotiations among the States of the European Community and resembled the first significant agreements to emerge from such a process. It must also be made clear that the concept of 'safe third countries,' with which member states sought to prevent asylum applications from being submitted in more than one European state (Thielemann, 2001), played a central role in both conventions. According to Thielemann, it was this concept that enabled the European States that had signed these conventions to circumvent the international and domestic constraints that had previously prevented such asylum reforms (2001).

Building on the provisions of the Amsterdam Treaty establishing an area of freedom, security and justice, the 1999 Tampere Declaration reaffirmed the need for Member States to develop a common asylum and immigration policy, taking into account the need for steadfast control of peripheral borders to curb illegal immigration (European Parliament, 1999). In highlighting the importance of a Common European Asylum System and the need to protect the external borders of the European Union, the Declaration suggested, above all, that partnerships with countries of origin and transit would prove to be a key element in the success of a common migration and asylum policy (ibid.). The Declaration also stressed the importance of a successful policy in this area for enhancing the security of the Union, calling for cooperation and mutual technical assistance among Member States' border control services, for example through exchange programmes and technology transfer (ibid.). It also lent further legitimacy to the concept of 'safe third countries' and served as a precursor to future European attempts to externalize asylum and migration policies to countries of origin and transit.

As noted above, the institutionalization of the Schengen and Dublin Conventions selectively empowered a small elite of Interior Ministry officials because the negotiations that led to their adoption were conducted at the intergovernmental level among like-minded actors. Subsequent treaties echoed these intergovernmental attempts to build a European consensus on the need to protect external borders from irregular immigration and "bogus asylum claims." This term was used to describe immigrants who had no other legal access to the Union due to its increasingly restrictive immigration policies and who applied for asylum in order to gain at least temporary legality (Van Selm-Thorburn, 1998). Recognizing this divide between genuine and spurious refugees, between those entitled to the protection offered by the

Geneva Convention and the economic migrants who seek to exploit this legal avenue by posing as refugees, has not raised the question of how to create more legal avenues of immigration within the European Community, but has instead made it more difficult for people who need it to seek asylum. What is even more interesting, as it confirms Olsen's argument that Europeanization does not only occur through convergence of member states' interests but also affects their own national systems (Sadriu, 2021), is that the future member states were obliged by the Amsterdam Treaty to integrate the Schengen acquis into their national law, which means the introduction of firmer border controls, immigration and asylum policies (Boswell, 2003).

The gradual development of the Common European Asylum System, which began with the adoption of the Tampere programme by the European Council in 1999, was also based on the idea that partnerships with third countries would prove beneficial in controlling the influx of migrants and refugees. This idea led to the highly controversial concept of "safe third countries," with which the European Union would later gladly sign readmission agreements to secure their cooperation in combating "illegal migration" (European Parliament, 2015). In fact, this concept was institutionalized by the Treaty of Amsterdam, which communitarized the Dublin Convention in the Dublin Regulation. According to Article 3 of the Dublin Regulation "Any Member State shall retain the right, pursuant to its national laws, to send an asylum seeker to a third country, in compliance with the provisions of the Geneva Convention" (European Council, 2003). The subsequent harmonization of the criteria by which a non-EU third country was classified as safe for refugees occurred through the 2005 Asylum Procedures Directive. According to Article 27 of the directive, a "safe third country" is one in which life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion, and in which non-refoulement on grounds of race, religion, nationality, membership of a particular social group or political opinion is respected (European Council, 2005).

The procedural effect of enacting the 2005 Directive is that Member States that are otherwise parties to the 1951 Geneva Convention may be exempted from considering whether an applicant qualifies as a refugee because another country may be deemed to be responsible for considering his or her application and granting protection (Moreno-

Lax, 2015). According to the Directive, in such circumstances the application may be considered inadmissible or unfounded and be decided in accelerated procedures (European Council, 2005). To exacerbate the precarious situation in which refugees may find themselves, the Directive also gives Member States wide discretionary powers. This means that any essential link between the applicant and the third country in question and the method of determining the safety of return, whether by case-by-case examination or by blanket designation in country lists, follow national rules (Moreno-Lax, 2015). In addition, while the 2005 Directive allows Member States to avoid their obligations to refugees by relocating them to supposedly safe countries, in practice there are limited guarantees that these countries are in fact safe. Numerous authors have noted that the concept of "safe third countries" is unworkable in practice because the deporting state is unable to ensure that its protection obligations are met during the asylum seekers' stay in the third country (Moreno-Lax, 2015).

In light of all this, it appears that the concept of "safe third countries" may be abused by States Parties to the Geneva Convention to avoid responsibility for considering refugee claims. However, the concept, which relies heavily on the assumption that asylum applicants could seek protection in their first country of entry, is not compatible with international law (Nagari, 2018). According to Goodwin-Gill and McAdam, international law recognizes that people have limited choices about where to apply for asylum, especially if they have family members living in another State (as cited in Nagari, 2018). There are also individual circumstances and needs of asylum seekers that the safe third country concept does not take into account, such as differences in perceptions of safety that could influence the choice of country of asylum. However, as Bigo notes, the governments of European liberal democracies are liberal, not libertarian, meaning that they place their own security above the security and freedom of individuals (Bigo, 2001). Thus, the European security perceptions of the various executive bodies are not exactly balanced with international human rights norms.

As proof of this statement, European integration in matters of asylum and migration continued in a security-oriented manner with the Treaty of Lisbon and the Stockholm Programme. On a positive note, the Lisbon Treaty, which entered into force in 2009, strengthened the role of EU institutions such as the European Parliament and the Court of Justice of the European Union and made the Charter of Fundamental Rights,

which encompasses an article on the right to asylum, legally binding for all Member States (Kaunert and Léonard, 2012). This means that European Union directives and regulations on asylum must be consistent with the provisions of the Geneva Convention and the 1967 Protocol. The Stockholm Programme, also adopted in 2009, in turn provided for the creation of a "common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection" (ibid.). Although both the Lisbon Treaty and the Stockholm Programme were attempts to go beyond minimum standards in European asylum policy and adopt common asylum standards, their focus on cooperation with third countries on asylum and mgration issues is interesting. In particular, the Lisbon Treaty enabled the European Union to take measures on partnership and cooperation with third countries to manage the influx of people (Kaunert and Léonard, 2012).

