ASSESSING TURKEY'S POSSIBLE ROLE IN THE EUROPEAN UNION'S MIGRATION CHALLENGES: 2014-2019

by

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**MIGRATION CHALLENGES: 2014-2019**

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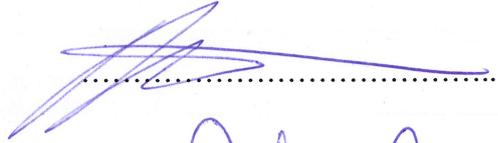
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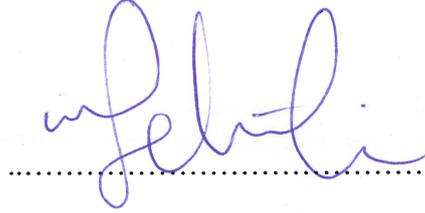
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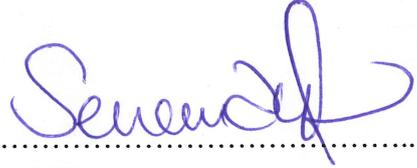
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ABSTRACT

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Over the years, the European Union has faced many problems, however, in recent years, an unprecedented flow of irregular immigrants has been on the agenda of the European Union. When the irregular immigrant crossings exceeded one million in 2015, the crisis has become a prioritized issue for the EU. Ever since that time, the Union tried to find many solutions to tackle the crisis. This thesis argues that the EU has dealt with its migratory pressures by outsourcing the solution to Turkey in which led to a cooperation between the EU and Turkey regarding the migration. This cooperation is shaped by Turkish policies and bargaining among member states. Therefore, this thesis will evaluate the EU level responses coming from the institutions, particularly focusing on the cooperation with Turkey emerged out of the migration crisis. By evaluating the EU level responses and the cooperation with Turkey, two grand theories are used which are neofunctionalism and liberal intergovernmentalism. While the institutional outcomes are examined by the neofunctionalist arguments, the bargaining among the member states is evaluated by the liberal intergovernmentalism. The thesis provides empirical evidence from statements, progress reports, commission reports, UNHCR, EU data and many others in order to observe how a new form of cooperation emerged between EU and Turkey with regards to migration.

ÖZET

AVRUPA BİRLİĞİ'NİN GÖÇMEN KRİZİ'NDE TÜRKİYE'NIN MUHTEMEL ROLÜNÜN İNCELENMESI: 2014-2019

DİLARA KAYA

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Yıllar boyunca, Avrupa Birliği birçok sorunla karşı karşıya kaldı, fakat özellikle son yıllarda düzensiz mülteci geçişlerinin artmasıyla beraber mülteci krizi en önemli sorunlardan biri haline geldi. 2015 yılında bir milyon kişinin sınırı geçmesiyle, Birlik krizle baş etmek için birçok çözüm bulmaya çalıştı. Bu nedenle, tez Avrupa Birliği'nin karşılaştığı mülteci krizi sorununu, Türkiye'nin politikalars ve üye ülkeler arasında yapılan pazarlıklar sonucu oluşan işbirliği bağlamında incelemektedir. Türkiye ve AB arası işbirliğini incelemek adına, AB entegrasyon teorilerinden Yeni İşlevselcilik ve Liberal Hükümetlerarasıcılık açıklanmıştır. AB kurumlarının aldığı kararları Yeni İşlevselcilikle incelenirken, üye ülkeler arası pazarlıklar Liberal Hükümetlerarasıcılıkla açıklanmaktadır. Tezde, AB ile Türkiye arasında göç konusunda yeni bir işbirliği biçiminin nasıl ortaya çıktığını gözlemlemek için ifadelerden, ilerleme raporlarından, komisyon raporlarından, Birleşmiş Milletler Mülteciler Yüksek Komiserliği Bürosu verileri, AB verileri ve başka kaynaklardan faydalanılmaktadır.

ACKNOWLEDGEMENTS

To my beloved family

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1.   INTRODUCTION

Migration has become a phenomenon for many decades and especially, in recent years the problems caused by migration has been on the rise with the increase in civil wars, conflicts, wars, flows of people that were displaced from their home country or region. The crisis in the Middle East is an example of these problems. Ever since the Syrian Civil War erupted, the migration flows increased which caused serious problems regarding the protection and control of the borders. According to the United Nations High Commissioner for Refugees (UNHCR), currently, there are 41.3 million internally displaced person, 25.9 refugees and 3.5 asylum seeker (UNHCR 2019). Thus, this shows that the world has been going through a very serious crisis caused by problems related to migration in which consequences of the crisis has spread to the European continent, as well.

Therefore, it is possible to say the European Union (EU) was one of the actors that has been most affected by the refugee flows coming from the sea and land routes. In 2015, the European Union faced an unprecedented problem in which the illegal crossings were over than a million (BBC 2015) and many of them were dying trying to crossing the sea. The tragedy at sea forced the European Union and its member states to take action to stop the flows and the deaths. In order to tackle the crisis, EU institutions gathered and tried to find solutions to the problems caused by irregular crossings in which many plans and suggestions were drafted and discussed. For a period of time, the migration crisis was the priority of the EU institutions in which some of the decisions taken showed different member state preferences, as well. An important outcome of the institutional decisions was the cooperation with Turkey in which led to the Joint Action Plan in 2015 and the EU-Turkey Statement in 2016. Therefore, with this cooperation, new solutions were found to secure the borders of the European Union.

This thesis is divided into five chapters. The first chapter provides a theoretical framework in order to understand the crisis and its outcomes. Two grand theories of European integration are used in order to evaluate the crisis. Neofunctionalism and liberal intergovernmentalism are chosen because, while neofunctionalism looks at the developments in the institutional framework of the Union, liberal intergovernmentalism focuses on the member state interests. While neofunctionalism provides insights into policy harmonization in the EU, it fails short to provide a coherent assessment of the EU's responses to the migration crisis faced in 2015. Liberal intergovernmentalism in contrast with its focus on member state preferences might provide different clues. The rational choices of the member states prevented to find a common Union response to the crisis, in which the EU could act effectively towards the flux of illegal immigrants. Therefore, not neofunctionalism but liberal intergovernmentalism might provide a more elaborate explanation on the causes of the EU member state actions for not accepting a response coming from the Union's decision making process. Therefore, this thesis will look at the EU institutional level response for neofunctionalism and MS preferences with their primary declarations for liberal intergovernmentalism. In order to see if the liberal intergovernmentalist premises hold, the focus of the thesis will be on MS preferences towards the adoption of a common response to the challenges posed by 2015 migration crisis. The EU has dealt with its migratory pressures by outsourcing the solution to Turkey.

Therefore, the argument of this thesis will be Turkey and the EU has a new form of cooperation for migration which is shaped by Turkish policies and bargaining among the member states. To observe this, this thesis will evaluate the cooperation between Turkey and the European Union.

The second chapter focuses on the historical background of the crisis. Before evaluating this, the migration history of the Union, what are the tools of the EU for asylum policy and how they changed in time are examined. This is crucial to see what was the struggle of the EU when the crisis erupted. The policy tools were insufficient to control the flows, therefore, the historical development of the policies is examined for this purpose. Then, the origin of the crisis is elaborated to see what has happened in the beginning in which caused the EU to face such a crisis. After, the responses of the European Union are examined in order to see the decisions taken by the institutions and what were the reactions coming from the member states. The gatherings of the European Council,

European Commission and the Justice and Home Affairs (JHA) Councils are observed what has EU tried to reach out for the sake of securing its borders.

The third chapter is about cooperation with Turkey. The EU needed Turkey to secure its external borders. For this reason, this chapter, the cooperation with Turkey and how it affected the Union's ability to cope with the migratory flows is examined under this chapter. Before explaining the foreign policy approach to Turkey, the foreign policy tools of the EU regarding the migration is evaluated. Then, a brief explanation of the Readmission Agreement (2013) is conducted in order to observe the previous framework of the relationship between the two. The Joint Action Plan and the EU-Turkey Statement and their content are evaluated, to see what kind of cooperation was conducted. The incentives that were offered Turkey and in exchange for what Turkey accepted are explained to evaluate the cooperation with Turkey.

The fourth chapter examines the relations since the implementation of the EU-Turkey Statement. Under this chapter, the European Commission's evaluation of Turkey's adoption of EU rules on migration is observed to see the framework of the relation between the EU and Turkey. Eurostat data, statements, progress reports and implementation reports on the EU-Turkey Statement are used to observe the EU evaluation of Turkey.

Finally, the last chapter will look at the results of the cooperation after the Statement in order to see Turkey's role in the migration crisis of the Union. UNHCR, Eurostat and other data conducted by the EU are used to see the part of Turkey. The illegal immigration data of the EU is examined briefly, then, the part of Turkey for accepting illegal immigrants and to cooperate with the EU to eliminate irregular crossings are evaluated.

2. THEORETICAL FRAMEWORK

2.1. Theoretical Framework

"If Europe fails on the question of refugees, if this close link with universal civil rights is broken, then it won't be the Europe we wished for."

Angela Merkel

The social context we are living is a complicated one. Therefore, explaining with theories help us to understand the context by enabling a more organized perception to evaluate. Since the European integration process has been a complicated and significant process, explaining this process in the light of different theories is crucial.

The European integration process started in 1957 with the establishment of the European Economic Community (EEC), changed and evolved for approximately sixty years. Thus, using different theories and perceptions were necessary to understand the process. Liberal Intergovernmentalism and neofunctionalism are two competing theories of the European integration process. Both, neofunctionalism and liberal intergovernmentalism are referred as grand theories in which the purpose of this kind of exploration is to enable us understanding the factors underlying the integration process (Nugent 2017). They both attempt to explain the integration process of the European Community but focus on different aspects. According to neofunctionalists, the way that leads to integration is the "spillover effect" whereas liberal intergovernmentalism focuses on interstate bargainings and their results. Thus, the way they explain the issues with regards to the EU differs. For this, their perception of the migration challenges differs, as well. Liberal intergovernmentalism focuses on nation state bargains whereas neofunctionalism focuses on cooperation among societal actors (Hooghe and Marks 2019, 1114).

The unprecedented wave of migrants reaching crisis proportions in 2015, caused many problems for the European Union. While the number of irregular crossings was exceeding one million, the tragedy of deaths at sea was continuing. Thus, the Union tried to find a common solution to tackle the crisis. Therefore, the evaluation of this process with a theoretical framework is crucial to see what has been achieved regarding the solutions to the migration crisis and what could have not been achieved. Two important theories of the European Integration will be used to empirically test the EU responses to the migration crisis to see regarding the migration which is the neofunctionalism and the liberal intergovernmentalism. For this purpose, in this chapter, the content of these theories will be explained briefly, then examples relating to the migration developments will be explained.

2.2. Neofunctionalism

Ernst Haas, one of the fathers of European integration theory, published his major work in 1958 *Uniting of Europe*, and formulated Neofunctionalism as one of the key theories to assess integration on the ground taking place in Europe. Neofunctionalism is a regional integration theory which takes the integration of European Communities as a case study to empirically test the theory.

In the case of European integration, Ernst Haas emphasizes a high authority in which it will take the decisions on a supranational level. Neofunctionalism takes the "spillover effect" from Mitrany's functionalism and demonstrates the conditions under which spillover works. Spillover as a concept refers to "creation and deepening of integration in one economic sector would create further pressures for further economic integration within and beyond that sector and greater authoritative capacity at the European level (Rosamond 2000)."
According to Haas:

> "Neofunctionalism assumed that integration would proceed quasi-automatically as demands for additional central services intensified because

the central institutions proved unable to satisfy the demands of their new clients. Thus, activities associated with sectors integrated initially would "spill over" into neighboring sectors not yet integrated, but now becoming the focus of demands for more integration (Haas 1968, xv)."

Neofunctionalism suggested two types of spillovers which are functional and political. According to functional spillover effect, economic integration in one sector would produce pressures for integration in another sector (Nugent 2017). For instance, the process from the European Coal and Steel Community to the Economic and Monetary Union is an example of the functional spillover. In addition, some sectors had more spillover chance than others in which it had to meet the needs of people where low politics had more chance in comparison to high politics. But according to Haas, the spillover effect in economics necessitated "political activism", in which required to be led to the right direction (Nugent 2017), which means "functional spillover" needed a "direction and coordination" from a higher authority, as well (Nugent 2017). The other type of spillover is political spillover. Political spillover suggested that national elites would give importance to supranational institutions and decision making process in which they supranational institutions and nongovernmental actors like political parties would become more influential in the decision making process whereas the nation states become less influential (Haas 1968).

Loyalties is another explanation of the neofunctionalist theory in which required the loyalty transference for the political spillover to be completed. According to Haas, when the integration proceeds, values will change and redefined according to regional orientation rather than only national orientation. In the end, the process of integration will yield "new national consciousness of the new political community". He suggested that when political actors are convinced to shift their loyalties to a supranational jurisdiction, then the political integration occurs:

> "Political integration is the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new center, whose institutions possess or demand jurisdiction over the pre-existing national states (Rosamond 2000)."

"Neofunctionalists identify a series of mutually reinforcing processes that lead to further integration." These processes include spillover among policies in which they pave for a

way non-state actors to implement those with a shift towards supranationalism. Therefore, the interdependence would increase among those policies (Hooghe and Marks 2019, 1116). The supranational actors would lead the policy spillover by signing agreements and by choosing the "national bureaucrats or interest group leaders (Hooghe and Marks 2019, 1115)."

A neofunctionalist would look into the developments on the institutional framework (Schmitter 2005). Until 2015, the migration policy of the EU was not challenged by illegal immigrants like the last three years numbers. Yet, when the influx of immigrants started to cause disturbance among member states, the absence of the migration policy was evident. A proposition that can be claimed is, under neofunctionalism, tied to the European institutions:

Proposition 1: the European Institutions, in particular, the European Commission would act as a leader in proposing an EU level policy that would enable the EU to deal with migratory challenges.

According to this theory, the main drivers of the integration are not member states but the European institutions and related political actors to these supranational institutions, in this case, it was expected that the institutions of the Union would act in a manner to speed up the integration.

To explain the institutional actors' role in managing the migration crisis, on 22nd September 2015, an extraordinary JHA Council was gathered to discuss relocation of 120,000 refugees which would be added to the 40.000 refugees relocation decision taken by the previous council was accepted with a majority of votes (EU2015LU 2015). For instance, Luxemburg Minister for Immigration and Asylum Jean Asselborn stated that "Some say that Europe is divided because a consensus decision was not reached. But, we are faced with an emergency situation! The EU stands accused of not reaching its decisions quickly enough". Also, First Vice-President of the European Commission Frans Timmermans, emphasized the significance of the decision to tackle border managements and identifying the asylum seekers and the return measure of the ones that are not granted international protection. He stated, "the aim is to prove to European civil society that "we are capable of making decisions, but also of "rebuilding trust" between the Member States

and showing solidarity (EU2015LU 2015)." But some declarations coming from EU officials show that a consensus would be more desirable for this kind of decision. This can be understood by the declaration of Luxembourg's Minister for Immigration and Asylum, "We would have preferred it to have been adopted by consensus, but we did not manage that. It was not for want of trying, I hasten to add" in which even the EU officials are aware of the fact that voting with unanimity for the plan would not have been accepted.

