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Author: Jonah Gadsby

The EU-Turkey Readmission Agreement: A New Paradigm for EU-Turkey Relations?

Abstract: Readmission agreements are an important tool used by the EU to influence the legal framework of migration in third countries and externalise the Union's migration policy. This paper will be based on the question: how effective has the EU's Readmission Agreement with Turkey been in bringing Turkish asylum law in line with European fundamental rights standards? It will answer these questions through an analysis of the readmission agreement, the reforms introduced by Turkey into the 2013/14 Law on Foreigners and International Protection (LFIP) in order to facilitate the agreement, Turkish authorities' effectiveness in implementing the readmission agreement and the related new legal framework created by the LFIP, and finally, by engaging with arguments that Turkish asylum law and migration management practices are too underdeveloped for Turkey to be classified as a safe third country for returnees. The paper will take position that while the Union's prevailing policy conditionality approach has positively contributed to the development of Turkish migration law in line with European fundamental rights standards, the flexibility inherent to the policy conditionality strategy has weakened the Union's leverage and allowed Turkish authorities to dodge its responsibilities to ensure fundamental rights in implementing the readmission agreement and the LFIP.

This paper will argue that the EU has been successful in introducing European norms into Turkish migration law through a hybrid framework of policy conditionality and social learning, in spite of the fact this has yet to result in substantive changes in Turkish migration management practices. The paper will do so by documenting the evolution of Turkish migration law and legal reality since 2013, showing that while initially Turkey's ratification of the RA and normative europeanisation of its legal framework for migration through the Law on Foreigners and International Protection (LFIP) were done to fulfil the EU's conditions for visa liberalisation, the lack of progress on the visa liberalisation dialogue caused a shift in the Turkish strategy, prioritising the creation of a framework allowing Turkey to pursue strategic and normative integration with the EU without committing corresponding substantive integration. Inversely, while the EU is unsatisfied with Turkish authorities' lack of regard for

the fundamental rights of migrants, strategic considerations overrode normative considerations for the European Commission in concluding the RA, while the Commission expects that Turkey's integration into the EU's overall migration strategy will strengthen the EU's leverage over Turkey by socialising Turkish bureaucrats to European roles and causing them to internalise European migration practices. This paper will conclude by restating its thesis and arguing that the EU should not abandon the positive gains it has made in europeanising Turkish migration law by abandoning the RA, while making some suggestions for modest improvements using the mechanisms provided for by the RA.

Bürgin and Aşıkoğlu present three models to explain the europeanisation of Turkish migration law; the external incentives model, the social learning model, and the lesson drawing model.1 The external incentives model ties a state's attempts to harmonise its legislation with the EU acquis to the expectation that the benefits awarded by the EU for doing so will outweigh the costs of enacting reforms. As Bürgin and Aşıkoğlu note, a key factor in determining the effectiveness of this process is the credibility of the EU in awarding benefits upon fulfilment of conditions. In the social learning model, Bürgin and Aşıkoğlu argue, harmonisation with EU law is achieved by domestic actors' internalisation of EU norms through participation in the EU's institutional structures. According to this model, europeanisation is achieved because EU-Turkey interaction socialises Turkish civil servants to EU mores and institutions, thus allowing EU-Turkey cooperation in one sector to act as a catalyst for cooperation and harmonisation of rules and practices in another. What Bürgin and Aşıkoğlu neglect – and what this paper will argue – is that the inverse can also occur; and in fact, the underlying assumption of Turkish politicians dealing with the EU is that a strategic

cooperation framework on migration issues which embeds EU fundamental rights into Turkish law without transferring them into migration management practices will provide a model for Turkey-EU cooperation in other sectors as well. Under Bürgin and Aşıkoğlu's lesson drawing model, popular dissatisfaction creates the need for reforms, for which the economically and politically stable EU naturally provides a template.2 As a result of this, the EU is able to use its influence to strengthen favoured domestic actors, which correspondingly incentivises politicians to agitate for europeanising reforms. It can argued, as Bürgin and Aşıkoğlu highlight, that it was this model which was key in the AKP's general election victory of 2002, when it portrayed itself as a modernising party of "Muslim democrats" keen to reinvigorate the EU accession process.3 Bürgin and Aşıkoğlu conclude that the former two processes have been the most influential in Turkish europeanisation, while noting that the latter has also been effective, particularly in the EU's funding and training of Turkish refugee rights NGOs to pressure the Turkish government to enact reforms.