By introducing the concept of Integrated Border Management (IBM) into the primary law of the European Union (Hernández i Sagrera, 2016), the Lisbon Treaty has reaffirmed the Union's tendency to treat migration and asylum issues as potential threats to its internal security. The European Commission's Guidelines for Integrated Border Management in External Cooperation state that IBM's goal is to protect internal security and manage migration flows in a way that prevents irregular migration, related crime, and other cross-border crimes. (European Commission, 2009). The concept of IBM essentially refers to the idea of pooling all activities of the Member States' authorities in the field of border control and surveillance, including border checks, analysis of risks at the borders and planning of the necessary staff and facilities (Léonard, 2010). In addition, the Stockholm Programme calls for the further development of IBM by strengthening FRONTEX and the European Asylum Support Office (EASO) (Hernández i Sagrera, 2016). FRONTEX, the self-proclaimed guardian and driving force of integrated border management in Europe (IBM), is responsible for implementing the IBM strategy by managing the European Union's external borders in the form of joint operations between member states, addressing migration challenges, and contributing to Europe's security (Frontex Agency, 2021).

Given the obvious link between asylum and migration issues and the need to strengthen joint efforts to protect the Union's external borders, it seems right to argue that the further communitarization of asylum policy, even if limited, has been accompanied by the parallel need to create and improve instruments of security. FRONTEX, in particular, and its activities can be and have been seen as evidence of the aforementioned security practices used as part of the European Union's attempts to circumvent migration flows (Léonard, 2010). Considering that traditionally coordinated maritime operations involving different states are organised to address problems that are largely perceived as security threats, such as military attacks, piracy, or drug trafficking, joint operations to combat migration flows represent an unprecedented way to deal with the issue (Léonard and Kaunert, 2020). In addition, the agency has been heavily criticized for not respecting the principle of nonrefoulement, as persons apprehended, turned back, or otherwise prevented from reaching EU territory as a result of FRONTEX-coordinated operations are treated as if they were all illegal immigrants (Léonard, 2010). In this way, no provision is made for potential asylum seekers, which may lead to situations where EU Member States do not fully comply with their international obligations.

#### Conclusion of the Literature Review

To conclude the literature review, it has been shown that there is a consensus that the securitization of the issues of migration and asylum in the European context has been achieved through a common national discourse that has permeated European institutions over time. This discourse, supported by agents that can be considered security actors, became an accepted view of the issues at stake under the impression that the abolition of internal borders would require exceptional measures to protect the external borders of the European Union. The convergence of views on migration and asylum among actors who have been able to present themselves as "experts" has, in turn, produced institutions that reflect their ideas about what is an acceptable way to deal with the issues at hand. Consequtively, the institutionalization of such a security discourse has produced instruments that apply specific security practices that are so restrictive that they jeopardize the rights of asylum seekers.

In other words, the Europeanization of asylum policy follows a security policy course that is only reinforced by the desired cooperation with third countries. In this case, the

European Union has been able to legitimize and employ instruments such as the concept of "safe third countries" and readmission agreements, which do not distinguish between aliens who are in an unlawful situation whose legal position should be protected, and those who are not (Rais, 2016). Apart from revealing the Union's inadequacy in establishing successful burden-sharing mechanisms among Member States, the adoption of such instruments further jeopardize the status quo after Geneva by limiting the legal options available to asylum seekers. Finally, the Union's tendency to externalize its asylum policy to third countries, which is linked to the goal of them obtaining either membership or visa facilitation, enables the export of its securitized asylum system to these states. This will be illustrated by the example of Turkey, a State whose accession negotiations with the Union have stalled because of its disregard for human rights standards.

In the analysis chapter, right after explaining the methodology of the dissertation, it is argued that the European Union is walking a tightrope by simultaneously trying to preserve its already tarnished image as a leader in human rights while coming to terms with Turkey to protect its external borders from immigrants and refugees. This assumption is analyzed on the basis of the EU-Turkey declaration of 2016, which is the most recent example of what constitutes European asylum policy in times of "crisis". However, to sufficiently understand the 2016 declaration and its driving forces, it is necessary to take a historical view of the negotiations between the Union and Turkey on the issue of dealing with refugees. In this way, the Statement is contextualised as a last resort of the Union, another instrument resulting from its own inability to ensure burden-sharing among member states, and a mechanism for shifting responsibility for refugee protection to a state that has proven incapable of protecting refugees' rights. As a result of these factors, it is argued that the Europeanization of the asylum regime for the Turkish state, a long process in which the 2016 Statement occupies a significant position, leads to the export of European security instruments to the third country and the securitization of its own asylum policy.

# Methodology

The research has been designed in the form of a single case study. I decided to use this methodological approach since the study's purpose is to give a holistic understanding of a particular cultural system of action. According to Entwistle, cultural systems of action refer to sets of interrelated activities engaged in by the actors in a social situation (2012). Since the unit of analysis of the study is the process of securitization of asylum policy in the context of cooperation between the European Union and the Turkish State, I applied a constructivist epistemology to understand how the emerging norm of securitization shapes the behavior of international actors (Ahmad, 2020). According to the constructivist theory of international relations, the structure on which relations between states are based is neither immutable nor constant, but can change and evolve into a new model in a new system (ibid.). Thus, the liberal status quo on immigration and asylum, built after World War II and based on international agreements such as the Geneva Convention, has no guarantee of continued existence if relations between states are viewed essentialistically as focused on cooperation and respect for human rights. On the contrary, relations between states should be considered in the context of the historical process that produces them, and their motives for interacting with each other should be understood according to specific norms, values, and ideas, as well as material conditions (Ahmad, 2020).

Since the case study conforms to the three tenets of the qualitative method, describing, understanding, and explaining (Entwistle, 2012), I chose this method to understand how the 2016 Refugee Statement, signed between the EU and Turkey in 2016 is evidence of the process of securitization that has unfolded in the European Union's asylum policy over the past four decades. In this attempt, I used a deductive approach to provide an analytical generalization of the results of the study. Specifically, the hypotheses formulated in the beginning of the research are based on the theory of securitization of the European asylum policy. The theory of securitization was then combined with the theory of Europeanization through the theory of venue shopping to understand how national restrictive policies have influenced the institutions of the European Union as well as its policies towards third countries on these issues. Subsequently, the theory of Europeanization was considered from the point of view of the influence of the EU on the institutions of third countries in a process of cooperation through which mutual benefits can be achieved. Thus, the case study was descriptive in nature, as the research began with the descriptive theory of securitization. In reviewing the literature, this theory was applied to the historical development of EU policies towards immigrants and asylum seekers in order to arrive at a set of theoretical propositions on which the analysis was based (Tellis, 1997).