Therefore, by the theoretical framework provided by neofunctionalism, EU level policies conducted by European Union institutions for migration will be examined in order to observe how the institutions dealt with the crisis caused by the flow of irregular immigrants.

2.3.   Liberal Intergovernmentalism

One of the most important grand theories of the European Integration is the Liberal Intergovernmentalism in which has been introduced by Andrew Moravcsik. According to Moravcsik, "European Integration resulted from a series of rational choices made by national leaders who consistently pursued economic interests." He tests his argument by empirically looking at the negotiations of European integration history. Moravcsik analyzes the Rome Treaty, Customs Union and Common Agricultural Policy, European Monetary System, the Single European Act and the Maastricht Treaty. He developed his theory of Liberal Intergovernmentalism by using a model of Two-Level Game theory to the process of European Integration. The two-level game theory claims the bargaining process does not only occur at the international level but also at the domestic level (Putnam 1988, 434), where Moravcsik used this to explain under what circumstances the European Integration occurs. According to the two-level game, the national actors emphasize both on international and domestic bargains in which at the national level, domestic groups, trade unions or interest groups pressure the government to pursue their interests in which politicians try to create coalitions with those groups in order to retain their power. At the international level, politicians try to keep the domestic groups satisfied and also try to limit the negative results of the foreign developments (Putnam 1988, 434).

Moravcsik's theory to explain "assumption that states act rationally or instrumentally in pursuit of interests" are elaborated by dividing the European Community negotiations into three stages which are national preference formation, inter-state bargaining and the choice of national institutions (Moravcsik 1998). Regarding the national preferences stage, he states that preferences reflect the domestic groups within a state (Moravcsik 1998) in which influences international bargaining. He divides national preferences into two categories which are geopolitical interests and ideology where the focus is on the security and it focuses on indirect results of the economic consequences. However, the second category is the political economic interests in which examines the direct consequences of the economic integration (Moravcsik 1998).

According to Liberal Intergovernmentalism, - the relative power among different socio political groups at the domestic level and their bargaining lead to a national preference which is then used at the international negotiations table. To be more specific, Moravcsik focuses on the treaty negotiations between states which are the bargaining games. The domestic preferences of a country "defines a bargaining space" of possible agreements. Then, the third one which is the institutional choice asks when and why states pool their sovereignty to a supranational institution. According to Moravcsik sovereignty is delegated when supranational actors like the European Commission takes autonomous decisions where a state cannot use a unilateral veto. Another proposition that can be claimed for the purpose of this thesis is this:

Proposition 2: Member states have a major role in shaping the EU level responses to the major crisis, such as migration. The absence of a lowest common denominator among the MS towards the migration challenge is the main reason behind the lack of a common policy.

In the following paragraphs, these are explained detailly by giving examples from the migration crisis of the European Union. Contrary to the neofunctionalism, Moravcsik emphasizes the relative power of the member states and their national interests. He claimed that neofunctionalism failed because the process of community building starts and evolves through a series of intergovernmental bargains (Moravsik 1993) which shows unlike neofunctionalism, liberal intergovernmentalism focuses on the member state preferences where they control the process. Member state preferences are the main actors

that shape the developments within the European Union. Combining realist and liberal arguments, Moravcsik develops intergovernmentalism and explains the linkages between domestic politics and international politics by using the two-level game (Putnam 1988). National states interests play a vital role in an issue to be adopted at the EU level because domestic interests are more critical for member state preferences. The rationality of states is crucial for accepting a policy area in which they would not let if the socio-political interests do not converge with the international bargaining (Rosamond 2000). In addition, the integration moves further if the core three states within the EU accepts the process to continue, which are Germany, the United Kingdom, and France (Moravcsik 1998). If the domestic political preferences and interests of those states crash, then a policy or a decision cannot be adopted. The Single European Act example is given by Moravcsik to show how the three member state preferences affected European economic integration. For instance, while he explains the 1960s, he emphasizes that all three favored global tariff liberalization in which enabled a process of negotiation for that period (Moravcsik 1998).

Liberal intergovernmentalism emphasizes the domestic preferences and explains the integration with the member state choices. If any resolution to be achieved it needs to be set by intergovernmental bargaining, yet in the case of tackling with crisis bargaining mostly resulted in divergent ideas which the integration could not move any further. National governments have an incentive to co-operate when their control over policy coordination is high. For this reason, a concrete uniform response could not be achieved and what has been achieved was not enough to tackle the refugee crisis (Moravcsik 1998).

Liberal Intergovernmentalism emphasizes the interstate bargaining in which claiming that major agenda-setting decisions in the history of the European Community are negotiated intergovernmentally (Moravcsik 1998). Since migration is an area where nation-state preferences play a vital role due to high politics issues, coming up with a common response is highly difficult. Liberal intergovernmentalism focuses on the relations between the state and society which claims that the nation-states are rational actors that their preferences are related to liberal values, and this theory aims to analyze interstate bargaining (Moravcsik 1998), therefore if the desires of the member states differ, then reaching out a common solution becomes harder. The identity of important societal groups affects the foreign policy of a state. In the situation of migration, this is the key.

Unless foreign policy choices on migration within the EU converges then reaching a common solution is not possible, since domestic actors and preferences are key factors, and they seem to differ.

One of the aspects of the liberal intergovernmentalism is the two-level game in which bargaining process does not only occur at the international level but also at the domestic level, as well. States bring domestic bargaining, interest groups desire, declarations that could affect their votes at the member state level to the international table (Putnam 1988, 434). Acceptance at the domestic level is crucial for states which is one of the components of the two-level game. To give an example to domestic bargaining, Interior Minister of Germany, Horst Seehofer who is a more proposed securing German borders and limiting the migrants, however, Merkel was not in favor of this because it would harm the Union in which the burden would fall on the frontier states like Italy and Greece. However, Merkel had to adopt the border camps for asylum seekers and to tighten the border with Austria to save the government to secure the CDU/CSU[1] coalition in Germany. When the bargaining could not have been able to reach at the domestic table, the negotiation that is discussed at the international table was only limited. Ever since 2015, reaching a common policy to the migrant crisis had bumped into many obstacles.

Referring to the liberal intergovernmentalism, there is also a tripartite explanation (Schimmelfennig 2018, 1580) of the policy adaptation in which the consensus of Germany, the United Kingdom, and France are necessary. Moravcsik claims that major historical points in the history of the European Union were possible only because these three member states were on board to move to the next step. To understand the complexity of the European Union, assessing the preferences of three member states is crucial. Even the states like Poland, Hungary Luxemburg would have accepted to harmonize their policies, unless there is the motivation of the big three to proceed, integration cannot move forward.

Regarding the three big states, the migration policy driver within the Union was only Germany. Especially, the United Kingdom was not a part of finding a common solution which is no surprise when we consider the anti-European Union rhetoric in the country.

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[1] This is the ruling coalition in Germany in which Angela Merkel was the leader of Christian Democratic Union until November 2018, Horst Seehofer is the leader of Christian Social Democrats.

The United Kingdom was not a part of migration policy since Tony Blair who was the former Prime Minister of UK opted-out in 1997, whereas current Prime Minister of UK Theresa May showed no different response to help the refugee crisis, as well. During a speech in 2015, she said that "not in a thousand years" would she take part in a new common immigration policy (Travis 2017). Even, it seems like French responses to the refugee crisis are better than the United Kingdom, there are some problematic issues as well. During the June of 2018, German Chancellor Angela Merkel and French President Emmanuel Macron called for a joint response to the European Union's immigration challenge (RFP/RL 2018), yet a couple of months ago France reassessed its agreement related to the coastal borders with the United Kingdom to secure borders from the illegal immigrants (McAuley and Booth, 2018). Based on liberal intergovernmentalist logic, the reason why there is no concrete consensus regarding the migration policy is that three critical member states are not sharing the same idea as they did during the Single European Act or Maastricht Treaty. Domestic preferences and state-society relations are more important for France and the United Kingdom then responding to the refugee crisis and helping people.

European responses are shaped by the lack of a unified voice on migration at EU level, domestic opposition in multiple member states, mostly from the three big member states which are the United Kingdom, Germany and France. Domestic level opposition in large member states and Central Eastern member states have acted as a barrier to the EU's response. For these reasons, this theory explains why there has not been a solid EU level response to deal with the refugee crisis. Governments weight the costs and benefits and delegate their sovereignty if only shifting increases the bargaining efficiency (Moravcsik 1993). Therefore, especially for a high politics area like migration, shifting their loyalties neither increase efficiency nor affects political support positively they gain from the citizens.

3. HISTORICAL BACKGROUND OF THE MIGRATION CRISIS: AN EVALUATION OF THE EU'S RESPONSE

In 2015, the European Union confronted an unprecedented wave of migrants reaching crisis proportions. The Migration Crisis reached its peak point in 2015 with the number of refugees and migrants crossing Europe was more than one million according to IOM International Organization for Migration) numbers. The tragedy of the migration crisis has become more visible when over 600 people drowned in the Mediterranean near Libyan waters in April 2015 (UNHCR 2015). After the accident, the European Union decided to take action immediately where they tried to "mobilise all efforts to prevent more people from dying at sea" (EUROPA 2015). Yet, the failure of the burden sharing of the refugee crisis between member states caused problems for the Union. The European Union has tried to find many solutions to cope with the migrant crisis, yet, there was not a common concrete response among many attempts suggested by the Union.

The borders of the Union have been threatened by the flux of immigrants. To understand the danger of the Union has been faced, the migration history of the EU will be evaluated by giving examples from history. This is crucial to see why the flux of immigrants has become a threat to the borders of the European Union. After, the origin and numbers of the refugees will be evaluated briefly to show the danger of the crisis. Lastly, the reaction of the Union will be evaluated by examining the decisions, reactions, European Council and Justice and Home Affairs gatherings of the European Union. This is critical to see the rational behavior behind the member states in which caused the lack of response of the Union which pushed cooperation with Turkey.

3.1. Migration History of the European Union

Ever since the European Economic Community (EEC) was established in 1957 with the Rome Treaty, one of the primary goals was to eliminate the barriers for four fundamental freedoms which are the free movement of goods, services, capital and people. Part I, Article 3/c is the provision mentions this aim:

> "For the purposes set out in Article 2, the activities of the Community shall include, as provided in this Treaty and in accordance with the timetable set out therein;
> (c) the abolition, as between Member States, of obstacles to freedom of movement for persons, services and capital (EUROPA 2018)"

Therefore, today the Schengen Area is another step that was taken to achieve the aim to remove external borders between its members. At the moment, there are twenty-six members of the Schengen Area whom four of them are not members of the Union. However, before reaching out the decision for Schengen Zone, the Union has some history of migration cooperation previous to 1980s. Before explaining the Schengen Area, it is crucial to examine some historical moments regarding the migration history of the Union.

After the signature of the Rome Treaty, migration deals were mostly bilateral agreements that increased after the rapid industrialization following the Second World War. Migration and who enters which any European country has been under the control of the member states in which there was no common migration policy. The bilateral agreements that were signed at that period contained topics like "transportation of workers, exchange of manpower for industrial resources and rules for the length of stay (Seilonen 2016, 20)" which indicates that motives behind migration were different at that period in comparison to the recent crisis of the Union. Between the period of 1950-1974, flows of migrations were considered beneficial for the labor need of the individual member states coming from countries like Morocco, Turkey, Portugal and Tunisia. (Van Mol and De Valk 2016, 32). The member state interests played a vital role in the signature of the bilateral agreements which would be in benefit of the EEC. By the time the oil crisis started in 1973 and affected the economy of Europe severely, the migration policy direction of the member states changed, as well. In comparison to the previous period of receiving refugees for the labor market, the need for labors diminished due to the economic

problems caused by the crisis. The member states stopped to receive migrants for the labor market (Van Mol and De Valk 2016, 38). Another period started with the 1980s in which the Union started to emerge an immigration policy (Van Mol and De Valk 2016, 51). In 1985, the European Commission issued "the Commission presented a communication called Guidelines for a Community policy on migration" in which ideas like European citizenship (Seilonen 2016, 8) became more evident comparing to past policies.

Another critical point from the EU agreements was the Single European Act (SEA) in 1986 and came into force in 1987 in which contained an article regarding the removal of barriers for the internal market:

> "The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of this Treaty (LEX EUROPA 2019)"

After the signature of the SEA, eliminating internal borders necessitated strengthening the external borders. The reasoning for this was that if the internal borders are eliminated, then controlling "of the European Community to guarantee a sufficient level of control of who and what can legitimately enter the space of free movement" was necessary (Huysmans 2000, 759). In 1985, the Netherlands, Belgium, France, Luxemburg and Germany signed the agreement where they agreed on the gradual elimination of their border checks (EUROPA 2019). In 1990, Convention implementing the Schengen Agreement signed by those five countries and in 1995 the Agreement came into force (EUROPA 2019). According to Chapter II/Article 2 of the Agreement, "Internal borders may be crossed at any point without any checks on persons being carried out" and also other issues like visas and residence permits were discussed among those five countries (LEX EUROPA, 2019).

Considering the steps towards a common policy, Dublin Regulation, Maastricht Treaty and Amsterdam Treaty which were signed in the 1990s had critical references to the migration policy of the Union. To observe how these are the steps towards the adoption of a common policy on migration, their content regarding the migration will be examined. Maastricht Treaty was signed in 1992 which was one of the milestones of the European Integration process. This treaty changed the structure of the European Union and created

the three-pillar structure which were the Community Pillar, Common Foreign and Security Policy (CFSP) and Justice and Home Affairs (JHA). The Community Pillar's aim was to "make the single market work and to promote, among other things, a harmonious, balanced and sustainable development of economic activities" (EUROPA 2019). The CFSP pillar aimed to define a common foreign and security policy by intergovernmental decisions. The JHA pillar, which was an intergovernmental pillar, was the most critical pillar regarding the migration policy aimed to establish certain rules. The Title VI/Article K.1 stated:

> "For the purposes of achieving the objectives of the Union, in particular the free movement of persons, and 'without prejudice to the powers -of the European Community, Member States shall regard the following areas matters of matters of common interest (EUROPA 2019)."

These "common interest" areas were "rules and the exercise of controls on crossing the Community's external borders; combating terrorism, serious crime, drug trafficking and international fraud; judicial cooperation in criminal and civil matters; creation of a European Police Office (Europol) with a system for exchanging information between national police forces; controlling illegal immigration; common asylum policy (EUROPA 2019)." By creating another pillar, member states tried to secure themselves against the uncontrolled flow of immigrants.

The Dublin Regulation (1997) regulated the asylum policy of the Union in which where the third country citizen entered the Union, that country would have to control the asylum seeker. Also, in the 2000s the Dublin Regulations were readopted by Dublin II (2003) and Dublin III (2014) to face the challenges of asylum policy. The Dublin II Regulation adapted the criteria "only one Member State is responsible for examining an asylum application. The objective is to avoid asylum seekers from being sent from one country to another, and also to prevent abuse of the system by the submission of several applications for asylum by one person." among other policies to tackle with asylum problems (LEX EUROPA 2011). According to Dublin Regulations, "asylum seeker" means a third country national who has made an application for asylum in respect of which a final decision has not yet been taken (LEX EUROPA 2011)".