Demiryontar expands on Bürgin and Aşıkoğlu's external incentives model by highlighting the dichotomy between accession conditionality – when a state enacts europeanising reforms expecting EU accession as a reward – and policy conditionality – when a state enacts reforms with the expectation of some other benefit from the EU.4 Demiryontar describes how the Commission and Turkey developed a complex policy conditionality framework tying Turkish ratification of the EU readmission agreement to a visa liberalisation dialogue regulated by a roadmap requiring Turkey to meet 72 conditions grouped into categories of document security, migration management, public order and security, fundamental rights, and readmission of illegal migrants. Demiryontar's central thesis – which

this paper seeks to build off of – is that the EU's need to quickly conclude a readmission agreement caused it to detach the RA from the previous accession conditionality framework, while Turkey was willing to accept the costs of implementing the RA because of the importance not just of visa liberalisation, but also of creating a new policy conditionality framework that allowed Turkey and the Union to deepen cooperation independently of accession negotiations.5

Çiçekli argues that EU law, the European Convention on Human Rights (ECHR), and the rulings of the European Court of Human Rights (ECtHR) all exert a heavy influence on the LFIP.6 Through a close analysis of the reforms contained in the LFIP, he arrives at the conclusion that the LFIP represents the first parliamentary legislation providing a comprehensive legal framework for asylum in Turkey. Though Çiçekli notes the importance of domestic factors in the LFIP's conception, his research shows that external factors (namely, the need to create a new legal framework for implementing the readmission agreement) largely shaped the character of the LFIP's content.

A readmission agreement is an agreement by which two or more states agree to readmit their citizens residing illegally on the territory of another party to the agreement's jurisdiction. As both Kruse and Aka note, readmission is a well-established norm in international law, dating back to the Treaty of Gotha in 1851.7 The EU was granted the competence to negotiate and ratify readmission agreements with third countries on behalf of its members (with the exception of Denmark and Ireland) by the Treaty of Amsterdam in

1999.8 Through its 17 readmission agreements currently in force, the EU has sought to create new international legal norms for readmission by compelling other parties to the agreement to readmit third country nationals if they have transited the territory of one party to the agreement on the way to the territory of another.9 This allows the Union to remove unsuccessful asylum applicants who might not be eligible for return from the territory of its member states without directly violating the non-refoulement principle enshrined in Article 19 of the EU Charter of Fundamental Rights as well as numerous other treaties, such as the 1951 UN Convention relating to the Status of Refugees (henceforth the 1951 Refugee Convention). In order to prevent human rights violations against persons readmitted to third countries, EURAs all include a non-affection clause binding third countries to uphold the 1951 Refugee Convention, the 1984 Convention against Torture, and further international conventions establishing the rights of irregular migrants, especially that of non-refoulement. In practice, however, the EU lacks binding mechanisms with which to uphold these clauses, and has to resort to other forms of leverage over third countries to ensure compliance.

The EU's strongest leverage over Turkey was its potential to act as a forum for constructive dialogue between Turkey and Europe at a time when individual member states were increasingly distancing themselves from the AKP government's reforms. As Kruse argues, though the EU's readmission agreements are based on reciprocity, it is in practice unlikely for an EU member state to be the readmitting country.10 Hence, the clause compelling co-signatories to agree to readmit third country nationals places much of the EU's migration management burden on the readmission agreement's co-signatory, meaning that the EU requires considerable leverage to convince a third country to sign a readmission