By positing certain propositions, such as that the European Union's policy toward asylum seekers has become securitized and that the EU's cooperation with third countries on asylum issues serves as another means of securitization, I applied the analytical strategy of pattern matching to link the data that emerged in examining the negotiations that led to the 2016 EU-Turkey Statement to these propositions. According to Trochim, pattern-matching is one of the most required strategies for analysis (as cited in Tellis, 1997). This technique compares an empirically based pattern with a predicted one (ibid.). If the patterns match, the internal reliability of the

study is enhanced (ibid.). Therefore, the predicted pattern based on the above hypotheses and theoretical propositions, thus predicting an increase in securitization practices as a result of the 2016 Statement, is compared to the empirical reality that emerged after the Statement went into effect. At this point, I must admit that the study has adopted a top-down approach, i.e., it treats EU policy as an independent variable influencing the domestic policy of the Turkish state and makes it the dependent variable. Although I recognize the importance of systematic search for the identification of causes of domestic change that may not involve European influence, this search is out of the scope of this study (Tolga Bolukbasi, Ertugal and Ozcurumez, 2010). Instead, I have opted for a top-down approach because the focus of the study is to discuss the impact of Europeanization on Turkey in the area of asylum policy. Therefore, this approach establishes the boundaries of the case study as well as its chronological limits, as the securitization of Turkey's asylum policy is considered in the context of the country's negotiations with the EU (Baxter and Jack, 2015).

Finally, regarding the research methods used in the case study, it is obvious to say that no sampling methods were used, since case study research is not sampling research (Tellis, 1997). Therefore, I chose to use the case of the 2016 Refugee Statement, signed between the EU and Turkey because it is timely and sheds light on the process of securitization involved in the Union's cooperation with third countries in asylum matters. Therefore, as Yin suggests, I selected a representative case and used it to validate the theory of securitization in the context of European policies towards asylum seekers (Tellis, 1997). I then sought to ensure the validity of the research by triangulating researchers by examining research on Europeanization and securitization from different academic sources. It must be mentioned that I found the said research through academic databases and secondary research in general, and thus did not conduct primary research. As for the reliability of the data, although I am aware of the benefits of triangulating data from multiple sources (ibid.), which includes conducting primary research, I decided against doing so and instead opted for triangulating theories of Europeanization and securitization. Thus, I examined research from researchers with different points of view to validate the explanatory process I hypothesized (ibid.). Lastly, my research took place between September of 2021 and May 2022.

### **Analysis**

#### The 2016 EU-Turkey Statement: An overview

On March 18, 2016, the European Council and Turkey reached an agreement to stop the flow of irregular migration to Europe via Turkey. This agreement, which became known as the EU-Turkey Refugee Statement of 2016, stipulated that all new irregular immigrants and asylum seekers arriving on the Greek islands from Turkey would be swiftly returned to the third country on the basis of their inadmissible asylum claims (European Parliament, 2021). Perhaps the most interesting thing about the Statement signed by the two parties is the time frame in which it took place. The agreement was concluded following a series of meetings between the European Council and Turkey on deepening relations between the two parties, in particular on strengthening cooperation on the so-called "migration crisis of 2015" (ibid.). Building on the 2015 EU-Turkey Joint Action Plan and the EU-Turkey Statement of March 7, 2016, the EU and Turkey reached an agreement focused on breaking the smuggling business model and offering migrants an alternative to risking their lives (ibid.). As part of such an attempt, the EU and Turkey also agreed that for every Syrian returned to Turkey from the Greek islands, another Syrian would be relocated in the EU and that Turkey would take all required measures to prevent new sea or land routes from being opened for irregular migration from Turkey to the EU (ibid.). On the other hand, the EU agreed to restart Turkey's accession process by resuming negotiations on the fulfilment of Turkey's visa liberalization roadmap, thus providing Turkey with a political motive. According to the EU's commitment, the visa requirement for Turkish citizens would be lifted by the end of June 2016 at the latest, provided that Turkey fulfils the remaining requirements (European Parliament, 2021). In addition, the EU agreed to continue to collaborate with Turkey on the disbursement of the €3 billion originally provided under the Facility for Refugees in Turkey, as well as the mobilization of another €3 billion in supplementary funds by the end of 2018 (ibid.). As soon as irregular migration between Turkey and the EU had been stopped or significantly reduced, a programme for voluntary humanitarian admission was to be launched.

At first glance, one might think that the 2016 EU-Turkey Declaration aimed to end irregular migration from Turkey to the Union and provide safe alternatives for asylum seekers. The Statement makes a clear connection between the need to disrupt the business model of "smugglers", people who exploit migrants' hopes of reaching Europe, and the risk they ultimately pose to migrants' lives. However, according to Mandić and Simpson, there is little evidence of how Syrian refugees in the 2013-6 migration wave took a risk by interacting with smugglers, and what impact current policies since March 2016 have had on that interaction (2017). On the other hand, in one of the few research projects regarding the matter, Mandić and Simpson found that anti-smuggling efforts shifted risk from smugglers to refugees, increased misperception among migrants, and weakened refugees' trust in government officials, while increasing refugees' dependence on smugglers. (2017). Unintended consequences of repression against smugglers included deportation back to Syria for dealing with a smuggler; evasion of deadly detours rather than safer routes to avoid police patrols; massive price surges due to increased government crackdowns on

smugglers, resulting in forced family separations because not all family members could afford to migrate; arrests on suspicion of smuggling, even for legal border crossings; and avoiding much-needed medical care for fear of being falsely identified as a smuggler and arrested (ibid.).

Taking into account the above, it seems safe to say that the 2016 Statement fits into the process of securitization as it has unfolded in the context of EU policies towards immigrants and asylum seekers. The most interesting thing about the 2016 Statement, however, is that it provides a clear way to understand the way in which the Union seeks to externalize its security regime to third countries, in this particular case Turkey. Having said that, the Statement not only builds on the 2015 EU-Turkey Joint Action Plan, but also follows a specific direction linking negotiations on Turkey's accession to the European Union with the Europeanization of its own asylum policy. According to Cetin, as part of the Europeanization process, which ultimately aims at a country's full membership in the European political and economic union, Turkey is expected to copy the EU's existing practices for securing migration (2020). In light of this, it seems useful to analyze the country's political and legal evolution since it entered into negotiations regarding its accession to the Union in 2005. The aim of this analysis is to show how the Turkish harmonization process in the field of migration management has been influenced by the externalization of the European migration regime in Turkey in a securitarian way. The following chapter attempts to provide an overview of EU-Turkey relations regarding migration management since the beginning of accession negotiations in 2005. In doing so, it examines the expectations of both parties in order to not only provide an explanation for their cooperation, but also to highlight the specific instruments that have made this cooperation possible.