Dublin III Regulation which was one of the final regulations adopted before the migration crisis of the Union amended the previous Dublin Regulations adding the Article 33 "A mechanism for early warning, preparedness and crisis management and a variety of measures aimed at improving the rights of the asylum applicants (LEX EUROPA 2013)" to widen the scope of the asylum policy. The aim of the Dublin Regulation is to determine which member state has the responsibility for the asylum applications. Chapter III/Article 7 states:

> "The Member State responsible in accordance with the criteria set out in this Chapter shall be determined on the basis of the situation obtaining when the applicant first lodged his or her application for international protection with a Member State (LEX EUROPA 2013)."

Also, under Chapter III and Chapter IV, family regulations, dependent people, visa regulations, and rules for minors were determined in which expanded the scope of the Dublin Regulations (LEX EUROPA 2013). The aim of this regulation was to have a common asylum policy to tackle the applications and it is binding for the member states of the European Union.

The Amsterdam Treaty was signed in 1997 and came into force in 1999. The Amsterdam Treaty expanded and defined rules for asylum seekers and for migratory issues, as well (EUROPA 2019). One of the amendments made by the Amsterdam Treaty was this:

> "to maintain and develop the Union as an area of freedom, security and justice, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime (EUROPA 2019)"

Another critical development introduced by the Treaty of Amsterdam was the incorporation of the Schengen to the structure of the Union which was stated by Article K.12/5:

> "This Article is without prejudice to the provisions of the Protocol integrating the Schengen acquis into the framework of the European Union (EUROPA 2019)."

Followed by the Amsterdam Treaty, the Tampere Programme of 1999 was another crucial milestone which aimed to create the Area of Freedom, Security and Justice, showed the importance given to control immigrant flows and also to protect the external borders of the Union for the benefit of member states. Under the decisions of this program, importance was given to partnership with origin countries, establishing a common asylum system, management of migration flows and equal treatment to the third country nationals (EUROPA 1999). Especially, decisions regarding the establishment of a common asylum policy were crucial to maintain and secure the Union. One of the conclusions of the Programme stated that:

> "System should include, in the short term, a clear and workable determination of the State responsible for the examination of an asylum application, common standards for a fair and efficient asylum procedure, common minimum conditions of reception of asylum seekers, and the approximation of rules on the recognition and content of the refugee status (EUROPA 1999)."

Tampere was a crucial turning point for which its specific importance is given to the freedom, security and justice. As can be seen, the Union was trying to establish and maintain a "common policy" to tackle security problems.

Another crucial date was 2004 which The Hague Programme was decided by the European Council. This programme's focus was also on the area of justice, freedom and security in which set ten priorities regarding this area. One of the priorities was the external dimension of immigration and asylum in which contained provisions regarding the cooperation with third countries and transit countries and return and readmission policy of the migrants. Another priority set was the control of migration flows which emphasized on border controls and fight against illegal immigrants which stated tools like biometric data and visa rules to deal with illegal immigrants (LEX EUROPA 2005). The priorities set by the programme was explained detailly in which indicates the increased importance that was given to reach a common policy.

The initiation of the Common European Asylum System (CEAS), The Global Approach to Migration and Mobility[2] and the Lisbon Treaty[3] were critical junctures for the

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[2] This will be further evaluated under the Chapter 3.

migration policy of the Union. European Commission's Policy Plan on Asylum that was introduced in 2008, which based on the previous framework and enhanced the policies of the Union for the asylum policy. Like the other treaties of the Union, the CEAS was based on Geneva Convention in which recognizes the principle of non-reofoulement.[4]

The CEAS is based on the EU treaties and secondary legislations like Dublin Regulations, Eurodac Regulation or Qualification Directive and other EU policies. The plan would be legalized with the Lisbon Treaty coming into force. To give an example from the revisions, for instance, this plan revised Asylum Procedures Directive to become fairer and quicker and stated "setting up of a single, common asylum procedure leaving no space for the proliferation of disparate procedural arrangements in the Member States". This indicates that the Union was trying to push forward a more effective common asylum policy in which would secure the EU. Also, the plan emphasized equal sharing between member states which states it was the Union's responsibility to find a common response to the countries who have the disadvantage of the geographical position (LEX EUROPA 2008).

The Lisbon Treaty was signed in 2007 and came into force in 2009. Lisbon Treaty eliminated the pillar system of the Union which was introduced by the Maastricht Treaty. With the Lisbon Treaty, objectives like a uniform status of asylum, a uniform status of subsidiary protection, a common system of temporary protection became a common policy for member states. The Lisbon Treaty aimed to create a more common policy regarding immigration which can be seen from Chapter 1/Article 61 of the Treaty:

> "It shall ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals. For the purpose of this Title, stateless persons shall be treated as third-country nationals (LEX EUROPA 2017)."

All of the new changes and adaptations were planned in order to have a common migration policy in which would benefit the Union to tackle with problems regarding this issue. Yet, when those are examined it can be said when the migration crisis of the Union

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[4] It prohibits states from transferring or removing individuals from their jurisdiction or effective control when there is evidence that person may be in danger for his or her life.

started in 2015 these regulations were not effective enough and they were insufficient to control the migratory flows. Therefore, especially after 2015 EU tried to find many solutions yet failed to respond with a common policy towards the crisis which indicated that diverging member state preferences were still at the core of regulations like migration or asylum system which caused many problems among member states.

3.2. Origin of the 2015 Migration Crisis

Migration is currently an important issue area affecting multiple countries and regions in recent years. European Union is affected by the consequences of the migration crisis harshly. The Migration Crisis reached its peak point in 2015 with the number of refugees and migrants crossing Europe was more than one million according to International Organization for Migration (IOM) numbers. By the end of October 2015, approximately 1. 2 million of illegal border-crossings were reported (European Parliamentary Research Service Blog 2015) and it was calculated by the IOM that 5,350 migrants died at the sea in 2015 (IOM 2017).

The tragedy at the sea was severe. In April 2015 with the sinking ship in the Libyan Sea which necessitated a response by the European countries. The number of immigrants was coming from the Mediterranean Route to the Italy shores in which some member states accepted to receive some of the refugees in order to help Italy and Greece. To show the severity of the crisis, statistical data should be mentioned to see what the European Union tried to deal with. The migrants on their way to the EU came from multiple different regions and countries, from the Middle East, Africa and South Asia. On the one hand, the Syrians composed the largest group applying for asylum, which was followed by Afghanistan and Iraq. Most of the refugees were using sea routes where they used Greece as a transit route. The asylum applications were mostly directed towards Germany, following by Hungary, Sweden, Austria, and Italy (BBC, 2016). Also, the accidents occurring at the Mediterranean Sea in which many refugees died led the European Union to take certain actions. According to Eurostat data EU protected 333.350 asylum seekers in 2015, which was increased by 72% compared to 2014 data, these figures show that the crisis EU was going through was crucial. The accepted asylum seekers were mostly from

Syria, followed by Eritrea and Iraq (EUROSTAT 2016). In 2016, 1.2 million asylum seekers applied to the EU (EUROSTAT 2018), whereas this number was 1.3 in 2015. In 2017, this number decreases to approximately 650.000 (EUROSTAT 2018) and in the second quarter of 2018, the number is close to 136.000.

Table 3.1 Asylum Applications (non-EU) to the European Union 2008-2018 (Eurostat 2018)
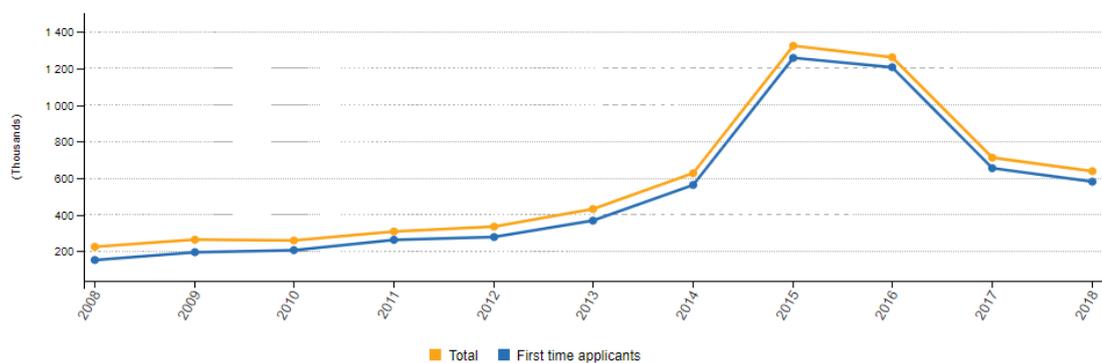
According to Eurostat, in 2015 there were 2.2 million illegally present people in the EU whereas this number decreased to 617.000 in 2017 (EUROSTAT 2018). To show the magnitude of the crisis, asylum applications and illegal crossing are added between the years 2014-2018. Especially in 2015 and 2016, the unprecedented number of applications and crossing show that the European Union had to face a very serious crisis.

Table 3.2 Illegal Border Crossings 2014-2018 (Eurostat 2018)

Illegal Border Crossings	Western Mediterranean Route	Central Mediterranean Route	Western Balkan Route	Eastern Mediterranean Route
2014	7243	170664	43357	50834
2015	7004	153946	764033	885386
2016	9990	181376	130325	182277
2017	23063	118962	12179	42319
2018	57034	23485	5869	56561

The crisis affected the EU harshly and it had serious consequences over the policies of the Union. The deaths were increasing, the flow of refugees could not have been stopped and member states were causing problems for not accepting the refugees and closing their borders. The EU has faced one of the most serious crisis throughout its history in which caused many problems among member states. Therefore, the next section will focus on the reactions of the member states and the EU decisions to observe the severity of the crisis.

3.3. The Reaction of the European Union: Meetings, Councils and the Decisions Taken

Ever since the 2015 migration crisis, the Union has developed certain coping mechanisms and tools to deal with the flux of immigrants. Since the EU is composed of twenty-eight member states, the reactions or the capacity of the Union to deal with the crisis depends on a consensus and a unified response, but this did not seem to be the case. Normally, the EU institutions prepare a Recommendation and the recommendation needs to be accepted via unanimity in the Council for the decisions related to migration. Unlike the decisions taken for the internal market, migration is an area where unanimity is still the main decision making process. But, neither EU member states nor the EU institutions were able to formulate a coherent solution to deal with the migration crisis. This is why it is crucial to evaluate how this crisis started, how did the member states react, which member states were affected most as well as the formulations of European Union level responses.

On April 23, 2015, a Special Meeting of the European Council Brussels was conducted to find solutions to the migration crisis. The European Union declared that their immediate priority was to prevent the deaths at the sea and also added the four main areas which are strengthening their presence at sea, fighting traffickers, preventing illegal migratory flows, reinforcing internal solidarity and responsibility. In addition to these, it asked the Commission to prepare a European Agenda on Migration which was adopted on 13 May 2015 which explained a comprehensive way to tackle the crisis. In the first part of the Agenda, the immediate action is explained in which the measures the EU should take in response to death at sea, targeting smugglers, relocation and resettlement

system and cooperation with third parties and a hotspot approach. Institutional setups were enhanced like Europol, European External Action Service and Frontex. The budget of Frontex to increase was suggested in order to save the lives at sea. Also, an additional 50 million EUR were suggested (EUROPA 2015) to distribute for the resettlement system. Within this report, a temporary relocation and resettlement system was recommended on the basis of population, GDP, asylum applications and the number of refugees in those states and lastly the unemployment rate. 40.000 of refugees would be relocated in accordance with these terms. According to these rates, Germany would be the most to receive refugees, France, Italy, and Spain are the next ones respectively.

Table 3.3 European Resettlement Scheme (Europa 2015)

Member States	Key	Total allocation based on 20.000 persons
Austria	2,22%	444
Belgium	2,45%	490
Bulgaria	1,08%	216
Croatia	1.58%	315
Cyprus	0,34%	69
Czech Republic	2,63%	525
Denmark	1,73%	345
Estonia	1,63%	326
Finland	1,46%	293
France	11,87%	2375
Germany	15,43%	3086
Greece	1,61%	323
Hungary	1,53%	307
Ireland	1,36%	272
Italy	9,94%	1989
Latvia	1,10%	220
Lithuania	1,03%	207
Luxembourg	0,74%	147
Malta	0,60%	121
Netherlands	3,66%	732
Poland	4,81%	962
Portugal	3,52%	704
Romania	3,29%	657
Slovakia	1,60%	319
Slovenia	1,03%	207
Spain	7,75%	1549
Sweden	2,46%	491
United Kingdom	11,54%	2309

Cooperation with the third countries (EUROPA 2015) is another crucial part of the European Agenda on Migration which we see in the example of the agreement between EU and Turkey that will be signed. In order to deal with migratory pressures, hotspot action was established. The "hotspots are facilities set up at the EU's external border in Greece and Italy for the initial reception, identification and registration of asylum seekers and other migrants coming to the EU by sea (EUROPA 2019)." This would require common work of EU Agencies and the member states to register new coming refugees. The hotspot approach required the work of Europol, European Asylum Support Office and Frontex to work together with member states for identifying the data of the migrants like their fingerprints and their registration (EUROPA 2019).

In comparison to 23th of April 2015 Special Meeting of the European Council declarations, European Agenda on Migration is highly detailed regarding the measures the EU will implement in which the Agenda contained a long-term "coherent and comprehensive approach" that the EU should act for the crises caused by the migratory flows. The second part of the Agenda emphasized that the existing system to control migration was insufficient in which a more effective policy was needed. The Agenda stated the EU should be:

> "Engaging beyond its borders and strengthen cooperation with its global partners, address root causes, and promote modalities of legal migration that foster circular growth and development in the countries of origin and destination (EUROPA 2019)"

This part suggested how the EU should deal with this crisis by explaining four measures which are reducing the incentives for irregular migration, saving lives and securing the external borders, a strong asylum policy, a new policy on legal migration (EUROPA 2015). Regarding reducing incentives, relations with transit and origin countries would be enhanced by taking measures like giving more importance to EU delegations in foreign countries. Also, the return system of the irregular migrants would be enhanced by increasing cooperation with third countries. Considering the secure borders aim, the operations and role of Frontex would be increased in addition to initiatives like Smart Borders which was increasing the efficiency of border crossing and controlling the illegal crossings. For the third one which was a stronger common asylum system, strengthening the CEAS and implementing a new monitoring system were suggested. Lastly, the legal

migration part suggested enhancing already existing systems of the EU and also focusing on the effective integration of member states for better migration policy.[5]

On 15[th and 16th] of June 2015, the Justice and Home Affairs (JHA) Council met to discuss the aspects of the agenda on migration. The JHA Council deals with the problems of the Union regarding migration, therefore especially after the 2015 Crisis, the decisions discussed by the Council became more visible. During the June Council, it was stated that while European Union Internal Security Strategy 2015-2020 is being implemented the migration agenda would be taken into consideration as well (EUROPA 2015). The June Council adapted "The EU Internal Security Strategy for the period 2015-2020" for the security threats the Union has been facing with. This document prioritized terrorism, cybercrime and organized crime. Also, there is a focus on the border management in which stated under the Strategy that "Preventive action against the facilitation of irregular migration requires better information gathering, sharing and analysis. The key lies in cooperation against the smuggling of migrants inside the EU and with third countries (EUROPA 2015)" to secure the borders of the European Union. In addition, there is a focus on human trafficking in which those priorities are related to problems caused by the migration crisis (EUROPA 2015).

