

E-PAPER

Beyond the Crisis Mode of the EU-Turkey Refugee Agreement:

Towards Sustainable
Rights-based EU
Asylum and Refugee
Policies

BY J. OLAF KLEIST

Published by Heinrich-Böll-Stiftung Thessaloniki, Greece
March 2022

About the Author

Dr. J. Olaf Kleist is a political scientist specializing in Refugee and Forced Migration Studies. He is currently working at the German Center for Integration and Migration Research (DeZIM) in Berlin and was previously at the Institute for Migration Research and Intercultural Studies (IMIS), University of Osnabrück and the Refugee Studies Centre (RSC), University of Oxford. His areas of focus include refugee protection and refugee policy at and across different political levels. He is co-editor of the forthcoming (2022) books 'Gewaltschutz in Geflüchtetenunterkünften' (transcript) and 'Flucht- und Flüchtlingsforschung: Handbuch für Wissenschaft und Studium' (Nomos).

Contents

Foreword	4
Summary	6
Abbreviations	8
Introduction	9
1. Five Years of the EU-Turkey Refugee Agreement: The Challenges at Hand	10
1.1 Understanding the 2016 EU-Turkey Agreement	10
1.1.1 Asylum Migration Conditions 2015	10
1.1.2 Creating the EU-Turkey Agreement	12
1.2 Did the EU-Turkey Refugee Agreement work?	14
1.3 Consequences of the EU-Turkey Refugee Agreement	16
1.3.1 Consequences in Turkey	16
1.3.2 Consequences in Greece	18
1.3.3 Consequences for the EU	19
1.3.4 Summary: Re-assessing the EU-Turkey Refugee Agreement – EU Refugee Policies at an Impasse?	20
1.4 The EU-Turkey Refugee Agreement 2021 – Crisis in a Standstill?	24
1.4.1 A renewed agreement in the context of foreign relations	24
1.4.2 A renewed agreement in the context of broader migration policy developments	25
2. Breaking the Impasse: Refugee Protection as Solution	26
2.1 The Challenges at Hand	27
2.1.1 Short-term	27
2.1.2 Long-term	29
2.2 Tackling the Regional Crisis: The Refugee Protection Scheme	30
2.2.1 Ending the Externalisation of Border Control: Regaining Border Sovereignty	30
2.2.2 Providing Humanitarian Aid for Refugees in the Region	35
2.2.3 Setting up a Global Refugee Admissions Program (GRAP)	36
2.2.4 Allocating Refugees and Asylum Seekers	38
2.2.5 Summary: What are the Goals of the Refugee Protection Scheme?	40
2.3 Tackling the EU Crisis: Towards a Rights-based EU Asylum and Refugee Policy System	41
2.3.1 A Common Asylum and Refugee System	42
2.3.2 Making Refugee Protection European	43
2.3.3 Distinguish protection and integration responsibilities	44
2.3.4 Summary: Prepared for Future Forced Migration Challenges	44
Literature	46

Foreword

The war in Ukraine dramatically brought the issue of forced migration back to the top of the agenda of the European Union. Europe's fastest growing exodus since World War II, as UNHCR already stated, triggered an enormous wave of solidarity throughout the continent. The EU Member States unanimously decided to activate the so-called 'Temporary Protection Mechanism', which provides protection within the Union to all refugees from Ukraine. This step, while being right and necessary in light of the dramatic flight from the war-torn country, is remarkable because in the past years it seemed impossible to reach any major consensus on migration issues.

Prior to the Ukraine war, the numbers of those seeking protection in the EU had dropped, despite the global rise in the number of displaced people. Regardless of the disagreement among the Member States back then, one goal always seemed to be commonly shared: reducing the numbers of irregular arrivals to the EU in order to avoid any repetition of the 2015 scenario. This motivation led to the development of the EU-Turkey Refugee Agreement. One could argue that the cooperation with Turkey within this framework remained the only agreed-upon aspect of EU migration policy. The assessment of how successful this agreement was and is remains highly disputed. The approach arguably might have been a success with regard to the reduction of irregular entries, but it clearly failed to create safe and legal pathways as it was supposed to on paper. Moreover, from a human and refugees' rights perspective the consequences were fatal. It created dramatic conditions for refugees on the Greek side of the Aegean Sea, most prominently, but not exclusively on the island of Lesbos and it created or worsened political dependencies and tensions, as clearly demonstrated by the dramatic situation at the Evros border in February 2020.

Despite these obvious negative consequences, many within the EU still argue in favour of further 'externalisation' of refugee protection (i.e. supporting third countries to host refugees or curb migration). In fact, the agreement with Turkey is often still referred to as a blueprint for further cooperation with other third country states.

Therefore, six years after the agreement came into effect it remains relevant to ask about its short and long-term effects. Whoever seeks to understand the EU's recent and present migration policy has to understand the dynamics of the refugee agreement with Turkey and its repercussions and consequences in the region as well as for the EU as a whole. Many challenges that originally motivated policymakers to come up with this scheme still remain, including the high number of refugees in Turkey. In fact, since 2014 no other country worldwide hosts as many refugees as Turkey, while the conflicts and crises in the region such as in Syria or Afghanistan continue to force people to flee.

In the framework of this policy paper named 'Beyond the Crisis Mode of the EU-Turkey Refugee Agreement: Towards Sustainable Rights-based EU Asylum and Refugee Policies' Dr. Olaf Kleist provides both an overview of the 2015 context and the various stages that led to the development of the agreement. He further assesses the effects of this policy and looks at consequences for Greece, Turkey and the European Union. His analysis leads to the conclusion that the EU needs a strong alternative to the current agreement with Turkey, which is rights-based and sustainable. He unfolds his vision of a broader EU asylum and refugee policy reform: he argues for a replacement of refugee camps at the external border with registration centres and relocation after 72 hours and a continuation of the EU Facility for Refugees in Turkey with a slightly different focus. He also argues for a broad and global resettlement scheme based on a coalition of willing member states that will be taking welcoming cities into account.

As the German Green Political Foundation, we see a necessity for such proposals to be presented and discussed, because we also see the need for alternatives to the existing framework. Through our offices and partners in the region in Turkey and Greece we have acquired first-hand experiences of the negative impact of the current policies for years now, which is why we try to foster and facilitate a debate about what alternatives to the existing EU-Turkey Refugee Agreement could look like.

This paper was finalised prior to the war in Ukraine, which will obviously have huge repercussions for different policy fields on a European and global level. The manifold effects are yet difficult to foresee. However, we already saw the unprecedented and unified EU Member States' reaction to the unfolding refugee crisis. While this will, of course, change the context for any EU migration policy for years to come, the ideas and concepts expressed in this study remain valid, just as the challenges in the Aegean region.

Last but not least, I would like to express my gratitude to the author, Dr. Olaf Kleist, but also to our partners from civil society organisations and academia and to our colleagues in Istanbul, Thessaloniki, Berlin and Brussels, who shared their expertise and thereby contributed to the development of the ideas expressed in this paper.

Thessaloniki, March 2022

Neda Noraie-Kia
Head of Migration Policy Europe

Summary

Five years after the implementation of the EU Turkey Refugee Agreement this paper reassesses the EU policy and suggests a way forward. Retracing the creation of the agreement, its focus on migration prevention by externalising border control is apparent. While the mechanism to resettle refugees in exchange for the return of irregular arrivals failed, the humanitarian support provided to Syrian refugees in Turkey was a success in terms of the agreement. The number of asylum seekers in the EU dropped significantly compared to 2015, though the impact of the EU Turkey Refugee Agreement on these developments remains unclear. However, public and political support for refugees has dropped in Turkey, refugees in Greece have been kept under inhuman conditions, Greece's asylum system is still broken and the EU asylum system as well while reform efforts are stuck. Moreover, the EU became dependent on Turkish migration control. Against this backdrop this paper disagrees with positions that want to continue the EU Turkey Refugee Agreement.

Considering the changes in migration and political circumstances, a current approach has to define very different goals to be achieved compared to 2015/16. In the short term these are solving the protracted refugee situation in Turkey and the region, regaining control of the external Schengen border, strengthening refugees' human and fundamental rights. In the long term, the following goals should be achieved: Solving the discrepancies of asylum seeker and refugee allocation, of EU sovereignty of refugee protection, and of social integration. Thus, creating a new refugee protection scheme to replace the EU Turkey Refugee Agreement would be intertwined with a fundamental reform of the EU asylum system.

In the short-term, this paper recommends four policies. **1.** Integrating asylum and refugee rights into EU border control by making it a corner stone of the Frontex mandate and by replacing refugee camps at the external border with registration centres and relocation after 72 hours. **2.** Continuing the EU Facility for Refugees in Turkey with an increasing focus on social participation and the integration of education and health programs into general government institutions. **3.** Calling an international refugee conference to create a Global Refugee Admissions Program to resettle at least one million refugees from Turkey over five years. Such significant responsibility sharing will contribute to decreasing the challenges in the region and improve the overall acceptance of refugees within host countries. **4.** Admission of asylum seekers and refugees would have to work on a voluntary basis by a coalition of willing member states, at first. The allocation should take advantage also of municipalities and civil society supporting the reception of asylum seekers and refugees through a matching system and support such willingness financially.

In the long-term, creating a rights- and rule-of-law based response to the protection challenges at the EU border would lay the foundation for a general reform of the EU asylum system based in rights and the rule-of-law. Such a reform would strengthen the new European Union Agency for Asylum (EUAA) to bring the allocation and transfer of asylum seekers in the EU and of refugee into the EU under one framework. Moreover, to overcome the sovereignty contradiction of EU refugee law and member states granting asylum EUAA should conduct all refugee status determination for EU. This would create a European protection status. The distribution of asylum seekers and refugees could then be guided by matching abilities and capacities rather than abstract principles. Creating a sustainable and comprehensive asylum and refugee policy system would allow the EU to better respond to displacement challenges of the future than it did in 2016.

Abbreviations

AMIF	Asylum, Migration and Integration Fund
CEAS	Common European Asylum System
CPA	Comprehensive Plan of Action
EASO	European Asylum Support Organisation
ERDF	European Regional Development Fund
EU	European Union
EUAA	European Union Agency for Asylum
GRAP	Global Refugee Admissions Program
NGO	Non-Governmental Organisation
TEC	Temporary Education Centres (in Turkey)
UNHCR	United Nations High Commissioner for Refugees

Introduction

2021 appears far away from the refugee and asylum situation of 2015 and 2016. If the EU Turkey Refugee Agreement announced in March 2016 set an endpoint to the arrival, five years later, as funding for the humanitarian component of the agreement runs out, a review of the overall policy seems necessary. While the EU and Turkish government are interested in continuing the agreement with slight modifications NGOs and refugee rights advocates have levelled much criticism against it. This paper assesses the policies and their outcomes in order to consider an alternative approach that, based on the lessons learned, responds to current challenges and opportunities. Moreover, as the EU Turkey Refugee Agreement is set in a larger predicament of the EU asylum system it will also consider how a new regional refugee protection scheme should correspond to a general reform of the EU asylum and refugee policy agreement. It develops short- and long-term policy recommendations. Overall, the paper consists of two parts: first the assessment of the EU-Turkey Refugee Agreement and second, recommendations on how to proceed and create a rights-based and rule of law European refugee policy and asylum system. The two parts build on each other but can be read separately.

This paper looks at the EU-Turkey Refugee Agreement from an EU and refugee rights perspective. It doesn't develop recommendations for Turkey or other countries concerned. Thus, it approaches the issue from a European point of view: how the agreement was developed, how to assess its results and consequences, how it fits within broader refugee and asylum policy developments as well as what alternative to renewing the agreement might exist – it is all written from a European point of view and for EU policies but with particular interests of Turkey and EU member states and specifically refugees' human and fundamental rights in mind.

The recommendations formulated do not consider the highly contested politics of refugee policies and of asylum reform. It suggests policy models and strategies for a rights- and rule-of-law based alternative to the EU-Turkey Refugee Agreement in connection with a sustainable and comprehensive EU asylum and refugee policy system. The author is fully aware of the conflicts and resistances against such approaches. Almost all reform efforts in this regard have failed over the years. The result has been a politics of the smallest common denominator – which increasingly excluded refugee rights. The goal of this paper is to offer orientation how a sustainable and comprehensive rights- and rule-of-law-based refugee policy ought to be. It should help guide the way in political negotiation without pre-empting resistance and objection. Having said that, the recommendations are still general and not set in stone. This paper wants to encourage debate about what an alternative to the actual EU-Turkey Refugee Agreement and the EU asylum and refugee policy system should look like.

1. Five Years of the EU-Turkey Refugee Agreement: The Challenges at Hand

1.1 Understanding the 2016 EU-Turkey Agreement

1.1.1 Asylum Migration Conditions 2015

In 2015, almost 900,000 asylum seekers arrived in Greece. Nearly all of them landed on small islands, travelling by boat from Turkey. About half of them were from Syria, 20% from Afghanistan and 10% from Iraq. The numbers of asylum seekers arriving in Europe along this route had been rising slowly in the three years previous as the civil war in Syria escalated and as Greece seemed a safer path to Western and Northern Europe and while crossing the central Mediterranean became increasingly dangerous.¹ Yet, from 2014 to 2015 the numbers of asylum seekers increased twenty-fold, prompting new reception and protection challenges for the EU.

Neither Greece nor the EU were prepared for the arrivals, even before they reached the 2015 dimensions. Greece had fortified its land border to Turkey in 2012, rolled back previous migrant integration and asylum seeker reception reforms and introduced detention measures, amid right wing extremist political pressure (Skleparis 2017). The EU funded reforms of the broken Greek asylum system in order to create a basis to allow again deportations to Greece under the Dublin regulation, without much success. Yet, Greece and the EU neglected reception and registration measures for asylum seekers arriving on Greek islands, as required under EU legislation,² when arrivals were considerable but still easily manageable and then also when numbers became seemingly overwhelming in 2015. Instead, locals on the islands, international NGOs and volunteers from across the continent facilitated asylum seekers' landing, accommodation, and basic supplies, and crucially, onwards travel. As the numbers of asylum seekers quickly outgrew the resources on the islands, the Greek state ferried the migrants over to the mainland from where they found their way – with the help of networks, smart phones, and support from volunteers and activists – along the Balkan route to safer countries in Western and Northern Europe.