agreement. In order to secure an agreement with Turkey, the EU initially adopted a strategy of accession conditionality. This strategy failed to achieve any progress in inducing Turkey to sign a RA because Turkish officials did not see the incentive of EU accession as credible for a broad variety of reasons outside the scope of this paper to describe.11 The slow progress on the RA caused the EU to adopt in 2007 a policy conditionality strategy, attaching the RA to the opening of dialogue on liberalising the EU's visa regime for Turkish citizens.12 Though senior AKP politicians frequently threaten to withdraw from the RA if the EU doesn't liberalise its visa regime,13 both parties recognise that is the dialogue, and not visa liberalisation itself, that provides the instrument of conditionality. In 2008, technical discussions began between the Commission and Turkey on the RA, followed by the official relaunch of negotiations in 2010.14 In order to bring Turkish asylum law in line with the EU's asylum acquis as required by the roadmap, the Turkish government drafted the Law on Foreigners and International Protection (LFIP) with the intent of codifying European fundamental rights standards into Turkish law. The LFIP was signed on April 4th 2013, and fully came into effect exactly one year later.15 This was followed by the ratification of the RA and the concurrent opening of the visa liberalisation dialogue on December 16th, 2013.

In order to assess the success of the EU in europeanising Turkish asylum law, it is first necessary to define europeanisation in the context of Turkish asylum law. I will use three definitions: strategic europeanisation, normative europeanisation, and substantive europeanisation. By strategic europeanisation, I mean the process by which a state integrates itself into the Union's overall strategy in a specific area, modifying its strategic goals to mirror those of the Union without necessarily having to modify its practices to conform to the

standards of the Union or its member states. Normative europeanisation, on the other hand, is a shifting of norms to conform with the EU acquis. In the context of Turkish asylum, normative europeanisation takes place when the Turkish government communicates an expectation to the authorities charged with implementing its migration policy that their practices should conform to those in the EU asylum acquis. Substantive europeanisation in this case occurs when there is no divergence between normative europeanisation and migration management practices. In the Turkish case, I will argue substantive europeanisation has not occurred because the Turkish government – despite codifying European norms into Turkish law – has tacitly sanctioned the continuation of Turkey's previous security-oriented approach to migration management. The question which I will thus seek to answer is if the official recognition of European norms will organically integrate these norms into Turkish legal reality over time by socialising Turkish authorities to European roles and norms.

The LFIP is the most notable success in the EU's attempts to europeanise Turkish asylum law. Though a need to devise a legal framework to deal with the massive influx of migrants from Syria into Turkey after 2011 existed independent of the EU's influence, the Turkish government's intention to conclude the RA and fulfil the conditions of the visa liberalisation roadmap were decisive in shaping the LFIPs' contents. Though, as Çiçekli convincingly argues, the EctHR's jurisprudence and individual member states' practices have also acted as europeanising influences independent of the EU's policy conditionality,16 this paper will focus on the reforms to the law introduced directly in connection with the RA and the roadmap. The most important of the roadmap's conditions introduced by the LFIP is the principle of non-refoulement. In the context of the refugee crisis, this was critical, as Turkey's

ratification of the 1951 refugee convention included a geographical limitation applying only to refugees fleeing events in Europe, while Turkey had also signed a readmission agreement with Syria in 2003 in preparation for a potential future EURA.17 While, as Çiçekli notes, Article 3 of the European Convention on Human Rights, which Turkey has signed, has in practice been interpreted by the European Court of Human Rights as constituting a legal safeguard against refoulement,18 Article 4 of the LFIP explicitly recognises this principle in Turkish law for the first time. The text of Article 4 largely mirrors that of the 1951 refugee convention, preventing return to a country "where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion."19 In addition, the LFIP establishes a new body under the Ministry of Interior, the Directorate General of Migration Management (DGMM), in order to implement the law and develop a strategic plan for migration management,20 as implied by the roadmap. Additionally, the law creates an appeal procedure for rejected asylum claimants as required by the aforementioned condition, allowing 10 days to file an appeal.21