The JHA Council conducted on 14th of September 2015 provides a crucial turning point, the topics that discuss were related to Greece and Italy. Since Italy and Greece are the ones dealing with new refugees because of their location, the Council decided upon new regulations to control. Greece would receive monetary help from the Union and the decision taken by the July Council which was 40.000 refugees located in Greece and Italy were to be relocated among member states would become operational. Another important context of this Council was the emphasis given to the cooperation with Turkey. It was stated that meetings with Turkey will continue to deal with the refugee crisis. Also, support for the Western Balkans was to be increased to deal with the migrants (EUROPA 2015).

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[5] Justice and Home Affairs Council (JHA) is one of the configurations of the Council of European Union. The Justice and Home Affairs ministers of EU member states deal with issues of freedom, security and justice area of the Union in which related to migration, border management, police cooperation and judicial cooperation in both civil and criminal law among others.

On 22nd September 2015, an extraordinary JHA Council was gathered to discuss relocation of 120,000 refugees which would be added to the 40.000 refugees relocation decision taken by the previous council was accepted with a majority of votes (EUROPA 2015). On September 23, heads of government were gathered and declared their desire to European Commission to find new solutions for the migration crisis (EUROPA 2015), especially it is important to highlight that they emphasized the meetings with Jordan, Turkey and Lebanon for dealing the crisis. The JHA Council gathered on the 8-9th of October, also emphasized the return of the refugees. The tools of return policy were introduced during this Council (EUROPA 2015).

On the 11-12th of November 2015, the Valletta Summit was conducted between European and African heads of state to discuss migration. According to the conclusions of the Summit, respond to migration is "guided by the principles of solidarity, partnership and shared responsibility (EUROPA 2015)" which shows that EU was trying to cooperate with third countries to stop the flows of migrants. During this Summit, both sides discussed and decided on how to tackle the migration flows coming to the EU. An Emergency Trust Fund was created to address reasons for irregular migration. This summit contained a Political Declaration and an Action Plan. To tackle the migration crisis, the Action Plan emphasized on five priorities which were "addressing root causes of irregular migration and forced displacement, legal migration and mobility; protection and asylum; prevention of and fight against irregular migration, migrant smuggling and trafficking in human beings; cooperation for return, readmission and reintegration of irregular migrants (EUROPA 2015)". The aim was mostly to deal with the migration flows at its origin in order to stop the death at sea and to protect the borders of the European Union.

While the year 2015 ending, the meetings with Turkey and the European Union increased in which the Union had considered Turkey as a crucial partner for dealing with its refugee crisis. At the gathering conducted on the 29th of November Ahmet Davutoğlu (Prime Minister of Turkey at that time) was representing Turkey and a Joint Action Plan was adopted to eliminate the refugee crisis.[6]

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[6] Cooperation with Turkey will be further evaluated in the following chapters.

On July 13th, 2016 European Union reformed the Common European Asylum System to tackle the refugee problem since the previous measures[7] the EU has taken were not sufficient to solve the crisis. It was declared that the aim of the European Commission is "to move towards a fully efficient, fair and humane asylum policy" in comparison to past. The adopted proposal was comprehensive and consisted topics like shortened period of the asylum process, guarantees for asylum seekers and also different regulations for the refugees like setting common rules for them, the five-year rule for a long-term residence for a refugee (EUROPA 2016). This proposal would help to conduct with the Dublin regulations better because the refugees were trying to pass through the registration and this was creating an unbalance among the refugee numbers.

On October 6th, the European Border and Coast Guard Agency was established to secure external borders of the Union. In March 2017, informal Summit was conducted in Malta where the main concern was the immigrants coming to EU from Libya. Also, within this declaration, it is possible to see that there would be the cooperation of IOM and UNHCR to deal with illegal immigrants from Libya (EUROPA 2017). In the following JHA Councils and other institutional meetings, migration consisted of an important part as well. The oncoming gathering tried to establish a decent policy for migration but still, it became insufficient because not all the member states agreed on the same solutions. For instance, the JHA Council of June 2018 touches upon the migration problem but only on the surface. Provisions related to migration topic of this Council was "engaging with Turkey to ensure the commitments under the EU-Turkey statement continue to be respected – stepping up support to EU agencies, in particular Frontex, EASO and Europol – ensuring sufficient and timely funding to the EU Trust Fund for Africa, to keep up EU efforts on the Central and Western Mediterranean routes – supporting partners along the Western Balkans in stemming the flows in the region (EUROPA 2018)."

Many European states said that they do not want to receive refugees which they object to the policies of the Union. For instance, Austria, Poland, and Italy threatened to close their borders to immigrants unlike the desire of Angela Merkel, Chancellor of Germany. When the politics in Germany is observed during the summer of 2018 Merkel was left alone for

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[7] Under normal circumstances, the Dublin System under the CEAS required the member state to accept the applicant the firs place that the applicant has been registred. But this caused problems for the frontier states regarding the flow of immigrants.

the EU decisions to implement because of the political threats of limiting the coalition (Bennhold 2018).

When we generally observe the implications, meetings, and achievements of the EU, it is not possible to say that they reached a common policy. The solutions that were established are too general and a unified resolution cannot be found in order to deal with the refugee problem. All of the oppositions by EU member state leaders show that finding an EU level response to tackle the crisis is not easy where it looks like finding a common solution in the future is not going to be easy, either.

4.   SECURING THE BORDERS: TURKEY AS A BUFFER ZONE

The migration crisis has been one of the most significant problems that the European Union has faced in recent years. One of the external crisis EU has been struggling with, has been the unprecedented number of refugees coming to the EU borders (Müftüler-Baç 2017), in which EU tried to find many solutions yet failed to build a common policy among its member states. Especially in 2015 with the escalation of the crisis, this number has passed one million illegal immigrants. Ever since the migration crisis erupted in the continent, Heads of governments, European institutions and leaders are trying to find a concrete solution, but they failed to do so until now. The Justice and Home Affairs Councils, leaders or other EU institutions failed to solve the migration flows by finding a solution internally. Member states of the European Union pursue different interests regarding the migration crisis for their identity, domestic politics or their geographical location.

To show the member state reluctances it is necessary to explain some actions of the EU member states. The JHA Council of 20th of July 2015 had more comprehensive in comparison to the previous councils because of its content in terms of resettling and relocation of the migrants (EUROPA 2015). Not all member states were on board with the resettlement plan, the Central and Eastern European countries most vocally in opposition. However, these resolutions did not satisfy all the member states of the EU in which some of them did not want to receive refugees declared by the quotas explained and they were unwilling to contribute to the immigration problem. During the summer of 2015, member states like Poland and Slovakia declared that they would only want to receive Christian refugees. Slovakian Interior Minister stated that "In Slovakia, we have a really tiny community of Muslim people. We even don't have mosques. That's the reason we want to choose people who really want to start a new life in Slovakia. And Slovakia, as a Christian country, can really help Christians from Syria to find a new home in

Slovakia" in which shows the unwillingness of Slovakia (Rettman 2015). Also, Czech Republic stated the same desire as well. The President of the Czech Republic stated, "refugees from a completely different cultural background would not be in a good position in the Czech Republic". Prime Minister of Poland also reluctant to receive Muslim refugees in which stated: "as a Christian country, has a special responsibility to help Christians (Rettman 2015)". A declaration by Poland was that if the refugees they receive are not Christians then this situation could threaten Poland because ISIS can locate their troops to Poland. Hungary declared they would build a wired fence and control the border strictly because of the new coming refugees. Also, the Netherlands introduced spot checks on the border of Germany (Eddy and Bilefsky 2015). The Hungarian Prime Minister Viktor Orbán declared in 2015 that they would take the EU to the ECJ because of the quota distribution system was decided by a Qualified Majority Voting (QMV)[8]. Orbán stated that "The quota system for distributing asylum seekers was decided without respect for public opinion, and this could cause a "democracy crisis" in Europe" (Schalit, 2015). Hungary was one of the states who rejected this system along with Romania, Slovakia, Czech Republic.

German government voiced its concerns towards these developments as Chancellor Angela Merkel emphasized the importance of Europe acting as a whole to help the refugees and said, "If we don't succeed in fairly distributing refugees then of course the Schengen question will be on the agenda for many (Eddy 2015)". While Angela Merkel highlighted the importance of the refugee crisis, the Interior Minister of Germany Thomas de Maizière said that the rules of Dublin Regulation cannot be the sole solution to the refugee crisis. He said "This is a challenge for us all, we all need to make an effort. But the burden is not too heavy for Germany. We will take care of it (Vasagar and Robinson 2015)." Germany was in the leader position of migration crisis which shows that while the most critical country could not solve its domestic bargaining, then why a uniform response could not have been achieved makes more sense.

Sweden and Germany were the ones who supported refugees in comparison to other small-scaled EU member states. According to the Dublin Regulations states which EU member state will be responsible for asylum claims by people who arrive in Europe,

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[8] QMV: 55% of member states representing 65% of the EU population would be enough to pass a resolution.

meaning that when a refugee is registered to one country than that state will be responsible. This caused Greece and Hungary to accept an unbalanced number of refugees coming from Balkans, whereas Italy received from North Africa. For this reason, Germany suspended the regulations to help the refugees. However, even in Germany, there were contradictions, that time's premier of Bavaria Horst Seehofer was against the policy conducted by Merkel (Deutch Welle 2018).

Especially, reactions coming from by Hungarian leader Viktor Orbán were amongst the most critical ones. Viktor Orbán (Hungarian Prime Minister) said that "EU states should be allowed to set their own rules on migrants, and that Hungary did not want any of them (Vincenti 2015)" and "The European idea that somebody allows refugees into their own country and then distributes them to other member states is mad and unfair (Schalit 2015)" opposing to the suggestions of proposed quota plans for the refugee crisis. Orbán was strictly against the migration plans in which he also stated that "distinction should be made between the movement of labor within EU borders and the entry of people from outside the bloc (Jacobsen 2015)." Not only statements but Hungary also took concrete action by declaring that they would build up a fence on the Serbian border to prevent illegal immigrants (Schalit 2015). As the asylum numbers were increasing, critics were coming towards the Dublin System in which Hungary was struggling because of the system. The system required the protection of asylum seeker wherever the entrance is made but because of Hungary's geographical position, many of the asylum seekers had to use the route through Hungarian borders. But even Hungary insisted on the EU to tackle migrants, the Union decided to send migrants to where they were registered first (Robert 2015). In September 2015, Hungary declared that they were going to shut the Serbian border for the asylum seekers. Orbán said that "he is acting to save Europe's "Christian values" by blocking the main overland route used by mainly Muslim refugees (Than 2015)" which shows the tension of the crisis caused by the conflicts by the member states. Because of Hungary's acts building a fence and closing the borders, migrants started to use alternative routes like Croatia. But in September 2015, Croatia closed its borders (Schalit 2015). As the EU tried to find solutions to the chaos in Balkans, countries from the region were strictly against EU suggestions. At the mini-summit in Balkans, Bulgarian Prime Minister Boyko Borissov stated that: "If Germany, Austria and other countries close their borders, we will not let our peoples become a buffer zone. We will be ready in the same way to close our borders (Gotev, 2015)" which showed that the EU was not

effective for finding solutions for the Balkan route, as well. In March 2016, the Balkan Route was closed because Austria, Slovenia, Serbia, Macedonia and Croatia had closed down their borders which caused migrants to trap in Greece (BBC, 2016). However, why some member states were reluctant towards accepting refugees and their domestic context is beyond the scope of this thesis but showing some of the preferences was necessary to see how the refugee deal with Turkey came up as a solution to the crisis.

As can be seen from the reactions coming from the EU member states, proposing an EU level policy was not easy. Since member states did not want refugees in their countries, a deal with Turkey emerged out of this crisis. For this reason, they started to focus on their cooperation with Turkey for the sake of security of "Fortress Europe". One of the most effective instruments they have initiated to deal with the migration crisis until this day are the carrots (Demirsu and Cihangir-Tetik 2018, 13) that were given to Turkey. Thus, divergent member state preferences (Müftüler-Baç 2018) pushed the European states to find a solution that would be in benefit for all which paved the way for the reconstructing of the Turkish-European relation regarding the migration crisis.

To understand Turkey's role in the migration challenges of the European Union, this chapter will evaluate cooperation with Turkey in a detailed manner. Therefore, with this chapter, it is vital to evaluate what role that Turkey has been playing to deal with the migration crisis starting from what kind of foreign policy instruments the EU uses for the Migration Policy and the approach with Turkey. The 2013 Readmission Agreement, 2015 Joint Action Plan and EU-Turkey Statement of 2016 will be evaluated which are crucial to see how the EU-Turkey relationship has developed ever since the Union needed the assistance for tackling the crisis. With crisis management, mutual relation between Turkey and the EU has developed. For this reason, this chapter evaluates Turkey's role until the EU-Turkey Statement of 2016; since the focus is on what kind of role Turkey played and what kind of incentives were given to deal with the crisis. While assessing the development of relation with Turkey, the factsheets, the European Commission press releases, the legal context of the agreements are evaluated in order to observe the framework of cooperation with Turkey.

4.1. Foreign Policy Instruments of the European Union for the Migration Policy

For decades, the European Union has been trying to develop a foreign policy, which has certain policy tools to deal with the migration. To evaluate how Turkey has played a vital role in the migration crisis of the EU, examining the foreign policy instruments of the European Union for the Migration Policy is necessary before writing about the developments. The migration policy of the Union has several pillars which are legal migration and integration, irregular migration and return, Common European Asylum System, Schengen borders and visas, innovation and industry for security, organized crime and human trafficking, crisis and terrorism, police cooperation, international affairs, Europe for Citizens Programme, European Agenda on Migration, European Agenda on Security and securing EU borders.

To start with the general framework of external migration policy of the EU, it is necessary to highlight what is the "Global Approach to Migration and Mobility" (GAMM). GAMM is part of International Affairs pillar which has been trying to develop a policy with partner countries. GAMM is the "overarching framework (EUROPA 2019)" of the European Union for its external migration and asylum policies. According to the EU definition, the priorities are defined as "better organizing legal migration, and fostering well-managed mobility, preventing and combatting irregular migration, and eradicating trafficking in human beings, maximizing the development impact of migration and mobility, promoting international protection, and enhancing the external dimension of asylum (EUROPA 2019)". Concerning the "external dimension" of the EU migration policy (Boswell 2015, 620), which is the Union's migration policy regarding the non-EU states, which are "attempts to manage migration through cooperation with migration sending or transit countries (EUROPA 2019)." Therefore, since Turkey is an important part of the external dimension of migration policy evaluating the relations between the EU and Turkey is necessary for the EU since the Union's response to migration challenges remained insufficient.

"Political instruments (bilateral and regional policy dialogues and action plans), legal instruments (such as visa facilitation and readmission agreements), operational support

and capacity building and project support made available to third countries and other stakeholders (EUROPA 2019)" are used to tackle the crisis of the Union. The instruments used for Turkey are also part of these tools in which makes Turkey a crucial partner for tackling with the migration crisis.