- 1** Many asylum seekers arriving in Italy ran the risk of being registered upon arrival, thus being barred from travelling on to other countries under the Dublin regulation. In contrast, deportations to Greece were barred by the Court of Justice of the European Union (CJEU) in 2011 due to human rights violations (CJEU C-4/11). Thus, reports of successful asylum applications in Germany and other Western countries prompted the Turkey-Greek route.
- 2** Asylum Procedures Directive 2013/32/EU; Reception Conditions Directive 2013/33/EU; Dublin III Regulation (EU) No 604/2013.

Effectively, the EU and the countries along the Greek-Balkan route abandoned border controls and asylum policies, which had long-lasting effects in both policy fields. Opening the borders was legal, in the Greek case even demanded under international Refugee and Human Rights Law, as well as a rational choice for the countries concerned.³ Yet, failing to provide registration and reception facilities for the arrivals meant that the EU forsook the long-held principle of responsibility allocation for asylum procedures, even though legislation for cases of ‘mass influx of displaced persons’ in Europe existed.⁴ Moreover, without administrative procedures, such as the well-established EURODAC system, states didn’t know who was in their territory, let alone in the Schengen area. While the self-distribution of asylum seekers in Europe is arguably more effective in regards to their integration prospects than a top-down distribution (Aksoy & Poutvaara 2021), the lack of administrative reception procedures in Greece meant that hundreds of thousands of (potential) asylum seekers were actually undocumented or irregular migrants travelling in Europe. This situation was result and expression of the EU and states relinquishing responsibility for asylum seekers: Under EU asylum legislation, border control would have meant not closing the borders but that all asylum seekers are registered upon arrival and then cared for their safety, whether they stayed or moved on.

In public and politics across Europe, the neglect of asylum seeker registration and reception was perceived as a loss of control over borders and therefore state sovereignty, specifically since autumn 2015. After a ‘summer of welcome’ in Germany, when volunteers took up states’ reception duties, and after rather friendly perceptions of refugees was wide spread in many countries, public opinion turned against asylum seekers’ arrivals. Regaining border control by closing them became a dominant demand on the political right and then across societies. After Austria introduced border controls from Hungary in September 2015, Hungary started building fences first against entry from Serbia then Croatia, forcing refugees through Slovenia. Austria reacted by building a fence against entry from Slovenia, closing any viable path to Western and Northern Europe. As the migrants got stuck, a domino effect set in: Slovenia build a fence against entry from Croatia, Serbia and Macedonia restricted access to some refugee nationals and finally, Macedonia build a fence against entry from Greece in February 2016.

As the Western Balkan Corridor collapsed and asylum seekers had to remain in Greece, the Greek government started taking control of refugee camps on the islands and on the mainland, originally set up and run by NGOs and volunteers. The Greek

3 Greece had to accept the landing of asylum seekers as push-backs are illegal. For Greece and the Balkan countries, facilitating the migrants onwards travel was the easiest way to shed responsibility for them and since the asylum seekers didn’t plan to stay there their entry across national borders was acceptable for the countries on the path. Re-entering the EU in Hungary, many migrants applied for asylum there, straining the country’s hardly existing asylum system. Thus, the German government accepted the onwards travel across its national borders to prevent overburdening the neighbouring country’s reception facilities (on the legal case for Germany accepting asylum seekers from Hungary, see Steinbeis & Detjen 2019).

4 Temporary Protection Directive 2001/55/EC.

state, last in line of the Corridor closing, began registering refugees and massively curtailing their movements in its jurisdiction from about December 2015 on. Closing its sea border against irregular entries from Turkey seemed only the logical next step. However, Greece was unable to do this on its own, as Greek border guards were legally bound to rescue and not push-back arriving refugee boats (Christides et al. 2020). It was also the goal of the EU and of Europe's most important recipients of refugees, such as Germany, to close Schengen's external border. This had in fact been the plan for months but required close cooperation with Turkey.

1.1.2 Creating the EU-Turkey Agreement

The situation at the Turkey-Greek border required cooperation that considered interests on both sides. For the EU, considering the developments of 2015, this was driven by three main goals:

1. Regaining control at the South-Eastern external Schengen border;
2. Massively reducing if not stopping the arrival of irregular migrants from Turkey;
3. Answering the growing public hostility towards refugees by showing sovereign strength at the border and by fulfilling the calls for an end of asylum seekers' arrivals.

By 2014, Turkey became host to the most refugees worldwide, a title it carries until today, with around 2.5 million refugees in its territory by the end of 2015. This came with a number of challenges that carried their own policy goals for the Turkish government entering the negotiations:

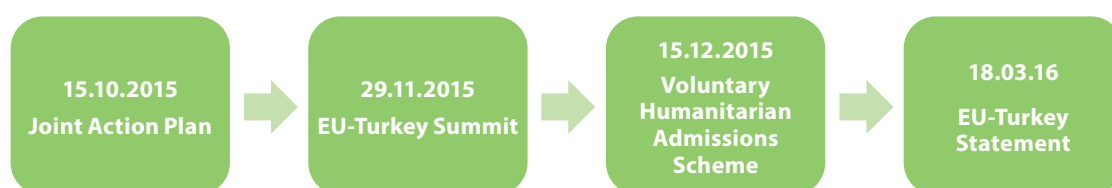
1. Receiving resources for hosting refugees;
2. Maintaining regional influence and international and domestic normative status due to hosting (Muslim) refugees;
3. Creating leverage in negotiations about EU visas for Turkish citizens, the establishment of a customs union and re-starting EU accession talks.

To address these points, the EU and Turkey announced a Joint Statement on 18 March 2016, which is usually referred to as the EU-Turkey Agreement or Deal. It contained a range of provisions but at its core, there was a novel policy instrument, the 1-to-1 mechanism. In general, each irregular migrant arriving in Greece without rights to protection was to be deported back to Turkey. For each deported Syrian person another Syrian was to be resettled from Turkey to the EU. Overall, the process was capped at 72.000 resettlement spots, covered in parts by the resettlement and re-location contingents of the European Agenda on Migration from May 2015.⁵ If more migrants had to be returned to Turkey, the mechanism was to be suspended, a clause functioning as a safety valve.

5 EU Commission COM(2015) 240.

While the EU had a number of migration agreements with other third countries,⁶ the 1-to-1-mechanism was a real innovation. Its purpose was to decrease the incentive of irregular migration to Europe by highlighting the risk of deportation and offering an alternative and safer pathway through resettlement for those who stayed in Turkey.

This was framed by a number of further agreements that were part of the March 16 statement but had been agreed upon and implemented much earlier. In fact, the EU-Turkey Refugee Agreement consists of a series of diplomatic actions between the two parties that were arranged over the course of about half a year at four separate occasions, beginning in October 2015 and building upon each other. These culminated in the March statement that was publicly announced with the special 1-to-1-mechanism, while other aspects of the arrangements were less well known.



The most important elements of the arrangement are formulated in the 15 October 2015 EU-Turkey Joint Action Plan (EU Commission 2015). It is a comprehensive cooperation agreement consisting of two parts: 1. Protecting Syrians in Turkey, which included improving the legal and factual situation of Syrian refugees, specifically in regard to education and labour market access, as well as fast and substantial financial payments by the EU for humanitarian support of refugees in Turkey. 2. Preventing irregular migration by cooperating closely on police and border security matters, including with Frontex and Europol. Turkey promised to intercept migrants on their way to Greece, prepare procedures to readmit deported migrants, adopt visa and asylum regulation in alignment with the EU, and to disrupt smuggling networks. In turn, the EU would support these efforts logistically and by information exchange. This was aimed not only at preventing migration but also to enable deportations under safe third country rules.

Thus, the main aspects that would define cooperation regarding borders and irregular migration had been formulated by October 2015. These were finally activated when Heads of State or Government of the Member States of the European Union met with their Turkish counterpart at the EU-Turkey Summit on 29 November 2015. At the summit, the Joint Action Plan stood in the context of a resumption of exchanges and negotiations between the EU and Turkey, among other things on visa facilitation, EU membership, customs union, energy cooperation and coordination on counter-terrorism. Also, three billion Euros was set aside by the EU as an initial payment for humanitarian support for refugees in Turkey. By March, the sum had increased to

6 E.g. <https://www.khartoumprocess.net>

two times three billion Euros until 2018. In addition, reference was made to an EU Resettlement Programme for refugees residing in Turkey.

Negotiations between the EU and Turkey were continued by 14 December 2015, about Turkish EU membership among other things. The next day, the EU Commission announced a Voluntary Humanitarian Admission Scheme for Turkey to be developed by EASO. This was to replace resettlement pledges by EU member states under the Migration Agenda from July 2015. While anti-migration policies were at the core of EU and Turkey cooperation, humanitarian and resettlement policies were added in the process. Thus, the Joint Statement of 18 March 2016, widely referred to as the EU-Turkey Agreement, was really the fourth meeting between the EU and Turkey in a few months, when core elements had already been set in motion. The only innovation by now was the 1-to-1 mechanism that emerged from iterations on various admission programmes that had failed before due to a lack of incentives for EU member states. Crucially, the novel mechanism integrated the admission programs into the anti-migration and border control policies adopted previously. In fact, cooperation on migration control had already been begun at this point.

1.2 Did the EU-Turkey Refugee Agreement work?

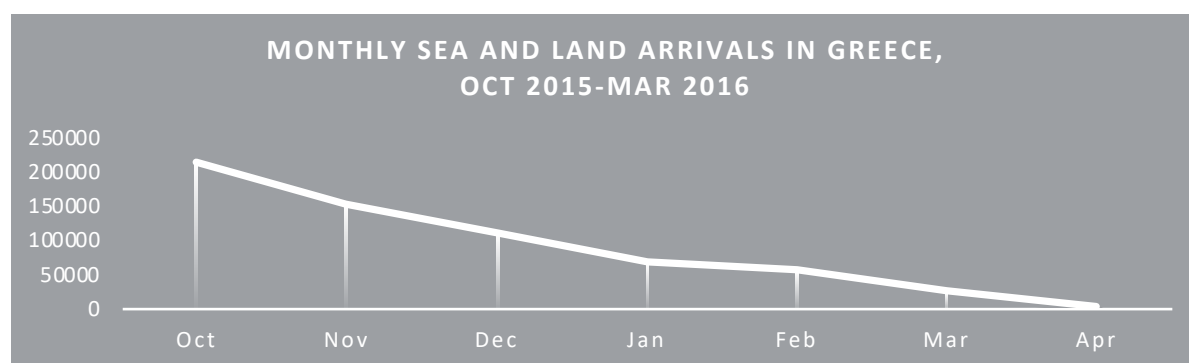
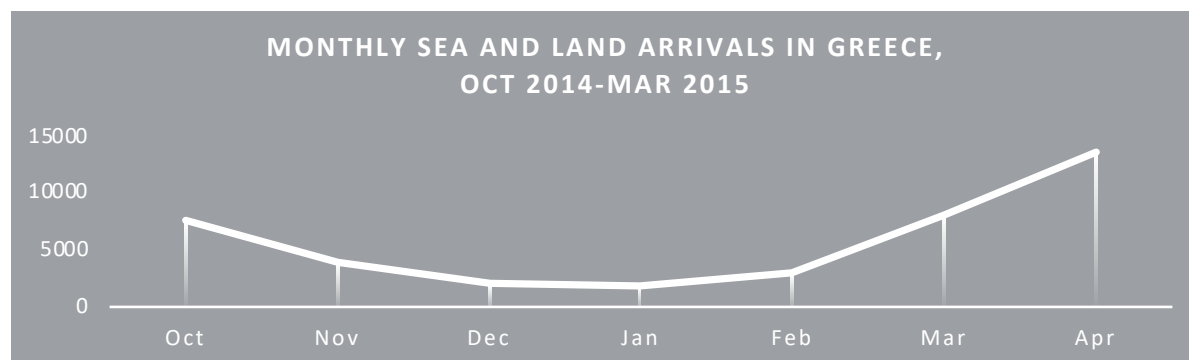
On an operational level, the elements of the EU-Turkey Refugee Agreement, the Joint Action Plan, the November summit, the December announcement and the March statement, were implemented successively. The EU Commission considers the humanitarian assistance to Syrian refugees in Turkey overall a success (European Commission 2019). Crucially, the numbers of arrivals in Greece had decreased to a sixth from 2015 to 2016 and again from 2016 to 2017, though they saw an increase the two following years.⁷ Overall, smuggling and irregular migration were effectively reduced, but made migration and interactions with smugglers much more dangerous for refugees (Yıldız, 2021). However, it is unclear whether the initial reduction of asylum seekers reaching Greece was due to the EU-Turkey Refugee Agreement and specifically, the 1-to-1-mechanism.

Between 2016 and 2020, 2140 irregular migrants were deported to Turkey as part of the programme, compared to almost 350.000 arrivals. The numbers of return were relatively low due to human rights restrictions on deportations on the EU side and increasing rejections to receiving returnees on the Turkish side since 2019 with a total stop of admissions due to Corona by 2020. In turn, 28,300 Syrians were resettled from Turkey in the same period. This was far more than would have had to be resettled under the 1-to-1 mechanism but included humanitarian admissions, though those weren't used to the full extent either. Overall, the mechanism did not work as a program but as a policy, did it discourage irregular migration?

Gerald Knaus, a Berlin-based policy advisor who is often considered the 'inventor' of the EU-Turkey Refugee Agreement, points out that the success of the agreement can be seen in

⁷ In 2020 the numbers of arrivals in Greece were particularly low due to the Corona-Pandemic; on the arrival numbers see <https://data2.unhcr.org/en/situations/mediterranean/location/5179>

the fact that the number of arrivals in Greece dropped drastically after March 2016 (Corall/ Göbel 2021). With the announcement that irregular migrants would be returned, potential crossings into Greece were discouraged. Yet looking at the data, the number of arrivals had dropped well before March 2016 if compared to previous years (see ill. 1). After October 2015, arrivals decreased month on month. As in the year before, numbers should have gone up again starting February 2016 when weather conditions improved. Instead, the number of arrivals continued to drop even before the EU-Turkey Statement was made public.