The EU's success in securing normative europeanisation through its policy conditionality framework was not an unmitigated success. A particular bone of contention in RA negotiations was the geographical limitation. The Turkish government's position thereon is a relic of the previous accession conditionality strategy, stating that Turkey will only remove the geographical limitation once Turkey has been granted full EU membership.22 In the final draft of the LFIP, the geographical limitation was retained, thus creating two classes of refugee status in Turkey: full status, regulated by Article 61 and mirroring the language of the 1951 Refugee Convention, and conditional status, regulated by Article 62 and allowing

persons whose situation would allow them refugee status if not for the geographical limitation temporary refugee status until they can be resettled to a third country.23 This received the approval of the Commission, which withdrew its previous demands for removal of the geographical limitation.24 According to Demiryontar, this U-turn was viewed as necessary by the Commission to maintain to credibility of the policy conditionality strategy in the face of the opposition from the Council and the European Parliament to the main instrument of policy conditionality: the visa liberalisation dialogue.25 In fact, the Commission's decision had the opposite effect, signalling the EU's willingness to accommodate Turkey's existing approach to migration management while tacitly acknowledging the removal of the main instrument of conditionality. The message the Turkish government received was that the Union was willing to compromise on substantive europeanisation where doing so was necessary to achieve the Union's strategic goals. Though this undermined the credibility of the EU's policy conditionality approach, policy conditionality was not fully abandoned. According to Demiryontar, Turkish negotiators agreed to sign the RA because they were operating on the premise that, by ratifying the RA before receiving any guarantee on visa liberalisation, they could normatively entrap the Council – which had justified its opposition to visa liberalisation on the basis of supposed Turkish intransigence in ratifying the RA – into consequently approving visa liberalisation or face tarnishing the credibility of the EU's policy conditionality and weakening its leverage in future negotiations with neighbourhood states.26

Neither the Commission or any other EU institution has so far made any attempts through the RA, the roadmap, or other instruments to europeanise one of the most important aspects of migration law in Turkey, the temporary protection regime. A temporary protection

regime had been declared in 2011 for Syrians arriving in Turkey, but this had no apparent legal basis until the LFIP. The LFIP establishes a right to subsidiary protection for those who do not qualify as refugees or conditional refugees but could face death, torture, or "serious threat to himself or herself by reason of indiscriminate violence in situations of international or nationwide armed conflict" as a result of being returned to their countries of origin.27 The temporary protection regime was further elaborated in the Interior Ministry's Temporary Protection Regulation (TPR), which came into effect on 22nd October 2014. This created a legal framework for the de facto temporary protection regime that had been established in 2011 for those fleeing events in Syria. The roadmap does not mention anything about the temporary protection regime, only that migrants should have "the possibility to claim asylum and obtain protection" in Turkey.28 The definition of "obtaining protection" is left vague and loose, likely as a result of the Commission's desire to conclude a RA while mollifying the Council and Parliament by providing some conditionality.

The Temporary Protection Regulation demarcates the outer boundary of the Turkish government's attempts to europeanise its legal framework for migration. Temporary protection regimes, as Durieux notes, are often intended to "deter local integration and facilitate repatriation."29 This is fully consistent with the 'concentric circles' model of EU returns policy highlighted by Kruse, which creates a decentralised, unscheduled system for eventual repatriations to the country of origin managed by a variety of state institutions and agencies.30 This exemplifies how the goal of the TPR is to 'europeanise' Turkey in the sense of integrating Turkey into the EU's migration strategy, rather than 'europeanising' Turkey's temporary protection regime in a normative sense. Çiçekli optimistically posits that the TPR

nonetheless creates a framework for europeanisation to take place, arguing that the regulation establishes "an important national precedent for temporary protection practices whose normative borders are sought to be determined under European Asylum Law and other international instruments"31 Çiçekli's argument is emblematic of the social learning model, in that it suggests deeper linkage between Turkey and the EU will create an impetus for Turkey to undertake reforms independent of conditionality. While arguably too little time has elapsed since the TPR's implementation for such a position to be falsifiable, it is possible to evaluate the TPR's normative europeanisation of Turkey's temporary protection regime by comparing it to the EU's own Directive on temporary protection from 2001. The most important divergence between the two is that the Directive ensures the right of temporarily protected persons to apply for asylum at any time,32 whereas this is explicitly prohibited by the TPR.33 While this could be defended as an undesirable necessity to ensure the DGMM's capacity to processes various protection and asylum claims is not overstretched, it does not equate to normative europeanisation. It may even be harmful to the Union's strategic aims, because, as Rygiel et al. note, the uncertain situation in which the temporary protection regime places those Syrian migrants to whom it applies and the lack of legal means to change their status functions as a significant 'push' factor for migrants to migrate from Turkey to Europe.34