Migration management of the EU is conducted by partnership and readmission agreements (Triandafyllidou and Dimitriadi 2014, 152). For instance, one instrument used with Turkey is the readmission agreements which has been an important policy tool of the EU migration policy. A readmission agreement aims to prevent illegal settlement in one country by identifying and returning that person (Ahmet İçduygu and Aksel 2014, 337). This kind of agreements is signed between the EU and with 3rd countries in order to prevent illegal trespassing. The negotiations regarding the readmission agreement between Turkey and EU dates back to the beginning of 2000 (Wolff 2014, 77) which continues to the signature of the agreement in 2013. In the following part, the process and what kind of incentives were given to Turkey regarding the Readmission Agreement will be evaluated. Other initiatives to deal with the crises were the Joint Action Plan and the Statement of 2016 which will be evaluated to see Turkey's role in the EU's migration crisis.

Concerning the European Migration Agenda of the EU which was adopted by the European Commission in 2015 to be able to deal with the crises, had certain priorities one of which was the "safe third countries". Western Balkan and EU candidate countries would become crucial partners to enable safe countries in order to prevent migration flows which Turkey was part of it. With regards to the Agenda, it can be argued that Turkey was a part of creating safe third countries by observing the steps taken by the EU and Turkey.

4.2.   An Overview of the 2013 Readmission Agreement

In 2011, the world faced a new crisis on the soil of the Middle East. When the Syrian Civil War had begun, the fate and future of both Turkey and the European Union have changed regarding tackling the civil war and refugee flows. Because Turkey was a

neighbor with Syria, refugee flows were coming to Turkey whereas they were entering illegally to the borders of the European Union by using many transit routes. Between 1995 and 2011, there were only 635 asylum applications from Syria whereas in 2014 this number increased to 900.000 in which approximately 200.000 of them were living at refugee camps (Kirişçi 2014). According to UNHCR data, the number of Syrian refugees in 2014 was 1.6 million, whereas in 2015 this number increased to 2.5 million (UNHCR 2019). For this reason, after completing the negotiations, new initiatives were taken by both the EU and Turkey side.

On 16 December 2013, Turkey and European Union relations marked a new phase for the future of their relations. The Readmission Agreement was signed between two, with enabling Visa Liberalisation Dialogue, as well. When the agreement was signed by EU Commissioner for Home Affairs Cecilia Malmström, she stated her hopes that this agreement and visa liberalization dialogue would boost the relation of the EU and Turkey (EUROPA 2014). To give a concrete background, it is necessary to evaluate the content of the agreement with regards to EU and Turkey relations as well as how the EU tried to tackle with the refugee flows coming from Turkey. The aim of a readmission agreement is to control the flow of refugees by creating rules and obligations (İçduygu 2011). For this reason, observing the content of the agreement can give us a framework on what kind of incentives were given for Turkey by the EU.

First of all, provisions of this agreement were based on the principle of reciprocity in which both signatures would have their responsibility to implement the necessities of the agreement. This means the readmission of the people who had entered to the other side illegally and the return policy of those illegal entrances (İKV, 2019). Within the content of the agreement, it is also stated that the illegal incomers regulations would enter into force three years later than 2014 which was the operationalization year of this agreement. The incentive or the carrot that was given to Turkey was the elimination of visa restrictions to Turkish citizens for the entrance to the European borders without any rules. This has been a long-term desire of the Turkish government since it would not only open the borders of Europe to Turkey, also would also be closeness towards the Union referring to the membership.

The process of visa liberalization was stated under the "Roadmap Towards a Visa Free Regime with Turkey", quoting from the dialogue, one of the provisions of the document was "identifies the areas where Turkey will have to undertake legislative and administrative reforms with a view to establishing a secure environment for visa-free travel (EUROPA 2013)". As can be seen from the dialogue, the incentive that was given to Turkey was the visa liberalization in return for the readmission provisions.

Requirements for the visa liberalization were defined by the roadmap which is related to defining the illegal immigrants and their readmission criteria. To give an example regarding the readmission policy, one of the provisions was "Establish and implement internal procedures allowing for the rapid and effective identification and return of Turkish citizens, third-country nationals and stateless persons who do not, or no longer, fulfill the conditions for entry to (EUROPA 2015)" which shows how EU uses Turkey to tackle the refugee flows coming from there. Turkey would become a buffer zone between the Syrian refugees and EU borders in which would be highly beneficial for the Union. With regards to the roadmap, there were not only provisions related to readmission procedure but also other things like Turkey to secure the borders, opening its access to refugee data or provisions referring to human rights, as well (EUROPA 2015). In short, it can be said that Turkey was a crucial partner for the EU to tackle its problems since finding a concrete solution among themselves has never been easy for the migration policy.

To conclude this part, the progress of the application of the readmission agreement is crucial, as well. The Commission reports for 2014 and 2016 (AVRUPAINFO 2015) indicated that regarding the fulfillment of the roadmap requirements are not yet implemented as the EU expected from Turkey which may cause struggles in the relationship of both. To give an example, Commission Report on the Visa Liberalization Dialogue of 2014 stated that, "In all the areas where the Commission assesses that the requirements of a benchmark are not yet entirely fulfilled (EUROPA 2014)." In addition, the third report on the Visa Liberalization Dialogue which was published in May 2016 indicated that "Turkey still needs to undertake in order to fulfill the last outstanding benchmarks of the Roadmap and to enable the European Parliament and the Council to adopt the legislative proposal made by the Commission (EUROPA 2014)."

Readmission Agreement was part of Europe's policy for tacking with refugee flows yet, was not the only one. In the next part of this chapter, the initiatives after the 2015 migration crisis will be evaluated in order to see what other kinds of carrots that were promised to Turkey. In general, it can be said that the EU used Turkey to deal with its external problems and to secure its borders in which shows a relation between both has been continuing even there were struggles. Because of the incentive-based feature of the readmission agreements (Wolff 2014, 70), carrots that were suggested to Turkey shows both actors had tried to benefit from the signature of the readmission agreement.

4.3.   EU-Turkey Joint Action Plan and EU-Turkey Statement (18 March 2016)

The more concrete cooperation between the European Union and Turkey occurred after the 2015 migration crisis. The Migration Crisis reached its peak point in 2015 with more than one million refugees and migrants crossing Europe according to IOM numbers. Ever since the 2015 migration crisis, the Union has tried to develop coping mechanisms and tools to deal with the flux of immigrants in which many of them were reluctant due to the interests of different member states. As mentioned before, the role of Turkey has been vital ever since the Syrian conflict started which became more vital especially after the 2015 crises. Even there were many Justice and Home Affairs Councils, struggles to find a common solution to the problem or new relocation system; the most effective solution that worked was the cooperation with Turkey. The quickest and short-termed solution for the crises was cooperation with Turkey (European Stability Initiative 2015) in which makes its role vital to analyze. For this reason, the EU-Turkey Joint Action Plan and its content will be evaluated to see what kind of role Turkey has played tackling the migration crisis of the Union.

During the October 2015, Justice and Home Affairs Council(JHA) of the Union and other gatherings were dominated by the most vital problem which was the migration-related topics and how to deal with those. To give an example, on the 8th of October 2015, the JHA Council was gathered to discuss the migration crisis. The focus was on the challenges the EU has been facing through in which member states agreed on to develop

collective responsibility. Minister of Luxemburg who was also the Council president at that time stated that:

> "The Presidency considers that today's debate will assist in the preparations of next week's European Council. The future of Schengen depends on the credible and effective control of the EU's external borders. This is a particularly high priority within the overall European Agenda on Migration (EUROPA 2015)."

In addition, on the 15th of October 2015, the European Council gathered to discuss the migration crisis. The opening provision of the discussions indicated that the migration crisis was the priority of the EU:

> "Tackling the migration and refugee crisis is a common obligation which requires a comprehensive strategy and a determined effort over time in a spirit of solidarity and responsibility (EUROPA 2015)."

On the 3rd and 4th of October 2015, Jean Claude Junkers who is the President of the European Commission and Recep Tayyip Erdoğan, President of Turkish Republic, gathered in Brussels to negotiate the Joint Action Plan to be another step for Turkey to achieve the visa liberalization defined by the roadmap (EUROPA 2015). The Eastern Mediterranean -Western Balkans route conference on 8 October 2015 had a result related to Turkey which was "We are facing a common challenge. As partners, we need to respond collectively with solidarity" in which suggested engaging with partners like Lebanon, Jordan, and Turkey (EUROPA 2015). The Justice and Home Affairs (JHA) Council occurred the next day, highlighted the "Cooperation with the countries of origin and transit is key to successful return operations" as well (EUROPA 2015). On October 15, the European Council was gathered in which it was emphasized the importance of the Joint Action Plan regarding the cooperation with origin and transit countries. Later on, on October 18, German Chancellor Angela Merkel visited Turkey, which was crucial because, after the problems with relocation system, cooperation with Turkey was a long-term plan of the Chancellor (Demirsu and Cihangir-Tetik 2018, 3). After Donald Tusk emphasized on the summit with Turkey and EU on October 12, Turkey and EU leaders gathered on the 29 November 2015.

When the context of the plan is examined, it can be seen that the Union was giving carrots to Turkey in order to deal with the burden of the crisis. For instance, "re-energizing" of the accession process of Turkey or the opening of Chapter 17 on Economic and Monetary Policy were examples regarding the carrots. Other incentives to be given to Turkey were the distribution of the 3 billion euros and for its role in dealing the refugee crisis, the Union's continues humanitarian assistance, and one of the most important ones was the visa liberalization. In return, the EU expected from Turkey to document the data of migrants to be able to keep track of their movements, implementation of international protection and facilitate "temporary protection" for Syrians in Turkey:

> "The EU will provide immediate and continuous humanitarian assistance in Turkey. It will also expand significantly its overall financial support. A Refugee Facility for Turkey was established by the Commission to coordinate and streamline actions financed in order to deliver efficient and complementary support to Syrians under temporary protection and host communities in Turkey. The EU is committed to provide an initial 3 billion euro of additional resources. The need for and nature of this funding will be reviewed in the light of the developing situation (Republic of Turkey Ministry of Foreign Affairs 2015)."

Concerning the Readmission Agreement, the EU also expected Turkey to accept irregular migrants who did not need international protection. In addition to these, cooperation with border states like Greece and Bulgaria were also mentioned in the Joint Action Plan (Republic of Turkey Ministry of Foreign Affairs 2015).

On 7 March 2016, Ahmet Davutoğlu, then prime minister of Turkey and the heads of EU member states discussed the future of migration crisis and the agreement conducted with Turkey. During this meeting, they agreed to work on the decisions that were taken previously in order to deal with the migration flows (EUROPA 2016). The statement reaffirmed the Joint Action Plan and cooperation with Turkey and also Turkey agreed on "to accept the rapid return of all migrants not in need of international protection crossing from Turkey into Greece and to take back all irregular migrants intercepted in Turkish waters (EUROPA 2016)". A week later, on the 17th and18[th] of March 2016 European Council was gathered to discuss the migration crisis in which resulted as the EU-Turkey Statement on 18th of March. The statement is also crucial to evaluate because it shows the EU's eagerness to cooperate with Turkey whereas Turkey was pleased by this mutually beneficial relation, as well. The 2016 Statement also known as the "refugee deal (Demirsu

and Cihangir-Tetik 2018, 4)" was an important step with regards to EU and Turkey relation. Regarding the statement, there were new points that were emphasized by both the EU and Turkey. The distribution of 3 billion euros would be accelerated, the visa liberalization would be achieved by the end of June 2016, upgrading of the Customs Union and also the opening of Chapter 33 was set as a next step. Turkey's vital role in this statement, that for every Syrian coming back to Turkey, another Syrian would be back to the EU which was addressed before. Also, Turkey would act on its role in preventing illegal immigration (EUROPA 2016). To show an overall contribution of Turkey regarding its responsibilities coming from the statement, factsheets on an annual basis should be evaluated. The table demonstrates cooperation with Turkey, the number of irregular migrants decreased.

Table 4.1 Returns of irregular migrants to Turkey under the EU-Turkey Statement (Europa 2018)

	One Year Before the Statement	**2017**	**2018**
Returns of irregular migrants to Turkey under the EU-Turkey Statement	627	1504	2164
Arrivals to Greece	988.703	27.711	57.45

All of which shows that the EU was in need of Turkish cooperation for the crisis which was because member state preferences were different from each other. Even Merkel tried to come up with the relocation plan or any assistance for the crises, other states were not sharing the same perception as her. The EU's problems paved the way for the cooperation with Turkey in which the Turkish government benefited by guaranteeing carrots that would be given to them. The bargaining process between two was on the basis of mutual interests with interdependence among the two actors. Turkey was able to gain from the carrots that had offered them and in return, the EU was able to take under control the migration crisis (Saatçioğlu 2019, 9). Divergent preferences caused to find a solution not

internally but externally in which Turkey became the most critical actor for dealing with the migration crisis of the EU.

Overall, when the role of Turkey is examined, it can be said that there were many attempts to cooperate with Turkey for the elimination of migration flows. Readmission Agreement was one of them in which based on reciprocity regarding the illegal entrances in return for visa liberalization for Turkey. But, especially after 2015, the migration crisis started to affect the EU severely in which more concrete solutions were needed. Since converging with 28 member states was not possible, Turkey became the main actor to deal with the crisis. The 2015 Joint Action Plan which followed by the March 2016 EU-Turkey Statements are crucial steps for evaluating the role of Turkey for the crises of EU. By offering incentives to Turkey like aid, boosting the membership process and visa liberalization; the Union was able to cooperate with Turkey to tackle the migration crisis. This shows Turkey was the most important step to tackle the migration crisis which indicates that after a devastating crisis like that EU and Turkey cooperation improved in line with finding solutions to the crises. The interests of both paved a way for mutual, interdependent relation.

5. THE EU'S EVALUATION ON TURKEY IN JUSTICE AND HOME AFFAIRS SINCE 2016

"The world is not dealing with a crisis of migration, but rather a crisis of union and leadership." – IOM DG William Lacy Swing

The relations between Turkey and the European Union (EU) have always been an attractive topic to research. Especially with the Syrian Civil War and the refugee crisis of the EU, the connection between both actors drew attention among many scholars. Since Turkey is a crucial actor for the EU to cope with the migrant crisis, there has been a special focus on Turkey, as well. From the start of the Syrian civil war and the migration crisis of the EU, Turkey has become a key actor for the Union. Thus, the relations in recent years between both has been centered around the migration crisis and how to deal with this issue. Having good and stable relations with Turkey became a critical issue for EU and increased the interdependence between both which shows even there were critical problems among each other, a centered relation on migration crisis has been on the agenda for the recent years.