Monthly sea and land arrivals in Greece;
source data: UNHCR, <https://data2.unhcr.org/en/situations/mediterranean/location/5179>

There are three alternative explanations for why fewer asylum seekers made their way to Greece in early 2016. First, the path to Western and Northern Europe had been cut off since autumn 2015, as detailed above. Pictures of refugees experiencing violence and being stuck in the Western Balkans and in camps in Greece may have discouraged many potential migrants from setting off (Arsenijević et al. 2017). Secondly, most refugees in and around Turkey with concrete desires to migrate to Europe may have left Turkey by the end of 2015. While there is no concrete data on this assumption for that time, it may be underlined by the fact that previously, migration paths adjusted to challenges on their routes. Before 2015, most Syrians crossed the more dangerous central Mediterranean to Italy but in 2016, the route didn't shift back to Italy or went North through Russia, for example. Instead, Syrian refugees in particular stayed in their region of origin. Thirdly, rather than the EU-Turkey statement with its 1-to-1-mechanism, the previously enacted Joint Action Plan with cooperation on border control and disrupting smuggling networks was the effective element of the EU-Turkey Agreement, reducing arrival numbers in Greece. Thus, if the agreement really contributed to the migration decrease it did so with repressive and deterrent measures.

Most likely, all three elements worked in tandem: fewer people had desires to go to Europe, who furthermore were dissuaded by seeing border closures and repressive policies in Europe and ultimately, were hindered and put in greater danger by Turkish police actions. All this led to a short-term reduction in refugee arrivals in Europe. In the long-run, the effects of various policy elements and of complex overall developments in the region on refugee movements are hard to measure, especially since arrival numbers increased again after 2017. Yet, the EU-Turkey Refugee Agreement had numerous and wide-ranging consequences on refugees, on refugee policies and beyond.

1.3 Consequences of the EU-Turkey Refugee Agreement

The EU-Turkey Refugee Agreement had some narrow and clear policy goals. Five years on, their success can be assessed. Though as we have seen, causalities might be harder to determine than often assumed. What were the factors for the reduction in arrival numbers? Did it halt or encourage populist anti-refugee stances in Europe? Moreover, the agreement had a number of consequences for refugees, refugee policies and beyond that were either not clear at the outset, unintended or even counter to EU policy objectives. Beyond judging the achieved or failed policy goals these consequences are crucial for assessing the value of the agreement.

In the following, we will consider in particular the consequences of the EU-Turkey Refugee Agreement for refugees and refugee policies in Greece and Turkey as well as for EU external affairs in the region and refugee policies more general. This will allow us to question the expediency of renewing the agreement, including the modifications considered on the EU level, as well as of current proposals for the reform of the Common European Asylum System (CEAS). Finally, reflecting on the consequences of the agreement over the last five years, its successes, shortcomings and dangers, lets us develop some alternative policies oriented along human and refugee rights as well as democratic norms and EU interests.

1.3.1 Consequences in Turkey

Humanitarian support for refugees in Turkey was a core element of the EU-Turkey Agreement since the Joint Action Plan. The EU funded projects for humanitarian assistance, education, migration management, health, municipal infrastructures, and socio-economic support, including help for Turkish communities, with 6 billion Euros over ten years. Managed by the *EU Facility for Refugees in Turkey*, in which the Turkish government has an advisory role, the projects are implemented by international NGOs as well as international governmental and inter-governmental organisations mostly in cooperation with local and national organisations as well as Turkish ministries and other administrations (European Commission 2021a). These projects had great positive effects on improving refugees' lives in Turkey however, mostly for Syrians.

In the first tranche, priority was given to humanitarian assistance through the United Nation's World Food Program (WFP) and the United Nations International Children's Fund (UNICEF) among others. This facilitated millions of Syrian refugees with basic needs.

The funds allowed also for re-thinking support, assistance and care for Syrian refugees, shifting from a previous emergency response to a long-term strategy. Health services were adjusted from a passive to an active approach that integrated not only specific migrant health care facilities set up for refugees but Syrian health professionals into the national health care system (Yıldırım et al. 2019). While language, funding and staffing problems continue, the EU Facility allowed for a deeper integration of refugee health care issues into Turkish health policy and thus, improving long-term preventive and rehabilitation services for refugees (Assi et al. 2019).

From the very beginning, Syrian children arriving in Turkey since 2011 were offered Arabic language school education. In 2016 Turkish language classes were introduced and the government gave priority to language education. Under the Facility, Temporary Education Centres (TEC) were set up specifically for refugee children. In 2017/18, of more than half a million Syrian pupils about half were registered in TECs and half in public school. While great efforts are undertaken to provide education and to integrate Syrian refugees into the Turkish educational system it doesn't reach all refugee children. More than 400,000 were not registered in schools (Unlu/Ergul 2021). Yet, access to free education and to universities contributes greatly to better social integration, particularly in the case of girls and women (Kocak et al. 2021).

About half of Syrian refugees in Turkey are of working age. After Syrians were restricted to the informal labour market in the beginning, Turkey introduced under pressure from the EU work permits for people under temporary protection in 2016. This inclusion into the formal labour market is an important factor for social integration but a lack of work opportunities leads to a thriving informal labour market for refugees, which still contributes to local networks and integration (Sivis 2021). Urban refugees are over proportionally faced with insecure labour conditions.

Overall, support for refugees in Turkey improved not only their immediate but also long-term well-being. The Turkish government amended its citizenship laws in 2016, giving refugees permanent integration prospects (Koser Akcapar/Simsek 2018). The EU-Turkey Agreement facilitated refugees' participation and integration across sectors, to a mostly basic level though. Yet, Syrians suffer from wide-spread and increasing racism and discrimination in Turkish society and by 2019, the government began cracking down on refugees in urban centres (Kınıklıoğlu 2020). Ultimately, recent surveys found intentions among a quarter of refugees to leave Turkey for Europe but also a massive lack of funds and opportunities to do so (Düvell et al. 2021). Thus, further economic improvements in refugee households due to EU support measures in conjunction with discrimination and a lack of basic rights in Turkey may lead a renewed increase in irregular migration movements to the EU.

The greatest challenge remains the legal uncertainty for almost all refugees in Turkey. While around 100,000 Syrians received Turkish citizenship such option seems out of reach for almost all other refugees, Syrian or not, since the 2016 coup attempt and shifts in public opinion (Bozdağ 2020). Syrians are legally recognised as refugees in Turkey, which signed the Geneva Convention but not the 1967 New York protocol. Afghan and other refugees are excluded from this legal status. As the situation of refugees in Turkey becomes protracted and integration in Turkish society becomes increasingly difficult, other durable solutions are considered. Returning Syrians to Northern Syria is promoted as a concession to anti-refugee rhetoric while implementing international influence in areas with mostly Kurdish populations and that were or are controlled by Kurdish YPG forces. As numbers of forced migrants in Turkey rise and onward travel is largely impossible, the Turkish government walling itself off against new refugee arrivals by building a border wall against Iran.

In Turkey, despite the manifold successes in hosting the largest number of refugees worldwide and much financial and logistical support by the EU, the situation is approaching a braking point (Kınıklıoğlu 2020). Hosting of refugees has become a highly politicised issue as the refugee agreement with the EU is closely tied to the current government. Opposition parties have seized the opportunity to scapegoat refugees for the government's economic failures and international ambitions. This is a successful strategy in urban centres in particular where unemployment is high and precarious lives of refugees are visible. Refugee protection has become a political wedge issue and since it appears closely linked to the current president, Turkey might be a volatile partner for the EU to control migration.

1.3.2 Consequences in Greece

In 2015, volunteers and humanitarian NGOs set up temporary shelters on Greek islands for new arrivals of asylum seekers who quickly moved on the mainland and other European countries. The EU introduced so-called 'Hotspots' to relocate asylum seekers across the EU, which didn't work out as most member states refused to accept transfers from Greece. With the closure of the Balkan corridor, asylum seekers got stuck on the islands where the Greek government set up refugee camps. These became massively overcrowded and humanitarian conditions deteriorated (Hänsel & Kasperek 2020). As psychological problems and suicide attempts rose rapidly, the camps served as a deterrent to potential migrants but human rights concerns mounted as well (Hermans et al. 2017; Stathopoulou et al., 2019). After camps were burned down by residents in 2020, the Greek government erected new closed camps that human rights NGOs compare to prisons (Smith 2021).

Volunteers and activists played a crucial role in the accommodation and integration of refugees on the Greek mainland as well (Parsanoglou 2020). Independent refugee support structures were gradually closed and their activities suppressed. Yet, government support for asylum seekers and refugees is lacking. Accommodation in

apartments is based on vulnerability but are scarce, precarious and based on control-mechanisms (Papatzani et al. 2021).

All children in Greece have a right to free education and kindergartens are provided in open refugee camps. Since 2016, separate preparatory reception classes are introduced for refugee children, spurring their integration into public school and the general Greek educational system. Efforts are made also to make universities accessible for refugees and about 7% of young refugee adults indicate that they are students (Skleparis 2018).

The Greek labour market has been strained for years and finding employment is particularly difficult for asylum seekers and refugees even when work permits allow access to the formal labour market in the case of international protection beneficiaries. A survey from 2017 found that less than 10 percent of young refugees on the Greek mainland were in full or part-time employment (ibid.). Food insecurity and dependence on aid are high, even when employed. Yet, access to social welfare is limited for refugees even with protection status (ibid).

The Greek asylum system has long suffered from a lack of adherence to EU law. The human rights violations against asylum applicants and the reception conditions specifically were deemed so severe by the European Court of Human Rights that returns under the Dublin regulation were suspended from 2011 to 2017. Extensive reform efforts since have not led to satisfactory policies and practices of asylum and reception in accordance with EU law. The restriction of movement on Greek islands and inhumane conditions in refugee camps are in contravention of the EU reception directive. Crucially, determining Turkey a safe third country in the context of the EU Turkey Refugee Agreement has led to concerns over illegal refoulements (Karamanidou 2021, p. 105). Indeed, push-backs of asylum seekers by Greek coast guards have been documented at the land and sea borders. Thus, an already highly problematic asylum system in Greece has deteriorated even further as a direct result of the EU Turkey Refugee Agreement. Moreover, it has been argued that the EU has actively encouraged asylum law and human rights violations in Greece in order to implement the provisions of the EU-Turkey Refugee Agreement (Karamanidou 2021, p. 107).

1.3.3 Consequences for the EU

Besides deteriorating implementation of asylum law and refugee rights in member states such as Greece, the EU was massively impacted as a political institution by its own refugee agreement with Turkey. Externalising border control meant relying on the neighbouring country to prevent most irregular arrivals of asylum seekers in Europe. This gave diplomatic leverage to the Turkish government and severely limited the EU in other policy fields. When the Turkish government cracked down on the opposition after a coup attempt in the summer of 2016, criticism from Europe was weak. When Turkish troops invaded Kurdish areas in northern Syria Europeans' protest was mostly absent. The Turkish government threatened repeatedly that they could end the agreement and bring migrants directly to the EU border. In February

2020, they bussed some thousand asylum seekers to the Greek land border, provoking prompt reactions by Greece and the EU and appeals to return to the agreement. The EU had rendered itself incapable to adequately represent foreign policy interests *vis a vis* Turkey for its fear of irregular migrants. Moreover, other countries took note and Belarus started transferring asylum seekers to the external EU border in 2021. Though, the EU is not making concessions in this case, reactions have shown the effectiveness of such policies and an inability of the EU to adequately receive and treat people in search of protection.

The EU-Turkey Refugee Agreement, while focused on Turkey and the region, affected the EU's asylum policies and itself more broadly. Relying on closing borders for asylum seekers has questioned the validity of human and fundamental rights. Refugee camps with devastating human rights records in Greece, as described above, were not just accepted but supported by the EU. Recent reform proposals for the European asylum system integrated permanent camps as hotspots to detain asylum seekers as part of a future EU refugee policy. Externalisation of border control has proliferated in the wake of the agreement, the EU signing a migration cooperation with Egypt in 2017 and supporting the Libyan coast guard (Thevenin 2021). Concerns for human rights and the centrality of refugee rights in policy developments have decreased as questions of border control and deportations have dominated the political discourse since. These developments are not necessarily a direct result of the EU Turkey Refugee Agreement but are advanced by an overall positive evaluation of cooperation with Turkey. In turn, norms of asylum and refugee policies have shifted in Europe towards securitisation that in political evaluations of the EU-Turkey Refugee Agreement has created its own criteria of success: reducing irregular migration at any cost.

1.3.4 Summary: Re-assessing the EU-Turkey Refugee Agreement – EU Refugee Policies at an Impasse?

Gerald Knaus considers the EU-Turkey cooperation of the last five years a great success in principle but for some practical execution (Corall/Göbel, 2021). He criticises that the EU failed to create an effective asylum system at the Greek external border.⁸ Yet he argues, stemming the arrival of asylum seekers in Greece allowed for 'humane borders', in principle, that guarantee refugee rights under the Geneva Refugee Convention to those who arrive regardless (Knaus 2020). This assessment is questionable on several levels.

First, EU external borders are not humane as asylum seekers are kept in limbo in prison-like camps on Greek islands. Knaus condemns the situation in Greece but it is the direct result of his proposed fast asylum procedures at the Schengen border: Such processes necessarily exclude basic rights asylum seekers are entitled to (Hathaway

8 Moreover, the EU should have resettled more refugees from Greece, he argues, though the overall cap for resettlement was at no more than 72,000 spots anyways.

2021) and keeps them under the exceptional powers of border control – even if fast-track asylum procedures would work. Secondly, the concept of ‘humane borders’ enshrines the so-called asylum-paradox: that refugees have to seek asylum under the same sovereign power that tries to prevent them from crossing its borders in order for them to be able to seek asylum. Strong adherences to the Geneva Refugee Convention is purely theoretical and factually hollow if it is made materially impossible to claim those rights due to closed borders and the externalisation of asylum and migration control. Thirdly, and most importantly here, what is the innovative core of the EU-Turkey Refugee Agreement, the March 2016 Statements’ 1-to-1-mechanism, has quietly died. After five years, what is left are some successes and much hard reality: the results of the overall agreement are mixed at best.