Both parties' unwillingness to implement key concessions in the policy conditionality framework diluted its credibility and caused a shift in Turkish-EU cooperation in migration affairs towards a hybrid framework merging policy conditionality with the mutual expectation that a social learning model would emerge. From the Turkish perspective, the expectation of policy conditionality remains the official basis for cooperation, while, as President Erdoğan

and several AKP ministers have implied, the Commission's inability to deliver visa liberalisation for Turkey would lead to the breakdown of the RA.35 In spite of Erdoğan's threats, which are intended more for Turkey's crucial nationalist constituency – which is in many regards skeptical of the AKP and especially its open borders policy towards Syria – than for Brussels' ears, the consistent lack of progress on visa liberalisation has not endangered the RA, but rather has increased the importance for the AKP government of maintaining the dialogue in perpetua as a means of extending the new framework for cooperation that the RA creates. In the absence of a realistic chance for visa liberalisation, it is equally valuable for Turkey to preserve and develop a cooperation framework that integrates Turkey into the EU's migration control strategy while tacitly nullifying the conditionality instrument designed to ensure Turkish compliance with EU fundamental rights standards. It is perceived as equally important to socialise Commission officials to this cooperation framework in order to apply it to other sectors of Turkey-EU cooperation. In this manner, the AKP seeks to develop an alternative to accession allowing Turkey to enjoy the benefits of intensified cooperation with the Union and its member states without requiring political reform in Turkey.

The substantive europeanisation of Turkish migration law through the RA has been undermined by the lack of transparency and supervision of the agreement. Though all EURAs include a non-affection clause binding both parties to uphold the rights of readmitted persons under the 1951 Refugee Convention, the 1984 Convention against Torture, as well as additional international conventions pertaining to migration, a lack of effective instruments exists to compel third country compliance with the non-affection clause, a state of affairs

endemic to all EURAs but particularly pertinent in the Turkish case. The agreement entrusts monitoring of parties' compliance therewith to a Joint Readmission Committee composed of Turkish and Commission representatives.36 This has been criticised by NGOs and academics for its lack of oversight from the European Parliament, as well as for the Commission's unwillingness to release documentation of the committee's activities.37 In addition, the UNHCR has struggled to monitor the status of persons readmitted under the agreement. In December 2016, the UNHCR Representative in Greece admitted that the UNHCR lacked predictable and reliable access to the Düziçi Reception Centre in Osmaniye province where Syrians readmitted from Greece are processed and pre-registered for temporary protection status before being referred to one of the Provincial Directorates of Migration Management to complete the registration process in the province to which they will relocate.38 The UNHCR reported having a quarter of its 16 requests to access the centre between April and December 2016 rejected, noting the advance notice period of 5 working days required to visit the centre hindered the high commission's ability to monitor individual cases.39 Despite the LFIP's reforms, a lack of transparency still prevails in Turkey's migration management practices.

Despite the LFIP's moderate successes in creating a legal framework for migration in Turkey mostly in line with European fundamental rights standards, Turkish migration management practices have lagged behind. While the LFIP largely brings Turkish migration law in line with European standards, the institutional culture of Turkey's judiciary and security forces prevents the law's full implementation. For instance, despite the codification of the non-refoulement principle into Turkish law under the LFIP, refoulement of Syrian

migrants from Turkey has been an all-too-common occurrence. In April 2016, Amnesty International reported large-scale refoulement of Syrian nationals from Hatay province on the Syrian border, and warned that readmitted Syrians from Greece were also at risk of refoulement.[40] The situation on the Syrian border shows little sign of improvement nearly four years after the ratification of the LFIP, with Human Rights Watch reporting continued refoulement of Syrians crossing the border into Turkey in February 2018.[41]