Turkey's role safeguarding the EU's borders and controlling the irregular migration is unquestionable. Ever since the Syrian refugee crisis accelerated, Turkey's role became more important for the Union. Especially with the signature of the 2013 Readmission Agreement, Turkey's role started to become more crucial as a buffer zone. Following these agreements, the 2015 Joint Action Plan (JAP) and 2016 EU-Turkey Statement has been crucial milestones regarding the relation between EU and Turkey tackling the migration crisis. By those agreements, Turkey enabled the EU to deal with the crisis. The period after the Joint Action Plan and the EU-Turkey Statement is also critical to evaluate, as well. Therefore, the aim of this section is to examine the Union perception of Turkey by referring to whether Turkey is complying with the agreements. By looking at

what happened since the 2015 JAP and 2016 Statement, evaluating the approach of the EU towards Turkey happened to be a significant issue. By these developments, a new form of cooperation emerged out of the migration crisis. For this reason, the reports published by the European Union on Turkey and the reports of the agreements will be examined in order to observe EU's evaluation of Turkey, particularly on the issue of migration. Also, the statements of leaders and the European Parliament's will be elaborated in order to frame the relationship between both and particularly the EU perception of Turkey for the refugee crisis.

5.1. The EU's Evaluation on Turkey in Justice and Home Affairs in 2016

The year 2016 was a very interesting period for EU and Turkey relations. The Readmission Plan that was signed in 2013, the EU-Turkey Joint Action Plan in 2015, followed by the 2016 EU-Turkey Statement turned out to be crucial milestones in terms of migration based relation of both actors.

The 2015 Plan contained provisions reconsidering of Turkey's accession process and grant of 3 billion Euros for refugees, visa liberalization and humanitarian assistance by the EU in exchange for Turkey to keep a record of migrants, to implement the international protection of Syrian Refugees (EUROPA 2016). In addition to the 2015 Plan, the 2016 Statement contained "Turkey to accept the rapid return of all migrants not in need of international protection crossing from Turkey into Greece and to take back all irregular migrants intercepted in Turkish waters" (EUROPA 2016). Also, 3 billion euros would be distributed to Turkey quickly, the visa liberalization to be achieved by the end of June 2016, reconsideration of the Customs Union and also the opening of Chapter 33 were other topics that were agreed on. Another determinant in the EU-Turkey relation in 2016 was the 15th July coup attempt happened in Turkey which also affected the development of relations between both.

All of the developments were critical determinants of EU-Turkey relations, thus, evaluating the progress reports, factsheets and the statements of politicians are crucial to

understanding how the progress on the agreements and EU perception of Turkey with regards to migration issue has been developed.

The year 2016 has some interesting political discourses regarding EU Turkey relations. In April 2016, Ahmet Davutoğlu, who was the Prime Minister of Turkey at that time, threatened the Union by referring to the visa-free process and acceleration of membership process and said that "These pledges are mutual. If the EU does not take the necessary steps, it would be unthinkable for Turkey to do so" (Solaker 2016). This was not the only threat coming from a Turkish politician. Previous to Davutoğlu, Mevlüt Çavuğoğlu said, the foreign minister of Turkey, "If the EU doesn't keep its word, including the migrants deal we will cancel all agreements (Solaker 2016)." All the rhetoric of the politicians of Turkey indicates that Turkey had leverage over the EU by using its strategic position of the migrant deal which is no surprise that even after the coup attempt in Turkey in July 2016, Commission report of 2018 still indicated Turkey as a critical partner. The Report will be evaluated in more detail in the following paragraphs.

On the 9th of October 2016, the Report[9] of Turkey was published by the European Commission. Even though there was deterioration of relations since the coup attempt in Turkey, the report starts with the phrase "Turkey remains a key partner for the European Union (Turkey Progress Report 2016)", but in the next paragraphs warns Turkey to respect rule of law and fundamental rights because of the measures taken by the Turkish government after 15th of July. These were stated in the introduction of the report which shows that the EU thinks Turkey as a critical partner but do not consider Turkey is fully respectful to crucial EU norms like rule of law and fundamental freedoms.

However, for the purpose of this chapter, particularly the section of Chapter 24 of the report will be evaluated which is the "Justice, Freedom and Security". Some of the issues this chapter deals with are border control, visas, migration and asylum, police cooperation, the fight against organized crime and against terrorism and drugs (EUROPA 2019). Since, the aim of this thesis to evaluate problems originated from migration challenges, particularly, "Justice, Freedom and Security" section of the progress reports will be elaborated to see what has been achieved by the cooperation with Turkey.

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[9] Formerly named as Progress Reports.

Therefore, Turkey's development regarding the agreements and tackling with migration crisis is evaluated under this chapter.

When the 2014 and 2016 reports are compared, perception of the EU remained the same regarding Chapter 24. It is stated that:

> "There was good progress in the area of justice, freedom and security in a challenging environment. Turkey is making considerable humanitarian efforts in supporting an increasing influx of refugees from Syria as well as from Iraq (Turkey Progress Report 2014)."

Regarding the 2016 Progress Report, it is claimed that there was "good progress (Turkey Progress Report 2016)" in the previous year the issues related to Chapter 24. It is emphasized the fact that Turkey complies with the duties given by the agreement signed between both. Within the report, there was a reference made to the Readmission Agreement indicating that EU was not satisfied with the progress of Turkey:

> "Implementation of the agreement for Turkish nationals remained nevertheless unsatisfactory as the provisions of the agreement were not observed in a systematic and coherent manner by all Turkish diplomatic missions in the EU (Turkey Progress Report 2016)."

Also, regarding the visa policy, it is stated that:

> "Turkey needs to further harmonise its visa policy with the EU common visa policy. Further efforts are needed to align its legislation with the Visa Regulation, Visa Code and other relevant EU legislation (Turkey Progress Report 2016)."

The perception over the visa section is crucial because of the incentives that were promised to Turkey was the visa liberalization in which Turkish citizens would be a part of the Schengen zone. According to the Third Report for the Requirements of Visa Liberalization Roadmap, "Turkey adopted reforms aimed at meeting all the requirements of the visa liberalization" which led Turkey was one of the countries with no requirements when it meets seven remaining benchmarks (Solaker 2016). This showed Turkey would be part of the visa free zone when the EU would consider Turkey ready for this step.

However, in November 2016, Recep Tayyip Erdoğan's stated "You never treated humanity honestly and you did not look after people fairly. You did not pick up babies when they washed ashore on the Mediterranean. We are the ones who are feeding around 3.5 million refugees in this country", "Listen to me. If you go any further, then the frontiers will be opened, bear that in mind (Kroet 2016)." However, the EU considered itself successful for fulfilling its promises regarding Turkey. This can be seen by the words of Merkel's spokesperson, where she said that EU is standing by its promises for the agreement (Kroet 2016).

According to a Eurobarometer survey conducted in 2010, only 59% of the EU citizens were opposed to Turkey whereas, in 2016, this number increased to 76% (Yougov 2016). Also, according to a public opinion survey conducted for EU membership of Turkey in 2016 which shows that EU citizens are not in favor of Turkey even though Turkey is a critical partner for tackling the migration crisis.

Table 5.1 Turkey's Membership Poll (Yougov 2016)

Membership of Turkey	UK	Germany	France	Denmark	Sweden	Finland	Norway
Turkey should join the EU	8%	5%	8%	6%	7%	5%	11%
Turkey should not join the EU	67%	86%	74%	82%	73%	83%	65%
Don't know	25%	9%	18%	12%	20%	12%	25%

As it can be seen from the reports and developments between both actors, relation between Turkey and the EU was still developing despite the public opinion toward Turkey was deteriorating. Thus, this applies the EU still needed Turkey to cope with migration crisis which shows why the report still implies that Turkey was a critical partner.

With references to the 2016 Progress Report, there has been an increase in the cooperation between the EU and Turkey. For instance, especially with the legal and irregular migration, both actors were in cooperation in which EU supported and funded Turkish

coastguards. In addition, EU enhanced the capacity of Turkish The General Directorate for Migration Management (DGMM) in order to tackle the migration flows.[10] Not only for migration but also regarding other Justice, freedom and security subtopics, cooperation with Turkey can be detected from the progress report. Particularly, cooperation with regards to the fight against terrorism and Schengen and external borders section were emphasized. Regarding the external borders, Turkey's contribution is critical in which it enhances the border management and signs a tripartite agreement with Bulgaria and Greece to control irregular crossings. All of these shows the importance of Turkey increased after the EU thought Turkey as a solution to the refugee flows.

5.2.   The EU's Evaluation on Turkey in Justice and Home Affairs in 2017

In May 2017, European Commission President Jean-Claude Juncker, European Council President Donald Tusk and Recep Tayyip Erdoğan met in Brussels where they talked about the current EU-Turkey relations. One of the topics of discussion in the meeting was with regards to the migration issue as they agreed on the full implementation of the 2016 EU-Turkey Statement.

Later, on the 25th of July 2017, High-Level Political Dialogue between EU-Turkey was conducted in Brussels. Issues like "Turkey's EU accession negotiations, the migration crisis, visa liberalization dialogue, an update of Customs Union" were discussed (Republic of Turkey Ministry of Foreign Affairs 2017). The EU's support for the Syrian refugees in Turkey was another part of the meeting. These issues were topics that were stated under the 2015 Joint Action Plan and the 2016 Statement which again shows even the political situation in Turkey was critical, EU perceived Turkey as a critical actor for coping with the migration crisis which indicates the rational perception of EU towards Turkey.

Even there were bumps in the relation of EU and Turkey, EU seemed grateful for the results of the 2016 Statement which the Commission published "EU Turkey Statement -

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[10] Appendix A

One Year On" fact sheet. According to the fact sheet, only after one year, the irregular arrivals to the EU dropped by 97% and also the death on the sea decreased significantly, as well (EUROPA 2017). On this report, it is also stated that the EU delivered its promises to Turkey for the financial support whereas Turkey "followed up its commitment" towards the promises it made (EUROPA 2017). To assess the evaluation of the EU towards Turkey, it can be said that even there were negative dialogues between both actors, still, the EU perceived Turkey as a critical actor to tackle migration. Even the relations were politically in trouble, the cooperation regarding the 2016 Statement continued in which EU needed the support of Turkey.

5.3. The EU's Evaluation on Turkey in Justice and Home Affairs in 2018 and the Current Situation

Regarding the Justice and Home Affairs, Turkey and the EU did not start the year positively. In February 2018, the EU emphasized that Turkey should change its terrorism law for a visa-free European Union which was still a critical issue between both actors (Gotev 2018). Yet, one can argue that the refugee deal between EU and Turkey increased the interdependence between both in which normally, the relation could have been deteriorated even more if the deal did not exist.

Turkey played a critical role in controlling the migration flows again in 2018. In March 2018, there was the Varna Summit in Bulgaria in which Recep Tayyip Erdoğan was invited, as well. The main topics of this Summit were mostly related to migration and how to control this issue. Even there were some comments of Turkey to respect the international law and its actions in the Mediterranean Sea which was also talked at the European Council prior to the Varna Summit, regarding the migration the narratives were more positive. Donald Tusk's words on this topic were positive where he said "I would like to express our appreciation for the impressive work Turkey has been doing" which appreciated Turkey's role on this issue (EUROPA 2018).

Annual report written by the Commission was published on 17th of April 2018. To observe the perception of EU, some parts of the report should be emphasized, as well. To

start with the introduction of the 2018 report, like in the 2016 Report Turkey being an important factor is emphasized (Turkey Report 2018) in which shows the EU considers Turkey crucial for its interests. Still, in the introduction part, the migration crisis was emphasized which is one of the most important aspects of the EU-Turkey relations in recent years.

In the summary of the report it is stated by the Commission that "Turkey made good progress in the area of migration and asylum policy and remained committed to the implementation of the March 2016 EU-Turkey Statement effective management of migratory flows along the Eastern Mediterranean route (Turkey Report 2018)" which shows the EU perceives Turkey as a good partner for dealing with the migratory flows whereas emphasizes on the visa liberalization to be discussed in the Commission. Regarding the visa liberalization talks, it shows that the EU sees Turkey's contribution good to negotiate the demands of Turkey.

When the details of the report are examined, the role of Turkey was critical coping the irregular migrants in which EU needed the cooperation of Turkey.[11] As like the 2016 Report, Turkey's role regarding the legal and irregular migration has increased. The Chapter 24 of the report showed that like in the 2016 report, it is stated Turkey's progress was good in the past year which again shows even there were tensions in 2017, the area of migration kept the EU perception of Turkey more positive:

> "Turkey is moderately prepared in the area of justice, freedom and security. There was good progress in the past year, in particular in the area of migration and asylum policy. Turkey remained committed to implementing the March 2016 EU-Turkey Statement and played a key role in ensuring effective management of migratory flows along the Eastern Mediterranean route (Turkey Report 2018)."

However, like stated in the 2016 report, EU evaluation of Turkey regarding the Readmission Agreement was not as positive as the 2016 Statement:

> "Turkey is not yet implementing the provisions relating to third-country nationals in the EU-Turkey readmission agreement, despite these entering into force on 1 October 2017 (Turkey Report 2018)."

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[11]Appendix C

Still, with regards to the 2016 Statement which is one of the most critical junctures of EU-Turkey cooperation on migration, the EU evaluation of Turkey was good and shows the importance of mutual cooperation. Turkey's role in the 2016 Statement was regarded as good. According to the 2018 Report and the "Two Years On" fact sheet of the EU, the irregular arrivals were still lower than 97% which was the same percentage as the last year. When the overall data is examined from these documents, the EU is satisfied with Turkey's commitments and implementations regarding the 2016 Statement.

Even the Union is sufficient of the results of the Statement, there is also criticism over implementation of the Readmission Agreement (RA). The RA was based on the principle of reciprocity which means the readmission of the people who had entered to the other side illegally and the return policy of those illegal entrances. However, there was criticism concerning the RA. According to the report it is stated that "Turkey is not yet implementing the provisions relating to third-country nationals in the EU-Turkey readmission agreement, despite these entering into force on 1 October 2017 (EUROPA 2018)". Unlike the previous report, there was a negative comment on the implementation of the RA. With reference to the report, EU perceived Turkey better for tackling with migratory flows which had decreased in comparison to past where Turkey took "proactive action" towards the migrant routes. Yet, the unsatisfactory thought of the EU is stated detailly with regards to RA where it is stated that Turkey did not readmit third-country nationals from Bulgaria, which was a part of the RA (Turkey Report 2018). Yet, "Three Years On" 2016 Statement fact sheet, which was published in 2019, indicated that Turkey is still a critical partner in tackling with the migration crisis. Yet, one criticism came from Merkel in 2019 where she said the deal is not working properly (Reuters 2019) which shows there is an unhappiness with regards to the implementation of the deal, as well.

When the issues regarding the 2016 Statement is examined, it can be said that Turkey's role in the EU is critical. It is stated that Turkey made good progress regarding the Chapter of Justice, Freedom and Security in which especially EU thought efforts of Turkey positive for the 2016 Statement. Even their relation is still not perfect, interdependence over the migration crisis has created a new form of cooperation between the European Union and Turkey. To observe this situation more detailly, the refugee data will be examined in the next chapter to see the critical role of Turkey.