In retrospect, we see manifold intended and unintended consequences from the policies designed to stem refugee migration in 2015. In some regards, expectations are fulfilled, in others, policy goals were counteracted and undermined. Revisiting the goals behind the EU-Turkey Refugee agreement formulated above (I.1.2) we can assess not only the policies so far but also how to amend and re-conceptualise future EU-Turkey refugee policies.

For the Turkish government, first, receiving resources for hosting refugees was crucial to provide humanitarian aid and moreover, to provide integration prospects for Syrians. This was particularly important to the ruling AKP party in order to have the Turkish population agree to its policy of hosting refugees. Yet, the government walks a fine line as most refugees, especially but not only non-Syrians, still lack basic rights and prospects of integration and are perceived as ‘nuisance’, leading to discrimination and attacks against them in urban centres, where they are looking for work and opportunities (Aydın-Düzgit et al. 2019). Opposition parties take advantage of public discontent and, aiming at the AKP government, target refugees in Turkey.

The Turkish government is only at the beginning of integrating refugees and must be careful that public opinion doesn’t shift too strongly against them, especially as the economic situation in the country becomes less stable after the Corona-Pandemic. These challenges will heighten if Afghan refugees arrive in greater numbers despite efforts of closing the border to Iran. To a degree, Turkey has become dependent on the EU’s humanitarian support, that would be difficult to replace not just financially but technically and might threaten refugees’ integration process and social cohesion more generally.

Secondly, coping with the integration of Syrians is seen by the government as a claim to regional influence. It receives much international, regional and domestic normative cloud due to hosting (Muslim) refugees. Moreover, hosting Syrians is important in Turkish diplomatic efforts to determine the future of Syria. With its focus on Kurdish areas in Northern Syria, it is also a direct assault on the Kurdish opposition. In fact, Turkey follows a two-pronged approach to building international influence with refugees: on the one hand, increasing soft power in the Arab region by hosting and integrating a large number of refugees and on the other hand, gaining more control over Northern

Syria and Kurdish areas by returning Syrians and possibly implementing militarily controlled 'Save Zones' (Adar 2020). International recognition as well as concrete support for hosting the largest group of refugees worldwide is justified and important. But Turkey needs to be called out when refugees are not protected but instrumentalised, especially as it comes to non-voluntary deportations and refugees are put in danger. To make this distinction clearly and unambiguously is important for the EU not just in the interest of refugees but to define and develop its own common foreign policy, promoting human rights *and* stability in the region as a necessarily combined strategy.

Thirdly, Turkey was highly effective in using irregular migration as leverage in negotiations with the EU. It was mostly unsuccessful in economic negotiations like achieving easier access to EU visas for its citizens and preferential customs regulations for Turkish goods, that were initially linked in the November 2015 EU-Turkey Summit. Yet, the threat of sending asylum seekers to Europe stifled EU criticism in matters where the EU was seemingly not directly affected, when it came to human rights violations domestically and international law violations in Northern Syria. Thus, the apparent control over irregular migration at the EU-Turkey border has been very useful to Turkey and would continue to be an important tool in future diplomatic relations.

Overall, the EU-Turkey Refugee Agreement gave the Turkish government many abilities to pursue policies beyond refugee issues, domestically, regionally and internationally. However, many issues like social and economic dissatisfaction in the population, increased authoritarian control, the strategy towards Syria and Kurds, and the relationship to the EU continue to be challenges for Turkey. The EU should not give *carte blanche* to its neighbour in these areas just to prevent irregular migration of mostly refugees but seek shared interests based on human rights and international law in future cooperation, while keeping its autonomy regarding illegitimate interests by Turkey.

For the EU, assessing the EU-Turkey Refugee Agreement cannot be as positive as it is for Turkey. First, while the number of arrivals in Greece has drastically declined compared to 2015, we cannot be sure how relevant the EU Turkey Refugee Agreement has been in this development. Moreover, the reduction only gives the appearance of the EU having regained its sovereign control over its external border. Control over irregular border crossings has been externalised to Turkish authorities that have demonstrated their ability to send migrants across the border against the EU's will. In turn, Greek authorities and Frontex have resorted to illegal measures of push-backs, further undermining EU human rights and rule of law credentials, as the EU has not achieved legitimate border control measures on its own. This is because border control continues to be confused with making physical crossings for irregular migrants impossible. Yet, robust registrations, rule of law asylum procedures and active admission programs are in fact effective border controls, as they allow for making sovereign decisions over access, visas and legal residency status for irregular migrants. Instead, border control has been reduced to preventing irregular migration, which Turkish authorities have promised in exchange for humanitarian assistance for refugees.

Secondly, the emphasis on stopping irregular arrivals reveals a very selective perspective on the greater refugee situation. While fewer asylum seekers arrived in the EU, the number of refugees has grown massively in Turkey from about 2.5 million by the end of 2015 to about 3.7 million by the end of 2020. The latter is in line with overall global trends of ever more people being displaced (United Nations High Commissioner for Refugees 2021). In Greece, more asylum seekers arrived again after a massive decline until 2017 and a temporary dip in 2020 due to the COVID pandemic. Moreover, refugees in Turkey and Greece live mostly under humanitarian conditions without durable solutions in sight. On Greek islands, asylum seekers are forced into inhumane living conditions, leading to social conflicts with and in the general population. In comparison, the amount of first asylum applications remained stable or declined in Western-Central and Northern EU member states. Yet, these states call for increased returns of asylum seekers to Greece (Statewatch 2021). In other words, more powerful states in the EU shift responsibilities from the centre to the periphery by 'warehousing' refugees inside (Greece) and outside (Turkey) the external border. Thus, the regional refugee crisis at the EU's South-Eastern border hasn't been resolved in 2016 but continues unabated and has become a protracted refugee situation. As responsibility-sharing for refugees is massively unbalanced, this fuels tensions between refugees and host populations, in societies and between member states. The abandonment of human and basic rights in EU policies at Schengen's South-Eastern border undermines not only fundamental rights for the whole of the EU but crucially, social and political cohesion within.

Thirdly, in 2015 the EU tried to counter growing hostility against refugees by showing ostensible sovereign strength at the border and by fulfilling the calls for an end of asylum seekers' arrivals. Yet, populist and right wing extremist parties grew across Europe after the EU-Turkey agreement: Stopping the arrival of refugees didn't dampen but normalised and encouraged anti-refugee sentiments (Wodak 2019), at least for a while. Today refugees are a minor topic for populists across Europe who have moved on to other issues. Yet, the agreement led to policies that populists and right-wing extremists had called for and who rightly felt emboldened. Ultimately, populists won on a policy level but cannot themselves provide a sustainable approach to refugee policies. By continuing with the aim of excluding refugees from human and basic rights, arguably the EU risks slipping further into authoritarianism in other policy-areas as well (Kelemen 2020, Kreuder-Sonnen 2018). Authoritarian tendencies in the EU can be countered by strengthening rule of law and by rights-based policies only, including for refugees.

The EU-Turkey Refugee Agreement was a response to a specific set of challenges amid a particular crisis of refugee policies. The EU and Turkey wanted to address quite different issues though, which provided limited opportunities for cooperation on shared interests. One common goal was the humanitarian assistance and provision of integration opportunities for Syrian refugees, a very successful endeavour so far. In contrast, the EU's aim to limit irregular border crossings was one-sided and was

traded for policy concessions to Turkey in other policy areas. as shown above. The validity and sustainability of the latter must be questioned after five years. Not only has the overall situation changed, but the deal also produced many consequences that were partially unintended and in many cases contradictory to EU norms, rights, and interests. Today, current circumstances, shifted challenges, and newly defined policy goals must inform a contemporary approach to refugees, irregular migration, and cooperation with Turkey. Rather than continuing under the 2015 crisis parameters the EU needs to assess and learn from the recent past and its failures to create better policies that fit the challenges of the now and future.

1.4 The EU-Turkey Refugee Agreement 2021 – Crisis in a Standstill?

Just like Knaus, the EU Commission and the European Council consider the EU-Turkey Refugee Agreement an overall success and want to extend it in a renewed and amended version (European Stability Initiative 2019). After the last tranches of the *EU Facility for Refugees in Turkey* were contracted by the end of 2020, the EU Commission lined up humanitarian bridge funding for 2021 in anticipation for a renewed humanitarian program and a new cooperation with Turkey on migration management (European Commission 2021b). 'Future EU funding shall also focus on the longer-term sustainability and the gradual transition into the Turkish system.' (ibid.). The Council is also committed to renewing the humanitarian program 'within the context of the EU's overall migration policy', for which high level dialogues with Turkey are planned (European Council 2021). Currently, a report is to be drafted for the EU Council on the continuation of the agreement, which should provide further humanitarian funding and continue the prevention of irregular migration. While the Commission criticises EU member states for not taking up a Voluntary Humanitarian Admission Scheme proposed in the EU-Turkey statement, there is no longer any talk of resettlement or humanitarian admission in current negotiations.

1.4.1 A renewed agreement in the context of foreign relations

The refugee agreement doesn't stand for itself but its migration management was and is also a bargaining chip in the wider EU-Turkey relationship. The new negotiations are no longer connected only to visa and customs facilitation for Turkey, though failure to reach agreements on those have been noted on both sides. Instead, Turkey now wants to make it possible for refugees to be cared for in the Kurdish areas it occupies in Northern Syria. Any agreement on such terms would legitimise Turkey's occupation in Northern Syria and its fight against Kurds who had previously been allies of the EU in the fight against ISIS. Moreover, talks about migration are imbedded now in the conflict over natural gas reserves in the eastern Mediterranean and in the reignited conflicts about Cyprus. While the Commission and the Council condemn 'any attempt by third countries to instrumentalise migrants for political purposes' (European Council 2021 p.3), they open themselves up to concessions in important

policy fields in exchange for more dependence in migration matters.

Ultimately, a continuation of the agreement stands on shaky grounds: The relatively high number of refugees in Turkey, even if it remains as it is, can a) lead to more conflicts and instability in Turkey itself, as opposition parties strengthen their anti-refugee rhetoric; b) due to more deportations of Syrians into Syrian-Kurdish areas, increase conflicts with Kurds, Western-Allies in the fight against ISIS, and Syria, a mayor destabilising factor in the region. As refugees increasingly become pawns in domestic and foreign relations of Turkey, the EU contributes to a destabilisation of the region with a continued out-sourcing of the refugee-issue to Turkey. Moreover, the EU keeps its policy options regarding Turkey and the region extremely limited as a continued agreement lets Turkey keep control over its common borders, specifically cross-border refugee movements to the EU. Turkey has continually used this power to limit the EU's options responding to various actions by Turkey of trans-regional importance and there is little reason to assume, it will not continue to use this power in future.

1.4.2 A renewed agreement in the context of broader migration policy developments

Moreover, a renewed EU-Turkey Refugee Agreement is set in a broadly changed migration and migration policy field. While the arrival of Syrians in Turkey has subsided in recent years (rising numbers of refugees in Turkey are mostly due to children being born to Syrian refugees already residing in Turkey), the rapidly changed situation in Afghanistan is expected to lead to further refugee movements. However, whether such forced migration movements will reach Turkey and subsequently the EU, depends on further developments in Afghanistan and on the global response. More concretely, Turkey is building a massive border fences to Iran since 2017, with increased efforts after recent developments, to prevent the arrival of Afghan refugees (The Guardian 2021). The goal is to make it impossible for Afghan refugees to reach Turkey but so far only a small number of Afghans is trying it anyways. Overall, the previously volatile situation of refugees arriving from Syria, Afghanistan and other countries in 2015/16 appears to be more stable and ready for more sustainable approaches now. In case of larger numbers of refugees seeking protection in Turkey or transit to Europe, the EU-Turkey Refugee Agreement could falter altogether as humanitarian support for Syrians is now focused on a protracted refugee situation and less on new arrivals. Moreover, an increase in arrivals in Turkish cities could tip public opinion against refugees and fundamentally change the political landscape not just in regard to refugee policies.

On the other side of the EU-Turkey border, attempts to return asylum seekers has led to building and rebuilding camps for asylum seekers on Greek islands. These interment camp-like centres double also as deterrents to any future migrants planning to seek asylum in Greece. Created as temporary facilities to welcome asylum seekers and to relocate refugees in 2015, the centres have become fixtures in EU refugee and

migration policy. They serve to immobilise migrants, preventing 'secondary migration' to safer EU countries as they undergo asylum procedures in Greece, and to prepare possible deportations if possible at all. These camps have become building blocks of the EU-Turkey Refugee Agreement as Northern and Western member states refuse to share responsibility and refugee policies are shifted mostly to the external border. Ultimately, the camps and their role as they developed in the EU-Turkey cooperation have become important pillars of the EU Commission's New Migration Pact and for the future of EU refugee policies (Hänsel & Kasperek 2021).

Thus, rather than the EU grasping the opportunity of reduced arrivals since 2016 to build on the lessons of 2015 and create a reformed, comprehensive and sustainable CEAS from the ground up it tries to build a lasting refugee system on a policy born from a political crisis that not only undermined the human rights the EU once stood for but that is inherently flawed. The externalisation of asylum and border control, permanent camps at the external Schengen border, and using refugees as bargaining chips in foreign policies were considered outliers of EU refugee policy before 2015. All this has been normalised by the EU-Turkey Refugee Agreement and now, acts as starting point for CEAS reform. Instead, it should function as a negative foil against which any future models of EU refugee policy are developed. EU refugee policy is still in crisis and hopes to hold on to a broken crutch that the EU-Turkey Refugee Agreement is. Any attempt at building an EU a sustainable refugee system must overcome the refugee crisis in a standstill that the agreement with Turkey has produced. Thus, the EU needs a strong alternative to its current refugee deal with Turkey to create a foundation for a future rights-based EU asylum and refugee policy reform.