#### Securitization through Europeanization: Turkey's accession negotiations

To understand how the 2016 Statement fits into the process of securitization that has unfolded in the context of the European Union's foreign policy on immigration and asylum, one must first understand the means by which the Union establishes cooperative relations with third countries. In this particular case, the accession negotiations with Turkey are instructive because their course shows how the linkage between the humanitarian asylum issue and the political expectations of both sides has undermined not only the ideals espoused by the EU but also the international legal guarantees for the protection of refugees and immigrants. Therefore, this chapter deals with the question of how the European Union came to have such cooperation with Turkey in the areas of immigration and asylum. The following sections analyze the motives of both sides to show how the EU's own securitization process has culminated with the externalization of its asylum policy in a State whose human rights record has prevented it from successfully attaining membership in the Union (Martin, 2019).

Combatting irregular and transit migration through Turkey has long been a major concern of the EU (Duvell, 2014). Because of its geographical location, Turkey receives a large number of refugees, more than any other European country. Both refugees and immigrants come to the country from Iran, Iraq, Afghanistan, Somalia,

and most recently, Syria (ibid.). However, a significant number of these migrants and refugees do not seek to settle in Turkey, but continue their journey towards the European Union. This reality has created a situation in which the land and sea borders between Greece and Turkey have gradually become one of the most active migration corridors in Europe (Içduygu and Aksel, 2014). According to a Frontex Report for the period of April-June 2013, the Eastern Mediterranean path, - in particular the Greek land border with Turkey - has become a hotspot for irregular border-crossings into the Schengen area since 2008 (as cited in Içduygu and Aksel, 2014). Another dataset assembled by the Turkish General Staff for the period from September 2006 to June 2012 shows that irregular movements at Turkish borders occurred primarily at the borders between Turkey and the EU, especially since June 2011, and that more than one-third of irregular border crossings during this period occurred close to the land and sea borders between Greece and Turkey while migrants were heading to Greece (ibid).

According to Içduygu and Aksel, the fact that Turkey is a party to the 1951 Geneva Convention and the 1967 Additional Protocol, but still adheres to the geographical clause that limits its protection obligation to European citizens seeking asylum in Turkey, has led to a situation where some of the asylum seekers arriving in Turkey do not intend to seek asylum in the country, but use it as a transit zone to reach Europe through irregular channels to seek asylum (2014). Moreover, some of the rejected asylum seekers in Turkey tend to reach Europe through irregular means after their rejection. This reality has led the European Union to offer incentives to Turkey to sign a readmission agreement between the two parties. Although the EU-Turkey readmission agreement, which has been under negotiation since 2004 and only entered into force in 2013, is not one of the EU membership criteria (Aka and Özkural, 2015), its importance to the accession negotiations between the two parties is acute. Specifically, it falls in line with general European attempts to externalize migration control to third countries (Sonmez and Kirik, 2013).

According to Rais, readmission agreements have become a major issue for the EU in its relationships with neighbor countries (2016). To the extent that such agreements are based on the concept of "safe third countries," they facilitate the process of readmission by usually providing for an explicit obligation to readmit the country's own nationals and a certain number of third-country nationals who have some connection to the country (Nunes, 2019). Since the readmission country is usually one of the transit countries where the asylum seeker has stayed during his journey (ibid.), it seems obvious to argue that the scope of EU readmission agreements focuses on such transit countries, since they are located between developed and developing countries (Içduygu and Aksel, 2014). Because Middle Eastern and African countries are a major source of emigration, the European Union has sought to create a "buffer zone" by negotiating readmission agreements with states on its borders to stem the flow of illegal immigrants (Çetin, 2020). Thus, in an attempt to externalize migration management, the EU has repeatedly opted to sign readmission agreements with transit countries by recognizing them as "safe third countries." This provides the EU with the possibility to readmit any person who does not or no longer fulfills the entry or residence conditions applicable in its territory (Rais, 2016).

In the case of Turkey, it is estimated that more than half a million transit migrants mostly from the Middle East, Asia, and Africa - have been received in the country since 2000 as they attempted to reach Europe (İçduygu, 2014). Because of this reality, since the country entered accession negotiations with the EU in 2005, issues of international migration have become a pressing concern, especially as they affect relations with the EU (ibid.). Thus, Turkey's path to EU membership has been closely linked to negotiations on migration issues, as the country's possible accession ties issues of security to EU border control. As combating irregular immigration is a key priority of the EU's common immigration policy, issues of border security, combating irregular border crossing, returns of foreigners and asylum issues have gained importance in EU-Turkey relations. Therefore, while the Europeanization of Turkish policy toward migrants and refugees through the adoption of the Action Plan for Asylum and Migration in 2005 has led to some liberalization of Turkish legislation (İçduygu, 2014), this process has been closely linked to EU security concerns. Indeed, Turkey's 2015 Action Plan provided a roadmap for developing a comprehensive asylum system that meets European standards. Specifically, the plan called for the establishment of a special authority for asylum and migration, a regional network of reception centres, and other measures to protect refugees (UNHCR, 2008).

Thus, if one considers the influence that the European Union has had on Turkish politics and legislation as a result of the Europeanization of Turkey's migration and asylum system, one could surmise that Turkey's path to membership has led to a modernization of its asylum system and a liberalization of its immigration policy. To support this assumption, the country has enacted new laws, such as the 2003 Law on Work Permits of Foreigners which makes it easier for foreigners to find employment in Turkey, and the Foreigners and International Protection Law of 2013, which introduces some groundbreaking reforms that provide Turkey with a modern, efficient, and fair administrative system (İçduygu, 2014). In addition, Turkey's 2013 law committed it to integrating immigrants in the country and treating asylum seekers and irregular migrants according to international standards (ibid). The law also abolished the principle that only people of "Turkish descent and culture" should enjoy the status of citizen (Cetin, 2020). However, the evolution of Turkish policy and legislation with respect to these international and European standards should not be viewed in isolation from the general process of negotiations between the two parties on Turkey's accession. In fact, Turkey's alignment with the EU acquis in the area of migration and asylum represents an empirical confirmation of the externalization of migration management on the part of the EU (Muftuler-Bac, 2021).