6.   PARTNERSHIP WITH TURKEY: STATISTICAL EVIDENCE

The partnership with Turkey has been one of the most critical aspects of Turkey-European Union relations in recent years. The flow of refugees coming to Europe and the lack of response of the EU caused a new direction to tackle the crisis. The solution that the Union has found was the cooperation with Turkey by trying to control the flows with the Joint Action Plan 2015) and EU-Turkey Statement (2016) that were conducted by giving incentives to Turkey. Thus, the role of Turkey in the migration challenged of EU is unquestionable. To see the importance of this cooperation, under this chapter refugee data will be evaluated to see what has been achieved with the help of Turkey. For this chapter, the European Stability Initiative and particularly, United Nations High Commissioner for Refugees (UNHCR) data is used to observe the severity of the crisis and the results of the cooperation with Turkey.

6.1.   Illegal Immigration Data between 2015-2019

Migration challenges of Europe have been one of the prioritized issues of the European Union. Especially after 2014, the illegal immigrants were fleeing to Europe where this reached its peak point in 2015. Especially, the number of refugees coming to Greece was tremendous in which caused the Union to take action. Particularly in 2015, the number of arrivals in Italy was 153.843, 16.946 in Spain and 863.315 in Greece. The total number of number was exceeding one million in which caused an unprecedented crisis in Europe.

Table 6.1 Sea and Land Arrivals to Spain (UNHCR 2019)

Sea and Land Arrivals to Spain	2014	2015	2016	2017	2018	2019
January	574	1.604	1.010	1.380	2.182	4.612
February	704	673	515	1.736	1.518	1.366
March	1.329	1.127	626	1.197	1.300	995
April	781	1.442	930	1.198	1.690	1.539
May	1.358	1.435	947	1.308	3.937	1.928
June	521	1.402	1.087	2.682	7.313	2.082
July	592	1.293	803	2.585	9.717	
August	2.288	1.332	1.589	3.100	7.022	
September	1.003	1.722	1.973	2.039	8.568	
October	984	2.227	2.032	4.099	10.912	
November	807	1.564	1.435	4.679	5.666	
December	1.096	1.125	1.658	2.373	5.558	
Total	12.037	16.946	14.605	28.376	65.383	12.522

Spain is one of the frontier states of the European Union which has a maritime boundary to the Mediterranean. Therefore, it is one of the states affected harshly by the refugee flows. Comparing the EU member Mediterranean States, Spain is the least affected by the refugee flows in comparison to Greece and Italy.

Table 6.2 Sea and Land Arrivals to Italy (UNHCR 2019)

Sea Arrivals to Italy	2014	2015	2016	2017	2018	2019
January	2.171	3.528	5.273	4.467	4.182	202
February	3.335	4.354	3.828	8.972	1.065	60
March	5.459	2.283	9.676	10.853	1.049	262
April	15.679	16.063	9.149	12.943	3.171	255
May	14.599	21.235	19.957	22.993	3.963	782
June	22.641	22.891	22.339	23.524	3.147	886
July	24.031	23.186	23.552	11.461	1.969	
August	24.774	22.609	21.294	3.914	1.531	
September	26.107	15.922	16.975	6.291	947	
October	15.277	8.916	27.384	5.979	1.007	
November	9.295	3.218	13.581	5.645	980	
December	6.732	9.637	8.428	2.327	359	
Total	170.100	153.842	181.436	119.369	23.370	2.447

Italy is another country which has a maritime border to the Mediterranean. Thus, it is one of the states that has been affected by the refugee flows. Followed by Greece, it is the second frontier state received illegal immigration flows.

Table 6.3 Sea Arrivals to Greece (UNHCR 2019)

Sea and Land Arrivals to Greece	Sea Arrivals	Land Arrivals	Total
2014	41.038	18.014	59.052
2015	856.723	6.592	863.315
2016	173.450	3.784	177.234
2017	29.718	4.907	34.625
2018	32.494	2.280	34.774

As can be seen from Table 8, Greece is the most affected country by the refugee flows compared to Italy and Greece. Just in one year from 2014 to 2015, the sea arrivals increased from 856.723 to 41.038.

6.2. Turkey's Contribution to the Decreased Refugee Numbers

As mentioned in Chapter 2, many JHA Councils, European Council gatherings and attempts conducted by the Union remained insufficient. Therefore, the cooperation with Turkey has seen a critical solution in which led to the Joint Action Plan in 2015 and EU-Turkey Statement in 2016. These agreements are explained in Chapter 3 in detail. According to the EU-Turkey Statement which was conducted in March 2016, it was stated that:

> "All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey. This will take place in full accordance with EU and international law, thus excluding any kind of collective expulsion (EUROPA 2016)."

> "For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria. A mechanism will be established, with the assistance of the Commission, EU agencies and other Member States, as well as the UNHCR, to ensure that this principle will be implemented as from the same day the returns start (EUROPA 2016)."

Therefore, while evaluating the role of Turkey, the data for Greece will be taken into consideration. Therefore, the illegal immigrant flows to Greece and the number of immigrants that were returned to Turkey is evaluated annually. Also, by the cooperation with Turkey, the sea arrivals to Greece declined after 2016. This was also stated in the Statement which was for Turkey's role to prevent illegal immigrants fleeing to Europe:

> "Turkey will take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU, and will cooperate with neighboring states as well as the EU to this effect (EUROPA 2016)."

Table 6.4 Monthly Sea Arrivals to Greece Between 2014-2016 (UNHCR 2019)

Sea Arrivals to Greece	2014	2015
January	955	1.694
February	1.001	2.873
March	1.501	7.874
April	1.257	13.556
May	1.703	17.889
June	3.198	31.318
July	3.927	54.899
August	6.742	107.843
September	7.454	147.123
October	7.432	211.663
November	3.812	151.249
December	2.056	108.742
Total	41.038	856.723

Table 6.5 Monthly Sea Arrivals to Greece Between 2016-2017 (UNHCR 2019)

Sea Arrivals to Greece	2016	2017
January	67.415	1.393
February	57.066	1.089
March	29.971	1.526
April	3.650	1.156
May	1.721	2.110
June	1.554	2.012
July	1.920	2.249
August	3.447	3.584
September	3.080	4.886
October	2.970	4.134
November	1.991	3.215
December	1.665	2.364
Total	173.450	29.718

To show the arrivals to Greece, the years between 2014 and 2017 is explained for this part. The reasons why these years are evaluated in together is to observe the change previously and after the Statement in 2016. The reason why only the sea arrivals are written is that the returns to Turkey are only consisted the arrivals to the Greek Islands. According to EU data, the illegal arrivals declined by 97% in comparison to the period before the Statement (EU-TURKEY STATEMENT ONE YEAR ON 2017). As it can be observed from Table 9, the sea arrivals decreased from 173.450 to 29.718 in which shows the importance of Turkey as a partner. With cooperation with Turkey, tackling with smugglers and refugees was easier. Referring to "One Year After the Statement" data, daily crossings declined to 43 from 10.000 in a day in October 2015 whereas, death at the Aegean Sea declined from 1,145 to 80 after the Statement (EU-TURKEY STATEMENT ONE YEAR ON 2017).

Referring to the First Implementation Report of the Statement, it is stated that since the implementation;

> "there has been a substantial decrease in the numbers leaving Turkey for Greece: in the three weeks preceding the application of the EU-Turkey Statement to arrivals in the Greek islands, 26,878 persons arrived irregularly in the islands – in the three subsequent weeks 5,847 irregular arrivals took place (EUROPA 2016)."

The joint attempts conducted by both Turkish and European authorities were considered successful according to the report. Some of the cooperation conducted were like 14 million Euro that was given to Turkish coastguard to secure the sea against smugglers and liaison officers were formed to enhance information sharing and for joint operations (EUROPA 2016). The Second Implementation Report was published on the 15th of June 2016 in which emphasized on some issues. Some of the crucial ones were 20 million Euros that were given for the Turkish Coast Guard's search and rescue capability and the establishment of Coordination and Joint Risk Analysis Centre.

According to the Third Report on Implementation, "In Turkey, legal developments have included the application of the rules on work permits which have led to the receipt of 10,584 applications for work permits from Syrian nationals. Over 8,000 have been approved so far" (EUROPA 2016). This means with the cooperation of Turkey, the immigrants would have a legal stand to work in Turkey in which would eliminate flows to the European borders. Regarding the fourth report which was published on 8th December 2016, "The Turkish Coast Guard is actively patrolling on the Eastern Aegean waters, registering a high weekly level of preventions of departures from Turkey (EUROPA 2016)" in which indicates the importance of Tukey to prevent departures to tackle the migrant flows.

Table 6.6 Returns from Greece to Turkey After the EU-Turkey Statement in 2016 (UNHCR 2017)

Returns from Greece to Turkey After the EU-Turkey Statement	2016
April	386
May	55
June	27
August	16
September	94
October	139
November	31
December	53
Total	801

Table 6.7 Returns from Greece to Turkey After the EU-Turkey Statement in 2017 (UNHCR 2018)

Returns from Greece to Turkey After the EU-Turkey Statement	2017
January	64
February	34
March	45
April	150
May	87
June	36
July	60
August	18
September	29
October	57
November	75
December	16
Total	671

As a part of the Statement, illegal immigrants would be received by Turkey. In April 2016, 386 immigrants returned to Turkey in which the totality of this number was 801 in 2016. Also, this number was 671 in which Turkey accepted from Greece. By the cooperation with Turkey, not only tackling with smugglers but also by receiving immigrants, Turkey was a critical partner of the European Union.

The Fifth Report on the Statement which was published on 2nd of March 2017, has emphasized the tripartite meeting conducted in January 2017 among Greece, Turkey and the European Commission. The topics discussed were "Turkey and Greece to allow direct communication, notably on specific return operations, and to follow up on any obstacles identified and it has been agreed that trilateral meetings will be organised on a regular bi-monthly basis (EUROPA 2016)." The Sixth Report was published on the 13th June 2017, it is also emphasized the resettlement to Turkey needs to accelerate in which the report stated a total number of persons waiting to resettle in Turkey is lesser than the total person that should be resettled to Europe in which highlighted that issue should be maintained (EUROPA 2016).

For instance, regarding the benefits of cooperation with Turkey, it is also emphasized "the numbers of detections of irregular crossings at Turkey's land borders with Bulgaria and

Greece seem to have remained low over the past six months" in which on average five illegal crossings to Greece per day and two to Bulgaria per day had been detected.

The last and Seventh Implementation Report as published on 6th of September 2017 emphasized "The EU-Turkey Statement has continued to deliver concrete results in reducing irregular and dangerous crossings", and for saving lives at sea and support for Syrian refugees (EUROPA 2017).

Table 6.8 Monthly Sea Arrivals to Greece between 2018-2019 (UNHCR 2019)

Sea Arrivals to Greece	2018	2019
January	1.633	1.851
February	1.256	1.486
March	2.441	1.904
April	3.032	1.856
May	2.916	2.651
June	2.439	2.510
July	2.545	
August	3.197	
September	3.960	
October	4.073	
November	2.075	
December	2.927	
Total	32.494	12.258

Table 6.9 Returns from Greece to Turkey After the EU-Turkey Statement in 2018 (UNHCR 2019)

Returns from Greece to Turkey After the EU-Turkey Statement	2018
January	47
February	23
March	29
April	18
May	29
June	20
July	23
August	17
September	48

October	17
November	40
December	11
Total	322

According to EU data, the illegal immigrant crossings still remained 97% lower previous to the Statement. The daily crossing declined to 80 in comparison to the time before the Statement. In addition, cooperation with Turkey, death at the Aegean Sea declined from 1175 to 130 compared to the period before the Statement. According to Table 14, a total of 322 irregular immigrants were sent back to Turkey which was a decision decided by the EU-Turkey Statement in 2016.

Table 6.10 Returns from Greece to Turkey After the EU-Turkey Statement in 2019 (UNHCR 2019)

Returns from Greece to Turkey After the EU-Turkey Statement	**2019**
January	19
February	13
March	5
April	10
May	14
Total	61

According to 2019 March data of the European Union, the daily crossings decreased to 83 compared to the period before the Statement in which the number of daily crossings was 10.000 in a single day. Also, the deaths in the Aegean Sea declined from 1175 to 310 after the Statement was conducted. According to EU factsheet, this meant "almost one million people who have not taken dangerous routes to get to the European Union and more than 1,000 who have not lost their lives trying (EUROPA 2019)." In addition, since the beginning of 2019, the returns from Greece to Turkey has been continuing according to the Statement in which shows the importance of cooperation with Turkey.

Table 6.11 Nationality of the Returned People (UNHCR 2019)

Nationality of the returned people	
Pakistan	714
Syria	341
Algeria	201
Afghanistan	108
Bangladesh	100
Iraq	92
Morocco	51
Iran	50
Egypt	25
Nigeria	20
Other	165

Overall, until now 1855 irregular immigrants were sent back to Turkey from Greece under the EU-Turkey Statement and of those most of the immigrants were from Pakistan, followed by Syrian and Algerian refugees according to the Table 16. Therefore, it can be said that with the help of Turkey, the Union was able to control the flows that were coming from the sea in which joint act was taken in order to save the borders of Europe. If there was not any form of cooperation for migration, this flow would go to EU member states, which indicates the significance of the relation between both. Thus, the numbers prove the importance of the cooperation with Turkey and the EU-Turkey Statement was inevitable where paved a way for Turkish-European relation on the basis of migration.

7. CONCLUSION

This thesis has looked into the migratory challenges of the European Union and Turkey's role for with regards to the migration crisis of the EU which has been one of the most significant developments in recent years. Caused by the conflicts in the Middle East, not only the countries who have been going through conflicts but, the European Union affected by the consequences of the conflicts, either. People were trying to cross to the EU and because of the irregular crossings to the European borders, a new problem came to surface. The asylum applications to the EU in 2015 was 1.2, whereas this number was 1.3 in 2016. Therefore, starting in 2015, irregular crossings has been a priority for the EU. The crisis EU has faced was unprecedented which showed the lack of migration policy of the Union in which was not capable enough to tackle with the migratory flows. Thus, the EU tried to develop new mechanisms among each other and also by cooperating with Turkey.

The thesis examined the proposition that "Turkey and the EU has a new form of cooperation for migration which is shaped by Turkish policies and bargaining among the member states." Therefore, the aim of the thesis was to explore whether this argument was true or not.

The thesis looked at this proposition by using two grand theories of the European integration which were neofunctionalism and liberal intergovernmentalism. The institutional framework was examined by the neofunctionalist premises whereas the divergent member state preferences were elaborated by the liberal intergovernmentalist premises. Hence, it can be said that liberal intergovernmentalism provided a better framework to understand different member state interests whereas evaluating the institutional framework was better by the neofunctionalism.

The findings showed that by the institutional gatherings of the Union, coming up with a supranational migration policy was not possible. The divergent member state interests caused this kind of problem. Even the EU found solutions for the migration crisis, the policy remained intergovernmental. Neither institutions of the Union, nor the member states could not come up with a coherent policy, therefore, this paved the cooperation with Turkey as a critical outcome. By the outcomes of the institutional decisions, a new role of Turkey has emerged out of this cooperation.

According to the findings, Turkey has become a critical partner for tackling the migration crisis in which incentives were given to Turkey like the promise of membership and opening of new chapters, visa liberalization in addition to 3 billion Euro for its role controlling refugees. By the help of Turkey, EU enabled more secure borders for its member states in which indicated that the cooperation with Turkey was highly crucial for the Union.