2. Breaking the Impasse: Refugee Protection as Solution

In 2015, we witnessed an EU Asylum System unprepared for the arrival of large numbers of asylum seekers. This led to a breakdown of the system and an incremental crisis response that formed the EU-Turkey Refugee Agreement. Today, the numbers of arrivals have drastically decreased and most refugees from then are being integrated in European societies. Yet, the asylum system lies in shatters and is substituted by policies dedicated to closing borders and externalising refugee protection. The EU-Turkey refugee policies have produced some good results, especially regarding humanitarian assistance for refugees in Turkey, but also many unsustainable consequences. Considering the current circumstances, the EU should not continue what was started for very particular reasons but take the opportunity to learn from recent experiences and create better EU-Turkey refugee policies that can function as a foundation for a reformed EU Refugee Policy and Asylum System.

The EU-Turkey Refugee Agreement and current plans to renew it have many flaws, I have argued above. Not only is the agreement detrimental to EU interests in regard to sovereign

borders and other policy fields, its extension doesn't offer sustainable prospects for the region or EU refugee policies. Crucially, it fails refugees in need of protection and EU norms of human rights. Much criticism has been levelled at the EU-Turkey Refugee Agreement and efforts of its continuation, by NGOs, think tanks and independent researchers in the EU and in Turkey as well as by political parties across Europe. Yet, few alternatives to continuing the refugee agreement have been formulated.

Considering the ongoing refugee crisis in the region, it is not possible to approach the situation with current refugee and border policies – they are neither sustainable nor do they provide a blueprint for a future EU refugee and asylum system. Continuing in a crisis mode, born from a weak asylum system and the circumstances of 2015, is harmful to asylum seekers as well as to the EU in general. The crisis approach to refugee arrivals and border protection not only has to be left behind but turned into a pathway for a refugee and asylum system that respects EU norms and suits its institutions. The EU has to regain control of its migration and border policy not in contrast or addition to providing asylum – as some argue – but in unison with reforming its Asylum and Refugee Policy System. Thus, the EU first has to create refugee policy instruments to overcome the ongoing regional crisis – rather than administering and prolonging it – in order to begin a reform of the asylum system and to establish sustainable institutions for processing asylum cases. To this end, I recommend a two-step approach: First to overcome the impasse in the region with a comprehensive Refugee Protection Scheme, then to build on the approach to create a reformed EU Refugee Policy and Asylum System. This approach is laid out in several interlocking policy instruments that are geared towards tackling current short-term and long-term goals for sustainable and rights-based EU refugee policies.

2.1 The Challenges at Hand

Based on the assessments formulated in section 1, I suggest that any policy proposal should focus on the following short-term and long-term goals. These are markedly different from the EU's policy goals in 2015/16 (see 1.1.2). The situation and challenges have changed, as have the opportunities. Any policy proposal would fail its stakeholders if it didn't take into account seriously and critically the failures but also successes of the previous policies, of their implementation and consequences. Against this background, a proposal to achieve the following policy goals is formulated in part 2 of this paper.

2.1.1 Short-term

Over a timespan of about five years, the following policy goals should be achieved to resolve the continued refugee crisis at the EU's border to Turkey and to create a foundation for a comprehensive and sustainable rights-based refugee system in the EU:

- **Solving the protracted refugee situation**

Millions of Syrians as well as other refugees are stuck in limbo in Turkey and in the region for more than five years, without much hope of resolving their situation.⁹ While the so-called 'refugee crisis' in Europe appears to have passed, it continues in Turkey and the region around the south-eastern Schengen border. As Turkey struggles integrating the large number of refugees in its country, Europe must rethink its responsibility-sharing to go beyond financial support. The EU tries to externalise the refugee crisis in its immediate neighbouring region. As long as the crisis continues however, it acts as a constant risk to the EU, specifically its refugee, migration, and border policy. Thus, any approach to the refugee situation in the region must be fully focused on its short-term resolution.

- **Regaining control of the external Schengen border**

International protection of refugees requires close cooperation with other states. However, if the goal of such cooperation is shifting responsibilities for refugees, it creates dependencies and turns those in need of protection into pawns of international conflict and diplomacy. Currently, we see this developing into a downward spiral as asylum seekers are used in international conflicts and are dehumanised (i.e. referred to as 'political weapons'; Reuters 2021; see also Greenhill 2016), leading to more violent policies against them.

In Europe, this is connected to a misunderstanding of border control and asylum: These must be understood not as an opposition of closed and open borders but as two sides of the same coin: border control means selection of who can live in a country under what circumstances; asylum is one such instrument of selection. Europe must regain control of its sovereign border selection process. Thus, it must cooperate with Turkey on refugee protection while being independent in regard to its borders and from possible threats of migrant movements.

- **Strengthening refugees' human and fundamental rights**

The protection of human and fundamental rights must be treated as strength not a weakness of Europe's foreign policy. Opposing or balancing them against border control will weaken them to their core. Ignoring them for the purpose of deterrence, such as in refugee border camps, leads to their abandonment not just for refugees. Rights are inherent to democracy and their abandonment, even externally, does weaken them domestically as well. Instead, realising rights for those in need of protection and strengthening democratic rights in Europe will act as a soft power and allows their promotion specifically in more authoritarian transit countries with democratic oppositions. Thus, *exporting* refugee rights by sharing them, rather than *externalising* border control or asylum by leaving it to others, allows forced migrants to find protection in their home region rather than having to move on to Europe.

9 UNHCR defines 'protracted refugee situations' as conditions in which more than 20.000 refugees from one country are in another country for more than five years without prospects of finding a solution for their situation (integration, voluntary return, or resettlement).

2.1.2 Long-term

Within ten years, the EU can create conditions for a comprehensive and sustainable rights-based refugee system that builds on a practice of refugee protection focused on the short-term goals above. In order to approach the long-term goals, the short-term goals must be achieved so that general refugee policy reform efforts can be oriented along democratic norms and not to manage a crisis. In turn, to reach the short-term goals some fundamental challenges in the EU need to be addressed. Thus, realising the short-term goals must be integrated in long-term reform efforts of the EU's common refugee and asylum system.

When taking refugee policy reforms seriously, fundamental issues in the EU must be addressed. So far, the EU's political and institutional contradictions that refugee policies are emblematic in exposing, including democratic deficits in member states and the EU sovereignty discrepancy, have been systematically ignored when EU refugee policy reforms have been proposed. Instead, a reform of the EU refugee and asylum system is a chance at re-conceptualising general relations between member states, institutions and citizens – from the fundamental rights of refugees as a foundation up.

• **Solving the sovereignty discrepancy in EU refugee policies**

Currently, refugee protection is a matter of member states. However, EU law determines the refugee definition, conditions of asylum procedures, reception conditions, as well as responsibility allocation. While refugee policies are inherently tied to state sovereignty, the location of sovereignty in matters of refugee protection are elusive in the EU. This is a general challenge in the EU, but particularly pronounced in matters of refugee policy. Especially when the implementation of these policies is complicated, for instance by larger numbers of asylum seeker or with a view to policy reforms, a question of responsibility becomes a question of the EU's sovereignty discrepancy – perceived as a fundamental crisis. This sovereignty discrepancy must be tackled not only *for* a refugee policy reform but *by* such a reform. This would have to include involving more levels of governance such as municipalities and civil society into refugee and asylum policies.

• **Strengthening EU rights**

The protection of rights must be universal in the EU and should lie with EU institutions. Thus, refugee rights should be European, regulated by the European Parliament and the Council of the EU and bestowed by EU institutions, specifically the European Commission and its agencies, e.g. the EUAA. Rather than recognising refugee status among member states, one European refugee status should exist. Such EU status could then become a building block for European citizenship. Creating EU citizenship from refugee rights would embed norms of universal human rights deeply into the creation of democratic fundamental rights in Europe.

- **Preparing for future displacement crises**

Refugee rights are relevant only when they are realised in cases of need. The Common European Asylum System failed in 2015 when it was needed most, replaced by ad-hoc actions by civil society and individual member states. The EU will face similar displacement crises and protection challenges in the future: refugees from Afghanistan require a common EU approach, the climate crisis will lead to forced migration of millions of people over decades to come, future conflicts will displace people who look to the EU for protection. Refugee policies to respond to challenges that will come in some form require a refugee and asylum system that is sound and flexible. Rather than preparing for any eventuality – or trying to wall-off Europe against its place and responsibilities in the world – the EU must build a system of refugee policies that is deeply rooted in its institutions and norms.

2.2 Tackling the Regional Crisis: The Refugee Protection Scheme

In this section, I suggest several policy instruments that can be implemented in the short-term and should substitute the failed EU-Turkey Refugee Agreement, taking advantage of existing policies, frameworks and offers. These instruments are interlocking and partially dependent on each other. Their operationalisation should happen in unison, but the main elements are spelled out below. Some policies may be harder to implement than others due to EU decision-making and political conflicts. Thus, they should be thought of as building blocks of a larger reform of an EU Refugee Policy and Asylum System, that will have to tackle some inherent contradictions of the EU. However, depending on further developments in the EU, other pathways towards rights-based and sustainable refugee policies in the EU may be possible. Yet, the instruments spelled out here should be part of any new approach to EU refugee policies and reform efforts. New refugee policies *vis a vis* Turkey must be wide-ranging, taking a great array of protection instruments into consideration and harnessing the norms and powers the EU already has, in order to not fall for overly simple promises and having to rely on others, again.

2.2.1 Ending the Externalisation of Border Control: Regaining Border Sovereignty

Externalising border control is a decades-old policy goal of the EU and has been practiced with limited successes especially in Northern Africa. Many studies have shown the adverse effects of these policies for migrants and civil society in 'transit countries' (Stock et al. 2019; Casas-Cortes et al. 2014). The policy builds on international power imbalances and dependencies and frames refugees and migrants generally as a security not human rights issue. Norms of border security are pushed into societies of cooperating third countries, strengthening police and military power where democratic culture and rule of law are often weak. Thus, even an added externalisation of asylum, promoting refugee rights in third countries to legalise returns and deportations of irregular migrants and asylum seekers, remains stale where migrant and

refugee rights are subject to efforts to suppress their emigration. In recognition of these challenges, the externalisation of borders often fails in practice due to a lack of interest in implementing and enforcing it by third countries or due to increased securitisation amplifying migration pressure.

The EU-Turkey deal was considered a successful case of border externalisation that initially, German Minister of Interior Thomas de Maizière wanted to copy in Northern Africa (Die Zeit 2016). In fact, collaborations with governments in Egypt and Libya to stop migration to Europe have since been implemented (Dempsey 2021). Yet, for a long time studies have shown that border externalisation and the implicit securitisation of migration can change power relations between states, giving 'transit countries' increased diplomatic leverage over 'destination countries' in other policy fields (Huysmans 2006; Greenhill 2016 ; see also: Marder 2018). Both, the securitisation of migration and using it as diplomatic leverage, are clearly visible in the case of Turkey. As outlined above, externalisation meant that Turkey took control over border and migration management that it used in diplomatic negotiations. In fact, Turkey was so successful that Belarus appeared to copy pages from this play-book in 2021, using migrants as diplomatic threats against the EU (Dempsey 2016). Ultimately, treating asylum seekers as a border issue to be externalised in the EU-Turkey Refugee Agreement meant that the EU trusted Turkey with partial control of its migration management. Thus, the EU lost sovereign power over its external borders and achieved the opposite effect of what it wanted to achieve: re-gaining control over its external borders.

The goal of a new EU policy approach therefore must be to actually regain control over its borders. This requires understanding of what border control means. It is not opening or closing borders, they never are one or the other. Rather, 'border control' means determining who can enter and remain under specific conditions in the polity and its society, based on set criteria. Currently, irregular migrants are excluded generally despite or because many of them are refugees who would fulfil the criteria to enter and remain. In this case, border control overrides asylum, rendering refugee rights void. Yet, in a rights-based system it must be the other way around: asylum is an intrinsic element of border control, determining entry and conditions to remain for those in need of protection. Asylum must be fully integrated and enabled in a rule of law border system.

Thus, the EU faces two challenges by externalising border control: 1.) Cooperating third countries may link migration management to other policies for diplomatic leverage. The EU puts itself into an international relations bind by trusting others with its own border control. 2.) Preventing asylum seekers from accessing their EU rights undermines rule of law norms and principles more broadly. This is specifically meaningful at a time when rule of law in general is under threat in the EU – not least by countries that started authoritarian attacks on rule of law by denying refugee rights. Implementing a rule of law and rights-based border policy would instate sovereign control and fundamental rights and democratic principles of the EU in its migration policy.

To safeguard rule of law, the EU must not leave control of its external borders to third countries. It must not close its borders to all irregular migrants, virtually abandoning asylum. Rather, it must be fully prepared to receive asylum claims from migrants and to process them in a way that fully protects their rights and considers their specific vulnerabilities. That requires an integrated border and asylum system that incorporates fundamentally refugee protection into its border control. To do that, the EU must implement two sets of important policies and instruments that build on but crucially amend existing institutions.

a) Strengthening Refugee Protection within Border Control

The goal of the EU-Turkey Refugee Agreement was to prevent irregular migrants from reaching EU territory without EU officials being directly involved in intercepting them. This seemed necessary because persons under EU authority, even outside EU territory, are entitled to their rights under and by the authority. Thus, under European Human Rights Law asylum seekers cannot be returned (push-back) by border control personnel, as the European Court of Human Rights stated in the so-called *Hirsi* ruling in 2012 (European Court of Human Rights 2012). Having to safeguard asylum seekers' rights while also having to prevent their arrival poses an unsolvable contradiction to border control. Externalising border control seems a way of getting around this contradiction as migrants cannot claim their rights from the EU without encountering an addressee for those claims. Yet, as asylum seekers arrived in Greece despite the agreement with Turkey Greek coast guard in cooperation with Frontex resorted to illegal push backs (Stevis-Gridneff 2021). Ultimately, securitisation and prevention of irregular migration wins over refugee rights.

Instead, for EU border control it must be crucial that human rights are integral and not a hurdle or just a corrective in everyday practice (e.g. through monitoring). If border control means determining and enforcing who has and who has not access to the EU, those who want to claim asylum must be admitted. Crucially, irregular migration is lawful in cases of people seeking asylum and border guards must enable their (irregular) access while still preventing entry of those without a legal claim to access (e.g. active combatants, see Jaquemet 2004). This requires an important shift in the culture and practice of EU border control.