Moreover, this externalization of European norms and practices is of course not irrelevant to the concept of "safe third countries," where the EU can rely on the readmission of foreign nationals because they are safe and therefore responsible for examining asylum claims. The fact that a negotiation process on a readmission agreement between the parties was unofficially initiated in 2004, even before the start of accession negotiations, indicates the EU's motives for extending its asylum acquis to Turkey. Subsequently, Turkey's reluctance to sign a readmission agreement with the EU in the period from 2005 to 2013 can be explained by the danger of Turkey becoming a buffer zone between the borders of the EU and the borders of the

countries of origin of the irregular migrants (Içduygu and Aksel, 2014). In fact, negotiations on a readmission agreement between the EU and Turkey stalled in 2006 because the Turkish State demanded to postpone the readmission of third-country nationals to Turkey after it had signed bilateral readmission agreements with their countries of origin (Demiryontar, 2021; Içduygu and Aksel, 2014). The fact that Turkey had already signed its own readmission agreements with countries of origin such as Bosnia-Herzegovina (2012), Moldova (2012), Nigeria (2011), the Russian Federation (2011), Yemen (2011), Pakistan (2010), Ukraine (2005), Kyrgyzstan (2003), and Syria (2001) (Içduygu and Aksel, 2014) illustrates the EU's disregard for preventing the "domino effect".

According to Rais, EU readmission agreements generally set the stage for cases of deportation where a country sends people back to places where human rights are not guaranteed (2016). Thus, even if the prevention of the "domino effect" is considered a standard in customary international law, the text of the EU readmission agreement does not take into account such considerations (ibid.). Consequently, Turkey has eagerly benefited from the Union's disregard for humanitarian considerations in pursuit of its own political goals. Specifically, as the negotiations regarding the EU-Turkey readmission agreement got into stagnation in 2006 its accession prospects also began to decline (Demiryontar, 2021). The period from 2006 to 2010 is not only further evidence of the link between Turkey's EU accession and its international migration policy, but also a sign that Turkey started negotiating its accession through "migration diplomacy." (ibid.). Thus, during this period, the country worked to establish a link between the EU's proposed readmission agreement and visa liberalization for its own citizens (ibid.). However, despite Turkey's intention to resume negotiations with the EU on the readmission agreement in exchange for a favourable visa regime, the European Council did not consider this linkage until 2012, when the mobility resulting from the Arab Spring strengthened Turkey's position in the context of its negotiations with the Union (ibid.).

According to Bürgin, the political benefits of the Commission's offer to consider visa exemptions for Turks outweighed the financial and social costs of readmitting irregular immigrants and the lack of a credible EU accession perspective (2012). Against this backdrop, Turkey agreed in 2013 to sign a readmission agreement with the EU in return for the implementation of a roadmap providing for visa liberalization for Turkish citizens (Sonmez and Kirik, 2013). Under the visa liberalization roadmap, the EU demanded that Turkey reform its policies on document security, border management, asylum, human rights, and cooperation with EU member states and EU agencies. According to the roadmap, the EU also demanded that Turkey reform its asylum system and, in particular, change its visa policy towards non-EU countries (Içduygu and Aksel, 2014). The EU's last demand regarding Turkey's visa policy toward non-EU countries is particularly interesting because it serves as evidence of the Europeanization of Turkey's policy toward third-country nationals in a securitizing manner. Aligning Turkey's visa regime with that of the EU would mean that its visa regime would become much stricter, which could lead to an increase in irregular immigration to Turkey, as migrants would no longer be able to extend their

visas and find other ways to stay in the country legally (Çetin, 2020). This could even lead to an increase in human smuggling, a problem Turkey is struggling with (ibid.).

Up to this point, the issues of migration and asylum have been closely linked to Turkey's accession to the EU, as Turkey is a transit country through which immigrants and refugees from Third World countries can enter the European Union. In light of this threat and in line with its restrictive policy toward immigrants, the EU has attempted to negotiate a readmission agreement with Turkey, linking it to general negotiations on the third country's membership prospects. However, Turkey, distrustful of the EU's strategy of protecting its borders by shifting the burden of migration management to third countries, appeared reluctant to sign the readmission agreement and therefore postponed its application until it could link it to EU concessions on visa liberalization. Finally, the EU agreed to negotiate visa exemptions for Turkish citizens only after the Arab Spring, when a significant influx of immigrants and refugees fleeing civil war and unstable political conditions would attempt to enter the EU through Turkey. This sequence of negotiations is revealing when it comes to the motives of the two parties for working together to "strengthen relations" through "cooperation on the migration crisis" of 2015. That these motives were political rather than humanitarian is shown by the timing of the negotiation process in the context of increasing instability in the countries of origin. In this context, the EU pursued its traditional policy of shifting the burden to a third country, which would be held responsible for managing the mass influx of immigrants and refugees, while Turkey sought to achieve its own political goals by obtaining visa facilitation.

The trigger for the renewal of relations between the EU and Turkey after 2010 was thus Turkey's willingness to sign a readmission agreement with the EU in return for visa facilitation for Turkish citizens. Especially after the Syrian civil war in 2011, the EU seemed more willing to make further concessions to Turkey since the country gained leverage in the process of negotiation. After 2011, Turkey became a host of a rising number of asylum seekers coming from Syria. As the "refugee crisis" came to a head in 2015, with some 3 million Syrian asylum seekers arriving in Turkey (Demirsu and Cihangir-Tetik, 2019), there was a sense of panic in the EU institutions and a need to ensure at all costs that the millions of refugees would not arrive in Western Europe (Martin, 2019). According to Martin, this panic was a result of the inability of the European Asylum System to deal with the scale of the problem, the illiberal response of some EU member state governments on the migration route, and the rise of populism in member states, some of which were about to hold parliamentary elections (2019). These obstacles played an important role in the EU's decision to cooperate with Turkey despite the rise of authoritarianism in the wake of the Arab Spring (ibid.). Thus, in 2015, after the magnitude of the problem related to the congestion of the Greek and Italian asylum systems became clear, the Council of the European Union agreed to initiate regular summits between Turkey and the EU and to restart the accession process. It also promised visa liberalization, 3 billion euros in humanitarian aid, and a joint action plan to manage migration in order to limit the number of people coming to Greece from Turkey (ibid.).