In addition to the violations of the non-refoulement principle, loopholes in the LFIP prevent migrants accessing the rights provided to them by the law. The Norwegian Organisation for Asylum Seekers (NOAS) takes particular issue with the LFIP's provision that the DGMM can detain and remove from Turkish territory a person who "poses a public order, public security, or public health threat"[42] NOAS argues that this vague term is frequently misused in Turkey to justify arbitrary detentions, noting the lack of an automatic judicial review or appeal mechanism for detentions under the LFIP.[43] This corresponds to the broader problem that migrants in Turkey are frequently unable to seek legal recourse against the DGMM in Turkish courts in instances where their rights are infringed on. Under the 1972 Turkish Notarial Law, notaries are obliged to "completely establish the identity, address, capacity, and intentions" of a person requesting power of attorney.[44] According to Turkish refugee rights NGO Mülteci Hakları Merkezi (MHM), the "temporary protection identity document" issued to temporary protection recipients by the Turkish Interior Ministry is only valid within the province in which it has been issued, requiring temporary protection recipients to present alternative documentation.[45] In addition, MHM has reported that the DGMM frequently sends deportation orders to temporary protection applicants before

providing them with a registration document, thus denying those without other documentation access to a notary by preventing them from establishing their identity.[46]

Why the EU Should Not Abandon the Readmission Agreement.

The persistence of Turkish refoulement of Syrian nationals is not necessarily an indictment of the EU's ability to export its fundamental rights norms. The security threats Turkey faces at its southern border and the limited capacity of the Turkish state to respond to these present unique challenges that can explain – though not justify – why Turkish local authorities continue to violate of the non-refoulement principle. In 2015, Turkey saw a simultaneous increase in border crossings from Syria and terrorist violence: between November 30th and December 31st 2014, the number of border crossings rose by 60% from roughly 10,000 to 16,000,[47] increasing only slightly throughout the first six months of 2015, while the number of terrorist attacks rose from 38 in 2014 to 452 in 2015.[48] While insufficient border security at the southern border alone is not to blame for the increase in terrorist violence in Turkey, the unstable situation at the southern border, which has frequently changed hands between the Islamic State and the PKK-affiliated YPG, explains why local authorities have reverted to a traditional security-oriented approach to migration management. Other events have stretched Turkish state capacity since the signing of the readmission agreement; for instance, the necessity of purging adherents of the Fethullah Gülen Terrorist Organisation (FETÖ) from the civil service following the coup in 2016 – an action which, though overzealously and inconsistently carried out by a government which bears a great degree of responsibility for FETÖ's infiltration of the state, was in some form a

necessary measure for the Turkish state to preserve its integrity – has had a significant impact on the capacity of the police forces, with 7,899 polices officers suspended from their duties.49 From the EU's side, it can be argued that the Turkish government has indicated its intention to modernise its migration management practices as long as the visa liberalisation dialogue can be maintained, and that the consolidation and reorganisation of the security forces under civilian control will lead to the gradual replacement of the traditional security-oriented approach to migration management with a rights-oriented approach, as new personnel will not remember the prevailing norms before the ratification of the LFIP.

The EU's unilateral withdraw from the RA would cause backsliding in Turkey's europeanisation process. Amnesty International has argued that, while Turkey's unique challenges exculpate the government for the inadequate response of Turkish security forces to the influx of Syrians over the southern borders, this does not change the fact that Turkey is not a safe country of return, and the EU has undermined its own fundamental rights standards by concluding an agreement to return migrants to Turkey. Therefore, it posits, the deal should be suspended until Turkey is in a position to offer migrants adequate protection. 50 While Amnesty's concerns are valid, it is necessary however to take a broader view: the Turkish government's crackdown on the bureaucracy following the failed coup attempt and the risk of democratic backsliding in Turkey have rendered the Union's ability to maintain leverage over Turkey critical. The Union's unilateral suspension of the RA – which, in integrating Turkey into the EU's migration management strategy and requiring the creation of a legal framework minimally compatible therewith, has contributed significantly to the normative europeanisation of Turkish migration law – would undermine the basis on which