The EU agency tasked with border control in a coordinating and increasingly operational capacity is Frontex. It has been criticised for being involved in violations of human rights and illegal pushbacks of asylum seekers (Fink 2018). However, the institution is built on contradictory mandates, having to prevent irregular migrants while protecting their rights including to seek asylum (Perkowski 2018; 2019). Following policy demands by EU governing bodies and member states, it pursues a securitisation of migration management without having implemented fundamental rights and rule of law principles in its organisational governance, operations, or norms (Fjørtoft 2020). Any reform of the EU border guard, within or without Frontex, must resolve this fundamental institutional contradiction.

As a first step, institutions and personnel involved in pushbacks must be held accountable. Moreover and crucially, the EU border guard should not be governed by a general mandate demanding the 'return of irregular migrants' (European Parliament/Council of the European Union 2019), as it is currently in the case of Frontex. Instead, any border guard in the EU must recognise that many irregular migrants are asylum seekers. Human rights and specifically refugee rights must be strengthened and become fundamentally integral to the mandate of a European border guard agency. Other mandates such as combating organised international crime must be denoted secondary to protecting the right to seek asylum.

Practically, a border guard agency must be tasked, in close cooperation with the European Union Agency for Asylum (EUAA), with registration responsibilities for asylum seekers and receive resources for this purpose. Concretely, the EU parliament must refocus the mission of an EU border guard agency and charge the institution with active search and rescue missions, give it responsibilities to register asylum seekers and to care for vulnerable persons in the process. This will require dedicated protection personnel, not just monitoring, in every mission with specific equipment and facilities for registration and short-term accommodation.

In a first step, Frontex and other EU security agencies must limit their cooperation with Turkish police and coast guard as specified in the EU Turkey Joint Statement of 2015. The collaboration should focus on actual criminal investigations (i.e. trafficking, organised crime). Any common activities, including any support of Turkish officials and data sharing, must be reviewed with regard to their impact on human rights.

b) Border reception without camps

Making asylum and refugee protection a corner stone of EU border policy requires appropriate facilities for the registration and initial reception of asylum seekers at the border. Refugee camps that were set up as temporary accommodations for new arrivals before they moved on or were to be relocated turned into long-term accommodations under the EU Turkey Refugee Agreement (see I.3.3). Despite their notorious human rights records, these camps became an integral part of reform proposals for the European asylum system. As the goal is to return its residents to Turkey if possible, they are kept close to the border usually for the duration of their asylum process. This threatens not only asylum seekers' human rights but their rights as asylum seekers, limiting access to legal support, the labour market and to the education of children. Moreover, the system overburdens the local population and the Greek asylum system.

Existing refugee camps seriously undermine the human and fundamental rights upon which European norms and policies are to be build. There is no legal, political or logistical but only a symbolic reason to accommodate asylum seekers close to the border. Once they have claimed asylum and are registered they must be accommodated in a place and manner that they can access their rights as asylum seekers under

the Geneva Refugee Convention and the EU reception directive. Even if they don't receive protection status and are subject to deportation after their asylum process, proximity to the border doesn't enhance or speed up their return.

Yet, it is essential, that refugees are registered and assessed close to the border where they arrive (Rat für Migration 2020). This allows to quickly establish their right to claim asylum and to check their health and security concerns. To conduct identity, security and health checks takes some time and requires accommodation as well. Existing camps can be reutilised for this purpose if they allow safe accommodation including for children and other vulnerable persons. Crucially however, this process must not take longer than 72 hours after which asylum seekers must be relocated to dedicated asylum centres or to decentralised accommodations for the duration of the asylum process. This means that camps in their current form must be abolished and specifically, that any requirements that necessitate housing in these facilities for longer periods must end.

To guarantee rule of law, asylum seekers must be accommodated in a way and location that they can access their full rights. All EU and Schengen member states carry responsibility to guarantee refugee rights. Thus, after a brief registration EUAA must facilitate the allocation and relocation of asylum seekers to appropriate member states, where the asylum process can be conducted under full recognition of asylum seekers' rights, including possible legal challenges (see 2.2.4).

Implementing a rights- and rule of law-based border and registration policy is important not only to re-direct the European Asylum System towards democratic norms. The ability and willingness to protect refugee and migrant rights undermines threats by Turkey and other states of letting migrants through to the EU external border in contravention of existing agreements. In fact, a functioning border and registration capacity – that didn't exist in 2015 – would make the need of externalising border control unnecessary. Turkey would lose its leverage that was used in various policy fields and Europe would gain sovereignty over its external borders.

Moreover, rather than externalising border control, a functioning rights-based border policy that highlights the EU's sovereignty over border control, access and asylum would function as normative soft power. The model can be exported in the region and beyond – meaning the EU practice is copied not externalised. This strengthens not only human and refugee rights but democratic principles outside Europe, which can ultimately decrease the need for forced migrants onward flight to Europe.

To achieve this requires a decisive shift in current EU policies. Setting out normative goalposts for European refugee and asylum policies would be a starting point. Still, capacities to implement and realise these policies would be limited even if institutions like a rights-based border guard and registration facilities were fully operational. While current numbers of arrivals should be able to be processed, such a system is not designed for mass forced migration movements. Considering the ongoing refugee crisis at

the south-eastern Schengen border and especially in Turkey, a functioning and rights-based border control is only but importantly the foundation of an asylum system that must be joined by large-scale efforts to solve the regional protracted refugee situation. Only then can the border policy work in the long-term also and become a pillar in a sustainable Asylum and Refugee Policy System.

2.2.2 Providing Humanitarian Aid for Refugees in the Region

The *EU Facility for Refugees in Turkey*, the humanitarian program of the EU Turkey Refugee Agreement, is an outright success from a standpoint of refugee aid and an important humanitarian innovation in international EU refugee policy cooperation. In contrast to other border externalisation policies where development aid is paid to cooperating governments (Aliverti & Tan 2020), here specific humanitarian programs were implemented through international and local NGOs. A focus on resilience and agency and cooperation with state institutions in regard to health and education contributed to local integration capacities (Yilmaz 2019). After six years, the Facility programs are partially transformed from humanitarian efforts into measures to strengthen social participation. At this moment, it is important to continue this aspect of the EU Turkey Refugee Agreement.

- The EU must continue the *EU Facility for Refugees in Turkey* with programs that are implemented by humanitarian NGOs. It is to be developed continually with an increasing focus on local integration based on changing requirements. In policy fields that are run by government institutions, like education and health, these institutions should be closely involved in Facility programs to integrate refugee programs in regular institutions.
- The budget must remain at the same level as it was previously for at least another five years to be able to make a significant impact for refugees and local populations.
- Efforts to improve the legal situation of refugees in Turkey and the region should be continued.

All refugees in Turkey should be addressed, including from Iraq, Afghanistan and other countries, as well as local populations.

Along with programs for refugees, local politics and civil society should be addressed with educational and cultural programs, to facilitate exchange with refugees and to provide information about the living conditions of refugees, specifically in cities and regions where discontent about refugees runs high.

Improving the living conditions of refugees in Turkey has manifold advantages, apart from its intrinsic value. It allows refugees to build lives where they are and where they have networks. As humanitarian programs lead to refugees' local integration and to local prosperity, specifically in as far as locals are integrated in humanitarian programs, they contribute to more acceptance by the autochthon population. This will

also lessen the need of refugees to migrate to Europe. Yet, it is perceived with scepticism that the EU pays for Turkey integrating refugees while walling itself off against refugees. As refugee integration continues to be a massive social challenge and the deportation of Syrians to Northern Syria appears a viable option to reduce the number of refugees in Turkey, the EU must support Turkey in dealing with the ongoing refugee crisis financially and with know-how. Moreover, the EU must develop an exit-strategy with a view towards solving the refugees crisis in the region. Responsibility sharing must include also, taking in refugees in numbers that are not just symbolically significant but actually reduce the social impact of refugees living in Turkey and the region.

2.2.3 Setting up a Global Refugee Admissions Program (GRAP)

In recognition of over 5 million Syrian refugees living in the region south-east of Europe, 3.7 million in Turkey alone, EU efforts to solve the protracted refugee situation must go beyond financial and humanitarian support. The EU must initiate a Global Refugee Admissions Program (GRAP) for refugees from Turkey, itself committed to admitting at least one million refugees over five years. This will be an important message in Turkey and the region that the EU and the international community take sharing responsibility for the refugee crisis seriously. This will strengthen integration efforts and lessen opposition to refugees in the host countries. It will reduce the burden on local and national societies and thus, over time lessen the need for humanitarian aid for refugees. Crucially for the EU, creating safe, legal and realistic pathways to Europe will diminish irregular migration. This is an important condition to be able to create and make work a regular rights-based border control at the external Schengen border, by not overburdening its capacities. Thus, the admissions program would yield advantages for all stakeholders but would have to be designed comprehensively as a large one-time initiative, in combination with humanitarian measures and border and asylum reforms, to create a sustainable solution of the protracted refugee situation.

Such initiative could build on a long history of resettlement programs to solve displacement crises: over one million displaced persons from Europe after World War II, 180,000 Hungarians who had fled to Austria in 1956, and two million Vietnamese, Cambodians and Laotians from the late 1970s to mid-1990s were all resettled worldwide in dedicated programs. The last case included a Comprehensive Plan of Action (CPA) that is often considered a successful model for creating an international public good through responsibility sharing (Betts 2006). It recognised the linkage between refugee protection and migration management and involved sending and admitting countries as well as UNHCR with clear selection and admission criteria. GRAP would have to consider these points as well.

A recent study found that just under one quarter of Syrians in Turkey would want to move to Europe or to another country outside the region (Düvell et al. 2021). Just like the Indochinese CPA was not limited to Vietnamese nationals, the current program should include not just Syrian refugees. With over 3.7 million Syrians and another 300,000 refugees of other nationalities living in Turkey, a resettlement

program would require just around one million spots, considering similar migration intentions by non-Syrian refugees. UNHCR calculates about 400,000 spots as resettlement needs for the most vulnerable refugees in Turkey, which doesn't include other humanitarian reasons for wanting to migrate. While in total, the number sounds large it would be around 200,000 resettlement spots per year over five years. Compared to 580,000 first asylum applications in the EU in 2018, the numbers are realistically achievable – especially if other countries would join the GRAP initiative.

The EU together with UNHCR should soon invite governments worldwide, in reference to the Global Compact for Refugees and the 2016 New York Declaration for Refugees and Migrants, to a major global conference to address the ongoing regional refugee crisis. This should include pledging resettlement and humanitarian admission spots of which the EU could commit to resettling the vast majority of the one million refugees. Besides admission spots, a common and comprehensive Global Refugee Admissions Program would have to include a few fundamental principles.

- GRAP should admit not just Syrians but refugees of all nationalities including Afghans and Iraqis.
- GRAP should combine a broad range of admission instruments including resettlement for the most vulnerable, family reunifications and sponsorships. All refugees must receive permanent status in admission countries.
- GRAP needs to set a cut-off date by which refugees are registered in Turkey to be eligible.
- Provisions should be made for possible expansion and extensions of GRAP to be able to react to new displacements and to prevent new refugee situations emerging in the region.
- GRAP should focus primarily on Turkey but consider Lebanon and Jordan as well as the situations are closely linked.

There will be no solution to the protracted refugee situation in Turkey without a substantial commitment by the EU and its member states to resettle and admit refugees and thus, to take actual responsibility for those in need. This will require not only a broad coalition with other resettlement countries. It has to be set up in close and early cooperation with the host country to consider their needs, for example to balance admission based on qualifications and networks with UNHCR resettlement for the most vulnerable to prevent a so-called 'brain drain'. GRAP should be accompanied by work and study visas or a general visa liberalisation for Turkish nationals to prevent conflicts over advantages for refugees. Resulting remittances will function as an economic boon for the host countries and would complement Facility programs. The EU commitment will also contribute to lessening Turkish oppositional scapegoating of refugees for government policies by making refugee protection an international and democratic effort rather than being connected to domestic and regional power dynamics.

A large-scale resettlement and admissions program has many advantages for the EU. It allows a planned and organised selection, transfer, and integration of refugees. Selection would recognise needs by refugees, Turkey and admission localities (see 2.2.4) and would include security and health checks as well as preparation for all stakeholders. It should involve international, EU and national institutions as well as municipalities and civil society in all steps. Existing UNHCR, EU and national resettlement and admission programs, including the EU resettlement framework, would function as a base and could be developed further in the process. The EU would prove and establish itself as a mayor actor in the global refugee regime.

2.2.4 Allocating Refugees and Asylum Seekers

Earlier efforts to implement resettlement and relocation measures in the EU to address the Syrian refugee crisis, specifically as part of the May 2015 European Agenda for Migration, failed due to a lack of commitment by EU member states. The circumstances were particular and contributed to the failure. The first package was to be implemented just as most EU countries were confronted with unprecedented numbers of asylum seekers and as reception facilities were already strained. The second implementation package in autumn 2015 encountered growing resistance to refugee admission throughout Europe, making it politically difficult for most member states to accept such measures, even if they wanted. When admission spots of the Agenda were integrated into the EU Turkey Refugee Agreement only few member states accepted refugees as part of the program. Over time, the relevance of the resettlement element of the EU-Turkey Refugee Agreement waned, especially as the failure of the 1-to-1-mechanism became apparent.

Today, the circumstances have changed. With much lower numbers of asylum seekers in Europe reception capacities have re-emerged. The reception of refugees is still a contentious issue in most member states but less central to public and political debates. This allows willing actors in the EU to move forward and to create new measures and a pathway to a common European approach. To address the current challenges however, the EU must work with partners who see the need for new policies and who are willing to implement them and to provide the policies with legal frameworks and institutional support. Admission of asylum seekers and refugees is possible only on a voluntary basis.