Thus, what came to be known as the 2016 EU-Turkey Refugee Statement stemmed from the EU-Turkey Joint Action Plan and both migration deals evolved from the 2013 EU-Turkey readmission agreement which had stipulated that illegal immigrants who had entered the EU via Turkey were to be sent back to Turkish authorities, who were expected to either accommodate them or return them to their countries of origin or transit (Demirsu and Cihangir-Tetik, 2019). In connection with the 2015 Action Plan, the EU Commission also postponed its 2015 Annual Progress Report, which noted a negative trend in respect for the rule of law and fundamental rights in Turkey, until after the November parliamentary elections (Martin, 2019). This is an indication of the urgency with which the EU has sought to conclude the agreement with Turkey, and even to come to terms with a State whose human rights record had been deteriorating (ibid.). As a result, in March 2016, the European Council and Turkey issued the Statement with which Turkey agreed to accept the swift return of all migrants not in need of international protection coming from Turkey to Greece and to take back all irregular migrants intercepted in Turkish waters (Gokalp Aras, 2019). In return, the EU committed to resettle one Syrian refugee from Turkey to the EU for every Syrian returned to Turkey from the Greek islands, up to a maximum of 72,000 people. Finally, both sides agreed that all new irregular migrants arriving on the Greek islands from Turkey as of March 20, 2016 would be returned to Turkey. As mentioned earlier, the three main objectives of the agreement between the parties were to prevent the loss of life in the Aegean Sea, to dismantle the smuggling networks, and to replace illegal migration with legal migration (ibid.).

#### The 2016 EU-Turkey Refugee Statement: Results and criticism

Up to this point, it has been shown that the 2016 EU-Turkey Refugee Statement was the result of political concessions by both the EU and Turkey. Moreover, the Statement was negotiated as part of an attempt to revive Turkish prospects for EU accession. Against this backdrop, the 2016 refugee deal has been embedded in a security narrative that prioritizes mechanisms to support Turkey's refugee integration efforts and border management capacity to reduce the number of refugees reaching European shores (Demirsu and Cihangir-Tetik, 2019). The EU has therefore decided to contribute mainly with financial resources to strengthen Turkey's capacity to integrate Syrian refugees and protect its borders. In this context, a policy of immigration detention was followed with the goal of securitization of borders between EU and Turkey and the deterrence of migration (Endicott, 2018). Thus, under the EU- Turkey Statement irregular immigrants were to be housed in reception centers on the Greek islands. This was in line with the Hotspot approach developed under the European Agenda on Migration in April 2015 in the midst of the refugee "crisis" (Luyten and Orav, 2020). The Hotspot approach, the EU's main strategy for dealing with migratory pressures during the "crisis," provided for the creation of facilities for the initial reception, identification, registration, and fingerprinting of asylum seekers and migrants arriving in the EU by sea (ibid.). In addition, experts from EU agencies such as the European Asylum Support Office (EASO), Europol,

and the European Border and Coast Guard Agency (Frontex) were dispatched to the hotspots to support national authorities (ibid.).

According to Luyten and Orav, under the Hotspot approach, Frontex assists EU member states in organizing the return of irregular migrants who do not have the right to remain in the EU or whose asylum claims have been deemed inadmissible (2020). In addition, Frontex positions Joint Screening Teams to assist EU Member States with registration and identification procedures (ibid.). Moreover, inquiries to tear down smuggling and trafficking networks are carried out by Europol and Eurojust in cooperation with the host EU Member State (ibid.). The cooperation between Frontex and actors dealing with "tougher" security issues, such as Europol and NATO, whose defense ministers decided in February 2016 to deploy Standing Maritime Group 2 to the Aegean Sea to support Greece and Turkey, as well as the European Union's border management agency Frontex, in their efforts to address the refugee and migrant crisis (Léonard and Kaunert, 2020) is of course further evidence of the increasing securitization in the region following the adoption of the 2016 Statement. In the same period, NATO ships led reconnaissance, surveillance and monitoring missions in the territorial waters of Turkey and Greece (ibid.). In addition, liaison arrangements, including the use of Frontex liaison officers to the NATO operation, enabled NATO to provide real-time intelligence to Frontex and the Greek and Turkish coast guards (ibid.). In turn, Frontex expanded its cooperation with Europol in the hotspots, and its work contributed to the investigation and dismantling of smuggling networks (ibid.).

According to Léonard and Kaunert, the 2015-2016 "refugee crisis" has led to an increase of securitization of practices on the part of Frontex due to the agency's cooperation with a military alliance (NATO) and law enforcement (Europol) (2020). In this context, Frontex's joint maritime operations have become increasingly sophisticated. They focus not only on the gathering and production of migration information, but also on other kinds of information related to "harder" security threats such as organized crime and terrorism (ibid.). Moreover, Frontex's practices in the context of the 2015-2016 "crisis" have been thoroughly criticized by both academics and international non-governmental organizations. Human Rights Watch has specifically condemned Frontex's inability to credibly investigate or take steps to curb the abuse of migrants at the Greek-Turkish maritime border, even when there is clear evidence of rights violations, including pushbacks (2021). Aside from the fact that the agency is preventing asylum seekers and migrants from reaching EU soil, in violation of EU and international law, academics have also alleged that the agency is conducting selective rescues in the Mediterranean, leaving people to die, or destroying makeshift boats in the fight against human traffickers (Heller and Pezzani, 2016 as cited in Hasian, Olivas and Muller, 2017).

On the part of Turkey, securitizing practices have also been prominent in the post EU-Turkey deal period. The country, which had an open-border policy to accept Syrian refugees under temporary protection at the beginning of the Syrian civil war, has built walls along the Syrian border after the refugee Statement went into effect and has erected high-tech "smart towers" reportedly equipped with automatic warning and firing mechanisms (Gürakar Skribeland, 2018). In addition, the military vehicles purchased by Turkey to patrol the Turkish-Greek border have been criticized as "overkill" for this purpose (ibid.). There are also additional reports of abuses at the border, including shootings and push-backs of Syrians, the detention of people apprehended crossing Turkey before being deported in groups back to Syria, and Syrians and people of other nationalities being tricked into signing voluntary return forms in Turkish or forced to do so under threat of further detention, an obvious violation of the principle of non-refoulement (Aras and Duman, 2019; Gürakar Skribeland, 2018; Sunata and Erduran, 2021). These actions on the part of Turkey are further encouraged by the absence of a monitoring mechanism that would report on the situation of returnees from Greece to Turkey under the Statement and the situation of refugees in removal centers in general (ibid.). As a result, refugees sent back to Turkey from Greece have reportedly been forced to return to Syria (Goalwin, 2018), while Turkey seeks to further return returnees from Greece where possible by conducting new readmission agreements and relying on agreements already signed (Gürakar Skribeland, 2018).