The Joint Action Plan of 2015 and the EU-Turkey Statement of 2016 were critical junctures for the relation between the EU and Turkey regarding the migration crisis. The EU needed the help of Turkey whereas Turkey benefited from the incentives that were promised. In addition, it is possible to say the EU promised very critical incentives like the membership and visa liberalization.

It can be said the argument of the thesis can be proven with references to the numbers. After the EU-Turkey Statement, there has been a dramatic decline in the irregular crossings in which sea arrivals to Greece were 173.450 in 2016, with the implementation of the statement this number decreased to 29.718. The illegal immigrant crossings lower than 97% comparing the period before and after the statement. This shows, with the cooperation of Turkey at the sea to secure the Mediterranean from refugee flows, EU and Turkey developed a mutual relation regarding the migration. This can be also observed from the progress reports of 2016 and 2018 in which cooperation regarding the Justice, Freedom and Security chapter was enhanced. With the help of the EU to the Turkish Coast Guard and DGMM, controlling and tacking the illegal crossings were easier.

Overall, Turkey has become a critical partner for the security of the European Union's borders. It can be said with the migration crisis, a mutual relation occurred between two

in which made Turkey a very critical partner for the EU. Therefore, it is possible to say even there are ups and downs regarding the relationship between two actors, the cooperation for the migration has become inevitable. Thus, Turkey's new role for the security of the Union has become on the surface.

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Turkey Progress Report 2016 Chapter 24

2016 Progress Report	Chapter 24: Justice, Freedom and Security
Institutional set-up and legal alignment of legal and irregular migration	- The General Directorate for Migration Management (DGMM) increased its capacity and expanded its capacity to accommodate irregular migrants in Turkey. - There are 18 removal centers in which DGMM will construct 12 more and six more will be constructed by the EU funding. Also, work has been initiated on a national monitoring system to observe the status of refugees. - It is also added, Turkey needs to formulate sufficient capacity by the increasing the amount of stuff and by treating asylum seekers better.
Implementation and enforcement capacity of legal and irregular migration	- It is stated, Turkey has been a crucial transit country for irregular migrants. - Illegal crossings to Greece from Turkey fell after the EU-Turkey Statement. The daily average of crossings fell from 1794 (the period between January-March 2016) to 116 (after the implementation of Statement to the end of September 2016). It is emphasized, this has been achieved by the hard work of Turkish law enforcement agencies to stop irregular crossings - However, it is stated the implementation of the Readmission Agreement was insufficient and. Turkey declared that the implementation of third-country provisions would not start until the EU confirms "the remaining visa liberalization benchmarks are fulfilled by Turkey". - The returning of the migrants is implemented by the EU-Turkey Statement rules, not from obligation deriving from the EU or bilateral readmission agreement with Greece - The returns were conducted by liaison officers by both parties, but due to the coup attempt in, Turkey withdrew its officers in which new officers were appointed in October. On the report, it is stated Turkey has been a major destination country for regular migrants, too. "At the end of 2015, 422 895 non-Turkish nationals held a temporary residence permit in Turkey, up from 379 804 in 2014."

Institutional set-up and legal alignment of asylum	• DGMM applies its tasks for all asylum applications without discriminating their origin and the provisional branches of the DGMM are registering and processing the applications of asylum seekers. • The DGMM is bound to carry out international protection status determination and administrative procedures within specific timeframes. Its provincial branches registered asylum seekers and processed their applications. • A regulation was adopted that would give temporary protection access to the labour market to Syrians. • In January 2016, Turkey adopted a regulation giving Syrians under temporary protection access to the labour market, although under some conditions and limitations. In April 2016, this regulation started to consist of all applicants of international protection. The applicants who received the protection could apply for social assistance, register to public schools or can be a part of the health insurance system.
Implementation and enforcement capacity of the asylum	• In the report, it is stated Turkey's efforts and humanitarian aid is unprecedented and it has been increasing. • The data of refugees have stated in which most of them are from Syria, followed by Iraq, Afghanistan, Iran and Somalia. 2.7 Syrian refugees are granted temporary protection. • It is also stated, 26 camps are managed by Turkish Disaster and Emergency Management Agency in ten cities of Turkey. • Also, the report emphasizes Turkey's efforts to reduce the asylum applications by deciding on their status. On average, 12.000 of them are processed in a month. • In April, Turkey committed to reduce the backlog of existing asylum applications by about 12 000 per month on average and to process them all by the end of 2016.
Visa Policy	• Further harmonization of visa policy is necessary for Turkey in which requires aligning Turkish Visa Regulation to the EU Visa Regulation. • It is stated that Turkey had applied a discriminatory visa regime towards 11 member states, thus, Turkey adopted a decree that the member states could enter Turkey when the visa requirement is lifted for Turkish citizens. • It is stated, Turkey contributed efforts to fulfill benchmarks of visa liberalization roadmap, but seven of them remains unfulfilled.

Institutional set-up and legal alignment of Schengen and external borders	• According to the report, some progress was achieved in this area and Regulation on inter-institutional cooperation and coordination in the field of border management was a step of this progress. • A trilateral agreement of Common Contact Centre for Police and Customs Cooperation between Bulgaria, Greece and Turkey was ratified.
Implementation and Enforcement Capacity of the Schengen and external borders	• By the new border management regulation, governors started to work in coordination. It is stated, the monitoring functions of the Border Management Implementation Board should be activated to observe the needs at borders. • It is also stated, the capacity of Turkish police to identify false documents should be increased to detect irregular crossings. • Another critical point from the report is that the increased cooperation with Greece and Bulgaria by the tripartite agreement. • Frontex operations are continuing and also increased after the deployment of a Frontex liaison office in Turkey.
Judicial cooperation in civil and criminal matters	• The Law on international judicial cooperation in criminal matters was adopted which covers mutual legal assistance, extradition, transfer of proceedings, execution of sentences and transfer of sentenced persons, consolidating international laws and regulations. • It is stated, in 2015 the EU accepted 56 extradition requests from Turkey and Turkey accepted five requests from member states. • Also, even Turkey participated in Eurojust meetings, the report states that the personal data protection law of Turkey was in line with EU regulations. • Regarding the judicial cooperation in civil matters, Turkey has ratified 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children and the 2007 Hague Convention on the International Recovery on Child Support and Other Forms of Family Maintenance but has not yet ratified the European Convention on the Compensation of Victims.
Institutional set-up and legal alignment of fight against organized crime	• The regulation on prevention, identification, fight, coordination and cooperation against human trafficking was entered into force to prevent human trafficking among other duties. • In the report, it is stated Turkey needed to enhance its law on cybercrime and witness protection.

Implementation and enforcement capacity of the fight against organized crime	• Cooperation agreements were signed for the fight against terrorism and crime to share information and to conduct joint operations. • 122 victims of human trafficking were detected in 2016 compared with 108 in 2015 regarding the DGMM numbers.
Institutional set-up and legal alignment of fight against terrorism	• On the report, it is stated that Turkey improved its rules on countering the financing of terrorism to line with the Financial Action Task Force (FATF) recommendations. But, further action is necessary for these rules to be standardized. • The Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism were ratified. • Also, it is emphasized that ECHR and ECtHR alignment regarding the rules on terrorism Turkey's legislation on terrorism and Turkey should act in a proportional manner.
Implementation and enforcement capacity of fight against terrorism	• Counter terrorism dialogue between the EU and Turkey continued and it gave a specific focus on foreign terrorist fighters. • Again, the personal data protection law once more emphasized in which it is stated, it should be in the standards of the EU law.
Cooperation in the field of drugs	• It is emphasized, Turkey was successful for the seizure of drugs and national police of Turkey increased its capacity to work more systematically.

Turkey Report 2018 Chapter 24

2018 Turkey Report	Chapter 24: Justice, Freedom and Security
Institutional set-up and legal alignment of legal and irregular migration	• Overall, it is stated legislation is "partially aligned with the EU acquis." • A strategic plan (2017-2021) was developed by DGMM for regular migration, irregular migration, international protection, the fight against trafficking in human beings, among other objectives • It is emphasized, Turkey has 18 removal centers with a capacity of 8 276, and it is planned to increase to 15 476 by 2020. However, the report suggests that Turkey should align its act with European standards for removal centers. It should provide resources, staff for law enforcement agencies in order to label migrants and asylum seekers. • Bilateral readmission agreement (RA) with Montenegro was entered into force and another RA with Bosnia and Herzegovina was ready to enter into force. Other bilateral RAs were signed with Kosovo, Norway, Yemen and Nigeria, in addition to negotiations of another RA with Switzerland. • The Law on Foreigners and International Protection was amended by two emergency decrees. One of them stated that people who are considered to have a relation with terrorist organizations can be sent from Turkey. The other decree introduced "new categories of people that can receive short term residence permits, extended the duration of short term residence permits and family residence permits" and the categories of students that can have residence permits"
Implementation and enforcement capacity of legal and irregular migration	• Regarding the report, it is stated the Statement was delivering results. • Death at sea dropped from 434 (2016 data) to 62 (2017 data). The daily average of irregular crossings dropped from 1794 (January 2016-March 2016) to 80. (2018 data) • It is stated, these drop offs achieved with the efforts of Turkish law enforcement agencies "to prevent irregular departures from coastal areas, the Turkish coast guard patrolling in the Aegean Sea, and the introduction of measures restricting the free movement of people seeking international protection and people under temporary

	protection to the provinces to which they had been assigned"
	• Turkey was part of preventing the opening of a new migrant route in the Black Sea.
	• Also, Turkey facilitated the implementation of the 'One-for-One' resettlement scheme regarding the statement. 11 711 Syrians were resettled from Turkey to the EU whereas Turkey readmitted - from the 1 484 of irregular migrants.
	• It is stated, implementation of the EU-Turkey readmission agreement was not sufficient. Still, Turkey did not implement the provisions in relation to third-country nationals.
	• The new work permit system the 'Turquoise Card' was introduced, to able to make work force to stay in Turkey.
Institutional set-up and legal alignment of asylum	• It is stated, "Turkey's asylum legislation is partially aligned with the EU acquis."
	• According to an amendment to the Law on Turkish Citizenship, naturalization of 36.323 Syrian refugees was accepted and approximately 50.000 of them were identified for naturalization.
	• In the report, it is stated applicants for international protection and people under temporary protection could apply for a work permit. 15.700 work permits were granted to Syrians.
	• It is stated, a dual asylum system is applied to non-Syrian asylum seekers. They must apply for Newcomers must apply for asylum at a DGMM Provincial Directorate of Migration Management office (PDMM).
Implementation and enforcement capacity of the asylum	• According to 2017 data, there are 3.5 million Syrian and 365000 non Syrian refugees in Turkey.
	• Approximately 228 000 of the 3.5 million Syrian refugees are stationed in 21 camps directed by the Disaster and Emergency Management Agency (AFAD).
	• With the EU support under the Facility for Refugees in Turkey, access to schooling and healthcare for Syrians were enhanced.
	• It is also emphasized in the report that more information should be provided to migrants and refugees about their rights.
	• According to the report, seekers continued to increase in Turkey. Until March 2018, Turkey granted international protection to 69.614 applicants and did not accept 13.079 applications, and 251. 574 cases were under review.
	• A new registration center was decided to build in Ankara elaborating and processing 25 000 applications per year.
	• Also, DGMM started to cooperate with the European Asylum Support Office in 2017.

Visa Policy	• According to the report, Turkey needed to harmonize its visa policy in line with the EU common visa policy. • Still, Turkey continues to apply a discriminatory visa policy to eleven Member States. • There has been some progress for biometric passports to be in line with EU law. • Turkey needed to fulfill 7 remaining benchmarks which were the fight against corruption, judicial cooperation in criminal matters, cooperation with Europol, data protection legislation, anti-terrorism legislation, EU-Turkey readmission agreement, and biometric passports in which Turkey planned an outline and sent to the Commission how to fulfill those benchmarks. • 13 training courses were thought for border and consular officials.
Institutional set-up and legal alignment of Schengen and external borders	• Turkey is not fully aligned with the legislative and administrative of the Schengen and external borders. • A joint law enforcement training academy for the gendarmerie and the coast guard was initiated. • It is stated that for being in line with EU law, professional staff should be located for border check and border surveillance tasks. Also, risk analysis units needed to be initiated.
Implementation and Enforcement Capacity of the Schengen and external borders	• The March 2016 Regulation on Inter-institutional Cooperation and Coordination in the field of Border Management should be implemented. It is stated that The Integrated Border Management Coordination Board has not yet reached the level it should have been. • The National Coordination and Joint Risk Analysis Centre (NACORAC) should start to function. • Also, it is added governors received the required training and the Ministry of the Interior adopted a training manual. • The responsibility for managing pre-arrival information and conducting risk analysis on passenger traveling by air was given to DGMM. • It is also suggested that passenger information data should be shared and analyzed by the Turkish police to manage risk. • It is stated, The Turkish police's capacity to identify forged and falsified documents need to be more effective and the police need to deploy more professional staff. • Operational cooperation among the European Border and Coast Guard Agency and Turkey was accelerated.
Judicial cooperation in civil and criminal matters	• The Law on International Judicial Cooperation in Criminal Matters entered into force in May 2016. • There is a criticism towards independence and accountability of the justice system in which it should be enhanced

	• Also, an agreement could not have been concluded to the lack of Turkish law on data protection. • Turkey was part of four Eurojust cases which were about terrorism, illegal immigrant smuggling, money laundering and fraud. • Turkey signed the 1983 European Convention on the Compensation of Victims of Violent Crimes.
Institutional set-up and legal alignment of fight against organized crime	• It is emphasized, Turkey increased the number of departments in the police and the gendarmerie to tackleorganized crime like drugs, migration, human trafficking, cybercrime, witness protection. • It is stated that Turkish law for the fight against organized crime and police cooperation is partially in line with the EU law.
Implementation and enforcement capacity of the fight against organized crime	• An agreement could not be signed with Europol since EU and Turkish law is not in line regarding the data protection requirements. • The Commission recommendation was about starting negotiations of an international agreement which would allow for the exchange of personal data including. • Cooperation between the European Union Agency for Law Enforcement Training and the Turkish police Academy continued in which Turkey signed 51 cooperation agreements with 21 member states to the fight against terrorism and crime.
Institutional set-up and legal alignment of fight against terrorism	• Turkey aligned its legislation with the provisions of Following the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism. • Turkey's law on terrorism and its implementation should be in line with the European Convention on Human Rights, the European Court of Human Rights case-law and the EU acquis and practices • The proportionality principle is emphasized for Turkish activities.
Implementation and enforcement capacity of fight against terrorism	• It is stated that counter-terrorism dialogue between Turkey and the EU continued with a focus on foreign terrorist fighters. • But, police and judicial cooperation with member states and EU agencies were limited because of the insufficiency of personal data protection law.
Institutional set-up and legal alignment of cooperation in the field of drugs	• In November 2017, a research committee was initiated to do research on drug addiction. • The High Council for the Fight against Drugs was tasked with high-level strategy development, developing coordination and monitoring strategy implementation.

Implementation and enforcement capacity of cooperation in the field of drugs	• It is stated law-enforcement body of Turkey conducted the successful operation. • Also, it is added the quality and quantity of data provided by Turkey is enhancing.