The EU can build on its Resettlement Framework that would have to be amended to fit the current challenges, specifically raising the target numbers significantly and broadening the selection criteria. Moreover, as a voluntary instrument the Resettlement Framework can function also as a preliminary mechanism to relocate asylum seekers after registration at the border as long as an equitable responsibility sharing system is not in place. Thus, as an instrument to distribute refugees in Europe the framework could create a blueprint for an allocation system. This would mean that it would establish one system for refugees admitted through resettlement or humanitar-

ian programs as well as for asylum seekers that are still in the refugee determination process. This would allow to create the basis for a common asylum and refugee policy system (see 2.3.1). In a first step, EUAA would have to build capacities to support member states and other actors in the process of selecting, transferring and admitting refugees and asylum seekers.

For the reception of refugees and asylum seekers initially, the EU must work closely with member states that are willing to admit refugees and asylum seekers to find solutions to ongoing challenges. Diplomatic efforts should be undertaken by the EU and willing member states to convince reluctant member states to receive refugees through admission programs that are more flexible in selection criteria. Asylum seekers that undergo the asylum process in the country of first entry would count towards the total number of refugee reception of the program as well. This would build in the context of the voluntary resettlement framework, that includes relocation, an EU-wide member state system, under which refugee reception takes place.

In addition to member states, municipalities must be integrated at the core of an allocation system. They are central stakeholders in the reception and integration of refugees and many have gained much expertise in this area over recent years. Reception facilities like accommodations but also volunteer and civil society organisations that were created in the wake of 2015 have much capacity again that could be used for the reception and integration of refugees. Some cities see potential for their labour market or to bring in young families as populations age, others want to promote diversity, contribute to humanitarian efforts or allow their citizens to bring in their families. Various networks such as Moving Cities¹⁰ bring municipalities from across Europe together to promote more admission of refugees and relocation of asylum seekers.

As municipalities are the main hub for refugee integration, enabled by an active civil society, they must be at the centre of an allocation system (Bendel et al. 2019). Allocation systems that match preferences of municipalities with needs and abilities of refugees and asylum seekers will serve both host societies and newcomers (Jones & Teytelboym 2017; see also: Migration Policy Research Group). This can make the reception of refugees more attractive to more municipalities. The main hurdle for municipalities however is that the decision over refugee and asylum seeker admission lies with member states. Berlin is suing currently the German Federal Ministry of Interior for the city state to be able to admit refugees itself. If no legal solution is found for municipalities or other sub-national entities, the EU should support networks of willing member states, municipalities and civil society to advocate for refugee admission. Financial instruments can play an important part in this effort.

As the reception and integration of refugees is fundamentally a local task, reception grants should be paid directly to host municipalities. Currently, the Asylum, Migration and Integration Fund (AMIF) pays member states €6,000 per resettled person. With

10 <https://moving-cities.eu>

one million refugees admitted under the Global Refugee Admissions Program this would come to six billion Euros over 5 years – coincidentally, that is the same amount spent under the EU’s Facility for Refugees in Turkey. However, rather than paying member states the funding should go directly to the admitting municipalities. The reception of 1,000 refugees over five years for example, would result in six million Euros for the local budget. Moreover, other funds like the European Regional Development Fund (ERDF) could be used to support regions that host asylum seekers and refugees, as suggest by the German government in 2018 (Kleist 2018). Where reception facilities exist and civil society supports the integration process, the funding can go a long way.

With EU support, networks of member states, municipalities, and civil society, might convince some reluctant member states to agree to accept refugees and asylum seekers under certain circumstances. Ultimately, rights-based border control, admission programs and allocation systems are based on admitting refugees. Refusals by some member states to do so emphasises the highly political nature of refugee policies that prevent challenges to be solved administratively. Thus, while a voluntary program can address the failed EU Turkey Refugee Agreement it must be interwoven with a fundamental reform of the EU asylum and refugee policy system that is embedded in a political initiative for a more democratic Europe. Solving the refugee crisis at the EU’s South-Eastern border is not a question of governance but a highly political task.

2.2.5 Summary: What are the Goals of the Refugee Protection Scheme?

In the short-term, the EU must focus on overcoming the crisis mode of its refugee policy. In 2015, the Common European Asylum System failed amid the mass-arrival of mainly Syrian asylum seekers in Europe. The EU-Turkey Refugee Agreement was a response to the ensuing crisis by closing access to asylum seekers. While it seemed to resolve the immediate situation and lessened the strain on the European asylum system and in extension, on European societies it conserved the underlying problems. On the one hand, the refugee crisis continues in the region. On the other hand, the EU asylum system is still broken. Continuing the EU Turkey Refugee Agreement keeps the crisis away from the asylum system but solves neither problem. I suggest, the EU addresses the regional refugee crisis first and starting in the process, to fundamentally reform the EU asylum and refugee policy system. Both tasks require a fundamental commitment by the EU and member states that refugee rights have to be accessible and governed by the rule of law to have any meaning at all. Policies and institutions must be reformed and reorientated:

- Asylum and refugee rights must become an essential element of EU border control and an integral part of the mandate and practice of an EU border guard.
- Asylum seekers must be registered and checked upon arrival but must not be accommodated in a registration centre for more than 72 hours. Refugee camps at the border must be abolished and instead, asylum seekers relocated to member states where their asylum claims are processed.

- To ensure the well-being and prospects of refugees in Turkey and to lessen migration intentions and necessities, the European Facility for Refugees in Turkey must be continued. Increasingly, it should focus on integration and measures to strengthen agency and participation.
- Calling an international conference on solving the protracted refugee situation in the region should result in a Global Refugee Admission Program (GRAP). The EU and its member states together with international partners must commit to admitting at least one million refugees from Turkey over five years, thus reducing the total number of refugees in current host countries and changing the narrative about refugee protection.
- The EU should support willing member states, municipalities and civil society that receive and integrate asylum seekers and refugees organisationally and financially. The resettlement frameworks should be remade for relocation and GRAP to create a joint instrument for reception and allocation of asylum seekers and refugees, administered by EUAA.

Notably, addressing the refugee crisis in Turkey requires fundamental transformation of EU refugee and asylum policies. EU Commission and parliament can undertake some of the necessary changes but other actions rely on voluntary commitments by member states. It is not a sustainable policy but focused on solving a protracted refugee situation. In doing so it highlights fundamental challenges and contradictions in the current asylum system. Yet, the protection scheme can create the foundation for a long-term reform and nudge a comprehensive and sustainable European asylum system. Such a long-term reform would take its starting point from the short-term protection scheme but be confronted with much greater political challenges.

2.3 Tackling the EU Crisis: Towards a Rights-based EU Asylum and Refugee Policy System

The EU has created a comprehensive asylum system that guarantees wide-ranging rights for asylum seekers in a number of directives. However, it depends on asylum seekers being able to access those rights. The Dublin system created a scheme by which member states were regulated to provide those rights in the form of reception, asylum procedures and integration or deportation. The unequal allocation of asylum seekers to member states with external borders in Southern Europe has been criticised for a long time. The mass arrival of asylum seekers in 2015 made the inadequacy of the system apparent. Two alternatives are discussed not just since then.

As asylum institutions of member states like Greece and also Italy were overburdened by not even large numbers of asylum seekers, prevention and deterrence became the new norm. To stabilise the old scheme of allocation and a practically dysfunctional EU asylum system, the numbers of asylum claims were to be kept low, which was the goal of the EU-Turkey Refugee Agreement and which is behind the idea of concepts such as 'humane

borders”¹¹. Increasingly, refugee protection turned from being a fundamental right in the EU into a humanitarian gesture. Asylum and basic rights have not been abolished but are increasingly difficult and dangerous for refugees to access in the EU.

The other alternative to the current asylum system is reforming the allocation system to lessen the impact of the EU asylum system on member states at the Schengen border. Various concepts based on quotas by which all member states would have to accept a certain proportion of asylum seekers in the EU have been suggested. This continues to fail politically as some member states refuse to accept any responsibility for refugees. The exception is when member states decide to grant protection through resettlement or humanitarian admission. Another exception was when in 2015 member states in Northern Europe decided to not transfer asylum seekers back to Greece and Italy under the Dublin directive.

However, providing protection to refugees is increasingly a voluntary measure by member states. This is crucial also when developing a rights-based protection scheme as an alternative to the EU-Turkey Refugee Agreement and exclusion policies: At the moment, refugee protection cannot rely on the EU but only on voluntary measures by some member states (often called ‘coalition of the willing’). By both preventing asylum seekers from accessing their rights at the border and by making refugee protection voluntary, refugee rights are getting lost. Creating border policies that take asylum seriously and implementing the Global Refugee Admission Program depend on a system that can guarantee the realisation of protection rights.

Addressing this dilemma as one of where refugees in the EU can realise their rights exposes fundamental challenges of the EU asylum system. Namely, asylum seekers and resettlement refugees are governed by different systems, one rights-based that is not accessible and one voluntary that is European. Moreover, refugee rights exist on competing levels, specifically on the EU and member state level, creating conflicts about sovereign decisions. A sustainable asylum and refugee system must find answers to these contradictions. The protection scheme, developed above, provides some aspects that a long-term reform of the Common European Asylum System can build on. In the following sections, I will describe steps for such a reform that ultimately, would entail a political transformation of the EU itself.

2.3.1 A Common Asylum and Refugee System

For both asylum seekers and for resettlement refugees the EU faces the challenge of allocation, either where to allocate asylum seekers to or which refugees to allocate from where. The EU provides allocation schemes, the Dublin (or alternatively a quota system) for asylum seekers and the resettlement framework for refugees, but member states are responsible for implementing the schemes and organising transfers. This creates conflicts among member states regarding responsibility for individual asylum seekers and very divergent policy outcomes in regard to resettlement. The resettlement framework is an attempt to streamline EU refugee admission policies

11 See European Stability Initiative, <https://www.esiweb.org/proposals/humane-borders>

for common refugee policies. In the case of large-scale resettlement programs such as GRAP this is crucial. The allocation of asylum seekers, no matter under which criteria, requires a similar centralised and neutral organisational framework on EU level that determines responsibilities. To organise these allocation processes would require a European institution such as EUAA under which the asylum and the refugee systems would be combined. Such a system would remove from member states decisions who is responsible for certain asylum seekers and refugees, decisions that are often contested in the Dublin system. Building on its operational expertise, EUAA could organise and operate transfers of asylum seekers in Europe but also of refugees into Europe.

2.3.2 Making Refugee Protection European

Similar to the question of allocation but more fundamentally, the current asylum system suffers from a contradiction of sovereignty. While the criteria of refugee qualification and other directives of refugee rights are formulated by the EU, sovereign powers to grant asylum lie with member states. While member states grant a protection status they are not free to set the criteria who to provide protection to and how. Yet, we see massive differences between member states and an imbalance in the EU how and whether refugee rights are realised, including governments planning to ignore asylum and to legalise push-backs. Since the EU requires a common asylum approach the strategy of the smallest common denominator, lessening obligations of member states vis a vis refugees, wins out over shared democratic norms and principles. By preventing access to asylum from Turkey and other neighbouring countries and by ignoring non-compliance with refugee laws in Greece and other member states at the Schengen border, the contradiction of EU sovereignty can be ignored. This strategy however, results in the factual abolishment of asylum in the EU.

To realise and re-establish a rights-based and rule of law EU asylum and refugee policy system the contradiction of sovereignty must be resolved while preserving asylum in the EU. A common EU allocation scheme for asylum seekers and refugees, as proposed above, could centralise also the process refugee determination. The transformation of EASO into the European Union Agency for Asylum is a step in this direction (See: European Commission, 2021c). Its goal must be not only to streamline and standardise decisions but ultimately to conduct refugee status determination itself. The EU agency could – in a first step – undertake resettlement selection and refugee status determination in collaboration with UNHCR for the GRAP initiative. EUAA would replace in the long-term national asylum agencies. Ultimately, one agency granting protection status across Europe would create a Europeanised protection status and centralise sovereignty on this issue on an EU level. A sovereign protection status at EU level could provide even a foundation for European citizenship.

2.3.3 Distinguish protection and integration responsibilities

Combining allocation and refugee status determination at the EU level would deemphasise the role and relevance of member states in the asylum process. This could help to depoliticise the issue on a national level. It would also remove national barriers to a fair distribution system. While current debates about the Dublin Regulation and quota systems are focused on national responsibilities for the asylum process this would become less relevant within a Europeanised asylum system. Since the location of asylum seekers is not bound to national asylum systems, allocation should focus on local reception and integration prospects. As mentioned above (2.2.4), municipalities can provide capacities for many reasons and are the fitting entities for an allocation system. Matching mechanisms between asylum seekers and refugees on the one hand and municipalities on the other can provide synergies. Using various funds such as AMIF and ERDF would not only support local institutions and civil society but might also entice new regions and municipalities to accept asylum seekers and refugees. If not enough local reception places are available, allocation should be based on capacities and abilities: Where are affordable accommodations? Where is a labour shortage? Where are networks and community structures? Instead of blind quotas or principles of allocation, a matching system would consider all regions and municipalities in Europe for settling new arrivals. Protecting refugees would become a truly European achievement.

2.3.4 Summary: Prepared for Future Forced Migration Challenges

The EU-Turkey Refugee Agreement became necessary as the current CEAS broke in 2015. This was not due to mass arrivals but a system that barely worked and didn't provide orderly refugee protection even before 2015. Replacing the EU-Turkey Refugee Agreement must not lead to the status quo ante. Rather, re-making the EU response to the ongoing refugee crisis Schengen's South-Eastern border must not only put asylum and refugee rights at its centre, it must lay the groundwork for a new rights-based and sustainable asylum and refugee policy system. This is an opportunity to learn from previous challenges and to remove fundamental contradictions that exist in the current system. To prioritise refugee rights they must be accessible, uniform for all persons seeking protection and across Europe, and resolve the sovereignty contradiction. Strengthening EUAA is an important step in that direction. Creating a comprehensive European asylum and refugee policy system will create also a unified European refugee status. Refugees would be the first truly European citizens.

From a refugee protection point of view, creating a sustainable and comprehensive asylum and refugee policy system is also the best way to prepare for future displacement challenges the EU will face. In the cases of Afghan refugees fleeing in the wake of the Taliban takeover and asylum seekers arriving via Belarus in 2021, the EU didn't have a system in place to adequately respond in recognition of refugees' rights. The EU is forced into abandoning its normative rights foundation without institutions that can realise those rights for those in need. Whether unforeseeable military con-

licts in the EU's vicinity or increased forced migration movements due to the climate crisis, the EU requires a functioning Asylum and Refugee Policy System. Holding up human and refugee rights norms domestically promotes rights also internationally and contributes to stabilising regions beyond Europe. In an increasing competition between democracies and non-democracies this is what sets the EU apart.