These developments are evidence that Turkey's policy of open borders and temporary protection is reaching its limits with the increasing number of new arrivals and the difficulties in integrating them into Turkish society (Yıldız and Uzgören, 2016). Given that the resettlement mechanism constructed under the EU-Turkey Statement has proven not to be effective, with only 28,340 Syrians being relocated to the European Union from Turkey during the period 2016-2021 (European Council of Refugees and Exiles, 2022), a significant number of Syrian asylum seekers are still residing in Turkey. According to several reports from academics, their integration has proven difficult, as social acceptance of Syrians in Turkey has declined following the EU-Turkey Statement. In view of the fact that the temporary stay of Syrians in Turkey is being extended and a large number of them have begun to settle permanently, discontent is growing in Turkish society (Yıldız and Uzgören, 2016). This discontent is compounded by the fact that the protracted system of temporary protection has left refugees in a state of uncertainty, thus preventing the development of rights-based sustainable policies (ibid.). As a result, Syrian refugees in Turkey are largely dependent on social "services" such as education, health, and employment provided by the political authority (ibid.). This, of course, means that taxpaying citizens must share the public services allocated to them with nearly 4 million Syrian refugees (Mccarthy, 2021). This, and the fact that a significant number of Syrians work illegally in jobs that do not require qualifications (Levent, 2019; Şimşek, 2019; Yıldız and Uzgören, 2016), Has made Syrians vulnerable to exploitation and created the image of lazy and parasitic people who use public resources without doing anything (Levent, 2019).

This problem is exacerbated by the fact that, although the Law on Foreigners and International Protection guarantees Syrians under temporary protection access to the labor market through a work permit, it has proven difficult to obtain in practice, as it depends on employers' willingness to offer employment contracts and on refugees having held Turkish identity documents for at least six months (Şimşek, 2019). This reality has apparently created the image of Syrians as the "others" who are seen as a security threat by the Turkish population under the current conditions (Yıldız and Uzgören, 2016). At this point, it must be mentioned that EU funds were used in order

to reduce the dependence of Syrians on the services of the Turkish state. In this context, part of the 6 billion euros allocated for "social projects inside Turkey for helping refugees" (Wallis, 2020) was used to establish health centers and cash assistance for more than 1 million Syrians not housed in camps in various parts of Turkey (Mccarthy, 2021). This aid was intended to enable the Syrians to contribute to the local economy by meeting their basic needs such as shelter, food, and clothing (ibid.). However, according to Muftuler-Bac in comparison to what Turkey has already spent from its own resources, close to 40 billion euros in humanitarian aid to the Syrian refugees, the European financial scheme remains low (2021). Moreover, the aforementioned lack of a monitoring mechanism has made it difficult to assess the needs of Syrians in Turkey, while UNHCR and various NGOs working to provide humanitarian assistance to Syrians face obstacles in accessing removal centers in Turkey (Gürakar Skribeland, 2018). Accordingly, UNHCR has found that it has not received orderly information from Turkish authorities on the legal status and location of persons readmitted from Greece, which has affected its capacity to monitor their treatment (ibid.). Given numerous reports of Syrians being unlawfully detained in removal centers (Aras and Duman, 2019; Gürakar Skribeland, 2018), this situation could adversely affect the rights of Syrian refugees in Turkey.

The situation in Greek hotspots is another example of the impact that the EU-Turkey Statement has had on the rights of asylum seekers. According to Endicott's 2018 research on refugees being accommodated in the Lesvos hotspot, the consequences of the 2016 Statement have manifested themselves in the establishment of a repressive system of containment that has led to a public health crisis (Endicott, 2018). In particular, the Hotspot Approach combined with the EU-Turkey declaration has meant that asylum seekers living in the Lesvos hotspot (Moria Reception and Identification Center) have been forced to wait indefinitely for a decision granting them refugee status. This is because shortly after the EU-Turkey agreement came into force, the Greek asylum appeals committee ruled that Turkey was not providing adequate protection to refugees, shifting the responsibility for examining applications back from Turkey to Greece (Endicott, 2018). So instead of sending irregular migrants from the Greek islands back to Turkey immediately, asylum applications would be examined on the Greek islands starting in June 2016 (ibid.). This placed a serious strain on the overly compromised Greek asylum system, as refugees who arrived on the mainland via Lesvos prior to the 2016 declaration were now detained and immobilized in the hotspot, which became a closed detention center (ibid.).

This reality has reinforced the contention that detention, in all its forms, while conceived as a temporary and urgent measure, is becoming a "key element" in the management of migration in the EU (Guérin, 2021). In this context, and despite the enormous and disproportionate financial and human cost of detention and the ineffectiveness of States' excessive recourse to it, the European Commission's proposals currently under negotiation broaden the scope of detention of asylum seekers and require Member States to restrict the movement of asylum seekers, in particular with a view to enforcing compliance with the Dublin Regulation (European Council on Refugees and Exiles, 2017). However, this approach risks further streamlining the detention of asylum seekers as a supposedly necessary component of

a functioning Common European Asylum System and legitimizing current tendencies in some Member States to use detention as a first response rather than a last resort (ibid.). This is evident in context of the detainment of asylum seekers in hotspots within Greek islands, where an immigration detention policy is closely intertwined with the securitization of Greek borders and the deterrence of migration (Endicott, 2018). As a result of this policy, asylum seekers contained in Greek islands faced significant problems regarding their accommodation, as they were inadequately housed and did not have the necessary information on how to proceed in their situation (ibid.).