those reforms lie and damage the EU's ability to act as a moderating force on the Turkish government through strategic dialogue, while bringing the Union no tangible benefits. It could hypothetically be argued that in order to fill gaps in the europeanisation of Turkish asylum law, the EU should abandon its current approach that seeks to europeanise Turkish migration policy through a two-pronged approach combining policy conditionality (the visa liberalisation dialogue) with integration into the EU's migration management system (the RA), and adopt a purely transactional policy conditionality framework, whereby the EU offers some form of concession (visa liberalisation or otherwise) to Turkey in exchange for the desired reforms absent of the RA. The problem is that this could potentially create a precedent for such a transactional framework which would extend the EU's normative hegemony at the expense of the EU's strategic goals: third countries could offer domestic reforms to effectively blackmail the EU for strategic concessions. Instead of abandoning the RA, the Union and member state governments need to more effectively use the tools at their disposal in the RA to assist Turkey in boosting its migration management capacity.

The EU should act directly to further europeanise Turkey's migration management practices using the existing mechanisms contained within the RA. The pattern documented by Amnesty and HRW by which refoulement occurs at the southern border – that is, the detention and return of recently arrived, unregistered Syrians, as well as those near the border who have lost their documents – should in theory be avoidable for returnees from Greece and the rest of the Union. One means to ensure the fair and legal treatment of returnees from Greece would be the development of an implementing protocol between Turkey and Greece as allowed under Article 20 of the RA. An implementing protocol is a non-mandatory

bilateral instrument of an EURA that allows states to develop more detailed processes for handling returns.52 Shortly prior to the implementation of the EURA on June 1st 2016, the Greek and Turkish prime ministers announced following a meeting of the Greece-Turkey High-Level Cooperation Council on March 8th that negotiations on such a protocol had occurred,53 but ultimately, nothing substantial resulted from it. A readmission protocol represents the best available means for the EU to boost Turkey's migration management capacity. The EU needs to make itself a stakeholder in the returnee monitoring process: under the aegis of an implementing protocol, the Union, the Greek government, and Turkey should develop a personnel sharing system, whereby the DGMM and its personnel are allowed to maintain a presence at EU hotspots on Greek islands in order to pre-register persons eligible for temporary protection status in Turkey before their return. As previously noted, Turkish officials have stymied the UNHCR's access to the Düziçi facility; the aforementioned proposal would remove the need for returnees from Greece to be processed in such a facility, allowing EU and UNHCR to monitor Turkey's handling of registrations at EU hotspots and thus ensuring preliminary access to temporary protection for returnees. To better facilitate this, the preference for voluntary return listed in the Commission's Return Directive54 should also be rethought in favour of an assisted (if necessary, forced) return procedure under the aegis of FRONTEX (whose capacity to carry out forced return would need to be bolstered) and according to the standards and practices outlined in the Council of Europe's twenty guidelines on forced return, thus allowing the EU greater monitoring of the return process itself. This proposal does not represent a panacea for all problems encountered by returnees from the Greek islands to Turkey, but it should ensure a streamlined readmissions process and better treatment on their return to Turkey.

Conclusion.

Although the EU Readmission Agreement with Turkey has introduced important European norms into Turkish migration law, a significant implementation gap nevertheless exists. Turkey remains committed to the readmission agreement (RA) with the European Union despite the absence of a realistic prospect of visa liberalisation because the RA creates a framework for Turkey to pursue strategic integration with the EU without requiring substantive reforms. The AKP government is invested in the success of this format because it presents an ideal model for Turkey to deepen its integration into European structures to the greatest extent that it is possible to do so without implementing the *acquis communautaire*. Inversely, though the EU is unsatisfied with Turkish authorities' lack of regard for the fundamental rights of migrants, strategic considerations override normative considerations for the European Commission in upholding the RA, while the Commission expects that institutionalised cooperation between Turkey and the EU will allow the EU to gain leverage over Turkey by socialising Turkish officials to European roles and causing them to internalise European practices.

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