Given these difficulties, as well as limited resettlement options and an inadequate asylum system, the number of asylum seekers on the Greek islands continued to rise. In 2020, an estimated 42,000 people were housed on Lesvos, Samos, Chios, Leros, and Kos, including an estimated 20,000 in the Moria hotspot on Lesvos, which was designed to accommodate a maximum of 3,000 refugees (Higginbottom, 2020; Smith, 2020). This led to tensions between the asylum seekers and the local population, while the asylum seekers were repeatedly accused of theft and destruction of property (ibid). As a result, anti-immigrant sentiment began to break out, vigilante groups formed, and far-right ideologies found a foothold in part of local society in the face of government inaction (Higginbottom, 2020). Ultimately, it was this inaction, combined with rising tensions between asylum seekers and locals, as well as the asylum seekers themselves (Higginbottom, 2020), that led to the burning down of the Moria hotspot in September 2020. Either this incident started with the asylum seekers because of the quarantine imposed on them under COVID -19, as the Greek migration minister claimed, or it was the result of scuffles between immigrants and far-right Greek locals, as many asylum seekers claimed (BBC, 2020), the burning down of the largest hotspot in Greece was adequate evidence of the dire situation created by the 2016 EU-Turkey Statement.

#### Conclusion

The aim of this dissertation was to shed light on the process of securitization of migration and asylum issues in the context of the European Union's cooperation with Turkey during the "refugee crisis" of 2015-2016. The main hypothesis of the paper was that through this cooperation, whose goals and motives crystallized in the EU-Turkey Statement, the European Union influenced Turkish policy in a securitarian manner by linking the country's accession perspective to the Europeanization of its migration regime. The process of political negotiations between the two parties thus overshadowed the need for a humanitarian response to the "crisis," which was primarily due to the inability of European Member States to provide for an adequate burden-sharing mechanism and the immaturity of the European asylum system. In particular, the rising populism and illiberal practices of some EU Member States, such as Hungary, whose prime minister directly linked migration to a terrorist threat, erected a fence along the border, and suspended Hungary's participation in the Dublin III agreement (Martin, 2019), posed a threat to European institutions and the post-Schengen status-quo.

Faced with this threat, the European Union decided to enter into an illiberal agreement with Turkey, both to deal with the increasing influx of migrants and refugees crossing the country and to protect the EU acquis from growing populism. Thus, in 2016, the EU and Turkey agreed on the refugee deal, which was supposed to break the smugglers' business model and offer refugees an alternative to risking their lives. However, due to the intertwining of the political motives of both parties and the humanitarian nature of the issue at stake, the solution offered was largely ineffective in addressing the problem. In fact, the fight against smugglers in the 2016 EU-Turkey refugee Statement has only served to strengthen their position by allowing refugees to cross the Aegean by more dangerous routes, and in many cases the risk has shifted from the smugglers to the refugees. Proof of this is that 2016, the year the Statement went into effect, was the deadliest year in history for migrants of all origins trying to cross the Mediterranean and Aegean to reach Europe (Goalwin, 2018). Although the EU-Turkey Statement eventually succeeded in curbing irregular migration to Europe, and in 2018 the European Commission called it a "game changer" due to the reduction in border crossings (EC, 2018), this was offset by its negative impact on refugee safety, as migrants chose increasingly risky routes to the perceived safety of Europe (Goalwin, 2018). Apart from that, the Statement, which was constructed as a political compromise between the European Union and Turkey, has had a disastrous impact on the situation of asylum seekers both in Turkey and in Greece.

Specifically, the externalization of European migration management in Turkey has prolonged temporary protection for Syrians, a regime that does not provide access to fundamental rights (Muftuler-Bac, 2021), is not concretely defined, and does not comply with international law, meaning that it can be abolished at any time by the Turkish government (Ekmekci, 2017). Thus, the EU appears to have mandated the protection of asylum seekers in Turkey, a country considered "safe" under the readmission agreement signed between the two parties in 2013, without ensuring that the fundamental rights of asylum seekers are respected, as evidenced by the lack of a monitoring mechanism related to financial assistance to Turkey. Since this financial assistance is not comparable to what Turkey has spent and may spend on services for Syrians under temporary protection, tensions between the local population and Syrian refugees are expected to increase, as taxpaying Turkish citizens may ultimately be economically responsible for the provision of said services. This is a scenario that seems likely, given the deterioration of EU-Turkey relations following significant democratic setbacks in Turkey in recent years, such as the suppression of freedom of speech, press, and assembly (Higashino, 2021) and the crisis that the Turkish economy is currently experiencing (Michaelson, 2021). Given that there appears to be a significant correlation between the economic dissatisfaction of the Turkish population and a lower likelihood of voting for the current government (ibid.), there is a further threat to refugees as the main opposition parties (with the exception of the pro-Kurdish People's Democratic Party (HDP)) pursue an anti-refugee agenda and they have significantly fueled the anti-refugee discourse in politics (Gürakar Skribeland, 2018). In this way, the image of refugees as "the others" can be strengthened in Turkish society, which is detrimental to both their integration and the development of the Turkish asylum system.

Concluding, given that the EU-Turkey refugee Statement of 2016 is largely viewed as a success by EU institutions as well as a potential model for cooperation with other countries (Gürakar Skribeland, 2018), there is a need to note the detrimental effects that the deal has had on the rights of asylum seekers. This essay has analyzed these effects and found that the agreement effectively worsened living conditions for refugees in both Turkey and Greece. This has created and strengthened anti-refugee discourses that can only support further security policies given the European Union's security-oriented view of migration. So, being preoccupied with securing its borders, the EU has entered into an agreement with an illiberal country, an agreement that runs counter to the humanitarian norms it claims to espouse. Unable to find a solution that provides for effective burden sharing among its Member States, the European Union has sought to outsource its migration and asylum management to Turkey in order to build consensus among Member States, some of which are governed by populist, antiimmigrant parties. Despite its supposed "success," however, this strategy has significant drawbacks, as it has reduced the prospects for legitimate registration and recognition of refugees, worsened their living conditions, and enabled an anti-refugee discourse in the States affected by the Statement, Greece and Turkey. Not only are these conditions fertile for an upsurge in securitization tactics, but they do not provide a reliable solution to future refugee "crises" and may even help to strengthen populist voices within the European Union. In light of all this, the EU urgently needs to recognize that its "existential threat" is not people fleeing war zones, but its own shortcomings in forming cooperation and burden-sharing mechanisms to deal with such problems. In a context where containing refugees is the first solution to managing the influx and where deals are made with illiberal states that put refugees at risk, the future of asylum in Europe seems bleak, while its influence as a normative actor is called into question.

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