Literature

Adar, Sinem (2020). *Repatriation to Turkey's 'Safe Zone' in Northeast Syria*, SWP Comment, No.1, January 2020. https://www.swp-berlin.org/publications/products/comments/2020C01_ada.pdf

Aliverti, Ana and Tan, Celine (2020). 'Development and the Externalisation of Border Controls'. In: Blaustein, J., Fitz-Gibbon, K., Pino, N.W. and White, R. (Ed.). *The Emerald Handbook of Crime, Justice and Sustainable Development*, Bingley: Emerald Publishing Limited. pp. 197-219. <https://doi.org/10.1108/978-1-78769-355-520201012>

Aksoy, Cevat Giray and Poutvaara, Panu (2021). *Refugees' and irregular migrants' self-selection into Europe*. May 14, 2021. Available at SSRN: <https://ssrn.com/abstract=3373580> or <http://dx.doi.org/10.2139/ssrn.3373580>

Arsenijević, Jovana/Schillberg, Erin/Ponthieu, Aurelie et al. (2017). A crisis of protection and safe passage: Violence experienced by migrants/refugees travelling along the Western Balkan Corridor to Northern Europe. *Conflict and Health*, 11(6). doi.org/10.1186/s13031-017-0107-z

Assi, R./Özger-İlhan, S./İlhan, M.N. (2019). Health needs and access to health care: The case of Syrian refugees in Turkey. *Public Health*, 172, 146-152. doi.org/10.1016/j.puhe.2019.05.004

Aydın-Düzgüt, Senem/Keyman, E. Fuat/Biehl, Kristen S. (2019). *Changing Parameters of migrationncooperation: Beyond the EU-Turkey deal?* Istanbul Policy Center. research.sabanciuniv.edu/40170/1/changing-parameters-of-migration-cooperation-beyond-the-eu-turkey-deal-0a0024-1.pdf

Bendel, Petra/Schammann, Hannes/Heimann, Christiane/Stürner, Janina (2019): *A Local Turn for European Refugee Politics Recommendations for Strengthening Municipalities and Local Communities in refugee and asylum policy of the EU*. Policy Paper, Heinrich Böll Foundation. https://eu.boell.org/sites/default/files/e-paper_a_local_turn_for_european_refugee_politics.pdf?dimension1=zora2020

Betts, Alexander (2006). *Comprehensive Plans of Action: Insights from CIREFCA and the Indochinese CPA*. Working Paper No. 120. United Nations High Commissioner for Refugees. www.unhcr.org/research/working/43eb6a152/comprehensive-plans-action-insights-cirefca-indochinese-cpa-alexander-betts.html

Bozdağ, Çiğdem (2020). Bottom-up nationalism and discrimination on social media: An analysis of the citizenship debate about refugees in Turkey. *European Journal of Cultural Studies*, 23(5), 712–730. [doi: 10.1177/1367549419869354](https://doi.org/10.1177/1367549419869354)

Casas-Cortes, Maribel/Cobarrubias, Sebastian/Pickles, John (2014). 'Good neighbours make good fences': Seahorse operations, border externalization and extra-territoriality. *European Urban and Regional Studies* 23(3), 231-251. doi.org/10.1177/0969776414541136

Christides, Giorgos/Freudenthal, Emmanuel, Lüdke, Steffen/Popp, Maximilian (2020). EU border agency Frontex complicit in greek refugee pushback campaign. *Spiegel International*. www.spiegel.de/international/europe/eu-border-agency-frontex-complicit-in-greek-refugee-pushback-campaign-a-4b6cba29-35a3-4d8c-a49f-a12daad450d7

Corall, Astrid/Göbel, Alexander (2021). Fünf Jahre EU-Türkei-Abkommen: Erfolgreich oder gescheitert? *Tagesschau*. www.tagesschau.de/ausland/europa/eu-tuerkei-fluechtlingsabkommen-113.html

Dempsey, Judy (2021). Europe's new walls. *Carnegie Europe*. <https://carnegieeurope.eu/strategieurope/85494>

Die Zeit (2016). De Maizièere will Türkei-Deal in Nordafrika kopieren. *Zeit Online*. www.zeit.de/politik/deutschland/2016-04/thomas-de-maiziere-abschiebung-abkommen-nordafrika-europa-fluechtlingspolitik

Düvell, Franck/Schiefer, David/Sağıroğlu, Ali Zafer/Mann, Lena (2021). *How many Syrian refugees in Turkey want to migrate to Europe and can actually do so? Results of a survey among 1,900 Syrians*. DRN 5. DeZIM Institut. dezim-institut.de/fileadmin/Publikationen/Research_Notes/DeZIM_Research_Notes_05_210323_3_RZ_web.pdf

European Commission (2015). *EU-Turkey joint action plan*. Memo/15/5860. European Commission. ec.europa.eu/commission/presscorner/detail/en/MEMO_15_5860

European Commission (2019): *Evaluation of the European Union's Humanitarian Response to the refugee crisis in Turkey. Final Report*, EU Commission 2019. https://ec.europa.eu/echo/sites/default/files/evaluation_final_report_echo_-_turkey_310120_-_main_report_en.pdf

European Commission (2021a). *EU facility for refugees in Turkey. List of projects committed/ decided, contracted, disbursed*. European Commission. ec.europa.eu/neighbourhood-enlargement/system/files/2021-09/facility_table.pdf

European Commission (2021b). *Joint communication to the European Council. State of play of EU-Turkey political, economic and trade relations*. JOIN/2021/8 final/2. EUR-Lex. eur-lex.europa.eu/legal-content/EN/ALL/?uri=JOIN:2021:8:REV1

European Commission (2021c). *New Pact on Migration and Asylum: Agreement reached on the new European Union Agency for Asylum*. IP/21/3241. ec.europa.eu/commission/presscorner/detail/en/ip_21_3241

European Council (2021). *European Council meeting (24 and 25 June 2021) – Conclusions*. EUCO 7/21. European Council. www.consilium.europa.eu/media/50763/2425-06-21-euco-conclusions-en.pdf

European Court of Human Rights (2012). *Case of Hirsi Jamaa and others v. Italy*. App. No(s). 27765/09. Reports of Judgement and Decisions 2012. hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%5B%5C2001-109231%5D%7D

European Parliament/Council of the European Union (2019). *Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624*. EUR- Lex. eur-lex.europa.eu/legal-content/EN/TXT/?qid=1573722151667&uri=CELEX:32019R1896

European Stability Initiative (2019). *How to implement EU-Turkey Statement Phase II. Key facts and key steps*. *ESI*. esiweb.org/sites/default/files/reports/pdf/ESI%20-%20How%20to%20implement%20the%20EU-TR%20statement%20II%20-%2024%20Dec%202019.pdf

Fink, Melanie (2018). *Frontex and Human Rights: Responsibility in 'Multi-Actor Situations' under the ECHR and EU Public Liability Law*. Oxford: Oxford University Press.

Fjørtoft, Trym N. (2020). *More power, more control: The legitimizing role of expertise in Frontex after the refugee crisis*. *Regulation & Governance*, early view. <https://doi.org/10.1111/rego.12373>

Greenhill, Kelly M. (2016). *Weapons of mass migration. Forced displacement, coercion, and foreign policy*. Ithaca, NY: Cornell University Press. doi.org/10.7591/9780801458668

Hänsel, Valeria/Kasperek, Bernd (2020). *Hotspot-Lager als Blaupause für die Reform des Gemeinsamen Europäischen Asylsystems? Politikfolgenabschätzung des Hotspot-Ansatzes in Griechenland*. Rat für Migration. [//rat-fuer-migration.de/wp-content/uploads/2020/06/rfm-expertise-hotspots.pdf](https://rat-fuer-migration.de/wp-content/uploads/2020/06/rfm-expertise-hotspots.pdf)

Hathaway, James (2021): *The Rights of Refugees under International Law*, 2nd edition, Cambridge: Cambridge University Press. doi.org/10.1017/9781108863537

Hermans, Maïke P.J./Kooistra, Jelmer/Cannegieter, Suzanne C. et al. (2017). Healthcare and disease burden among refugees in long-stay refugee camps at Lesbos, Greece. *European Journal of Epidemiology*, 32, 851–854. doi.org/10.1007/s10654-017-0269-4

Huysmans, Jef (2006). *The politics of insecurity. Fear, migration and asylum in the EU*. 1st ed. London: Routledge.

Jaquemet, Stéphane (2004). *Under What Circumstances Can a Person Who Has Taken an Active Part in the Hostilities of an International or a Non-International Armed Conflict Become an Asylum Seeker?* UNHCR Legal and Protection Policy Research Series. PPLA/2004/01. <https://www.refworld.org/pdfid/413c8b444.pdf>

Jones, Will/Teytelboym, Alexander (2017). Matching systems for refugees. *Journal on Migration and Human Security*, 5(3), 667-681.

Karamanidou, Lena (2021). Migration, asylum policy and global justice in Greece. In: Ceccorulli M., Fassi E., Lucarelli S. (eds). *The EU Migration System of Governance. The European Union in International Affairs*. Palgrave Macmillan, Cham. P. 89-117. doi.org/10.1007/978-3-030-53997-9_4

Kelemen, R. Daniel (2020). The European Union's authoritarian equilibrium. *Journal of European Public Policy*, 27(3), 481-499, doi.org/10.1080/13501763.2020.1712455

Kınıklıoğlu, Suat (2020). *Syrian refugees in Turkey: Changing attitudes and fortunes*. SWP Comment 5. SWP. [doi:10.18449/2020C05](https://doi.org/10.18449/2020C05)

Kleist, J. Olaf (2018). Will Finance Policies solve the EU 'Refugee Crisis'? *Verfassungsblog*. verfassungsblog.de/will-finance-policies-solve-the-eu-refugee-crisis/, dx.doi.org/10.17176/20180228-072518

Knaus, Gerald (2020). *Welche Grenzen brauchen wir? Zwischen Empathie und Angst – Flucht, Migration und die Zukunft von Asyl*. München: Piper Verlag.

Kocak, Orhan/Arifoglu, A. Taha/Younis, Mustafa (2021). Determination of social exclusion among young Syrian refugees Living in Turkey. *European Journal of Environment and Public Health*, 5(2). doi.org/10.21601/ejeph/10908

Koser Akcapar, Sebnem/Simsek, Dogus (2018). The politics of Syrian refugees in Turkey: A question of inclusion and exclusion through citizenship. *Social Inclusion*, 6(1), 176-187. doi.org/10.17645/si.v6i1.1323

Kreuder-Sonnen, Christian (2018). An authoritarian turn in Europe and European Studies? *Journal of European Public Policy*. 25(3), 452-464, doi.org/10.1080/13501763.2017.1411383

Marder, Lev (2018). Refugees are not weapons: The 'weapons of mass migration' metaphor and its implications. *International Studies Review* 20(4), 576-588. doi.org/10.1093/isr/vix055

Migration Policy Research Group (n.y.). Match'In – Pilotprojekt zur Verteilung von Schutzsuchenden mit Hilfe eines algorithmengestützten Matching-Verfahrens. *Stiftung Universität Hildesheim*. www.uni-hildesheim.de/fb1/institute/institut-fuer-sozialwissenschaften/politikwissenschaft/forschung/migration-policy-research-group/matchin/

Stavis-Gridneff, Matina (2021). E.U. Border Agency Accused of Covering Up Migrant Pushback in Greece. *New York Times*. www.nytimes.com/2020/11/26/world/europe/frontex-migrants-pushback-greece.html

Papatzani, Evangelina/Psallidaki, Timokleia/Kandyli, George/Micha, Irini (2021). Multiple geographies of precarity: Accommodation policies for asylum seekers in metropolitan Athens, Greece. *European Urban and Regional Studies*. doi.org/10.1177/09697764211040742

- Parsanoglou, Dimitris (2020). Volunteering for refugees and the repositioning of state sovereignty and civil society: The case of Greece. *Citizenship Studies*, 24(4), 457-473.
doi.org/10.1080/13621025.2020.1755158
- Perkowski, Nina (2018). 'Frontex and the Convergence of Humanitarianism, Human Rights and Security.' *Security Dialogue*, 49(6). 457–75. <https://doi.org/10.1177/0967010618796670>
- Perkowski, Nina (2019). 'There Are Voices in Every Direction': Organizational Decoupling in Frontex. *Journal of Common Market Studies*, 57(5), 1182-1199. <https://doi.org/10.1111/jcms.12897>
- Rat für Migration (2020). *Policy Paper: Effektive und faire Flüchtlingspolitik ohne Vorprüfung und Hotspots*. RfM. <https://rat-fuer-migration.de/2020/06/17/policy-paper-effektive-und-faire-fluechtlingspolitik-ohne-vorpruefung-und-hotspots/>
- Siviş, Selin (2021). Integrating bottom-up into top-down: The role of local actors in labour market integration of Syrian refugees in Turkey. *International Migration*, 59(4), 190-206.
doi.org/10.1111/imig.12775
- Reuters (2021). *Lithuania, EU say Belarus using refugees as 'political weapon'*.
- By Robin Emmott, Sabine Siebold, Andrius Sytas. 12.07.2021. <https://www.reuters.com/world/europe/belarus-using-refugees-weapon-must-face-more-eu-sanctions-lithuania-says-2021-07-12/>
- Skleparis, Dimitri (2017). *The Greek response to the migration Challenge: 2015-2017*. 5. Konrad Adenauer Stiftung. www.kas.de/c/document_library/get_file?uuid=9ca070c8-b546-01ac-e85a-df93ea2e5297&groupId=252038
- Skleparis, Dimitri (2018). *Refugee integration in mainland Greece: Prospects and challenges*. Policy Brief 02. Yasar University UNESCO Chair on International Migration.
eprints.ncl.ac.uk/file_store/production/259738/660F551C-EC5D-420D-99F8-35100FAF3E75.pdf
- Smith, Helena (2021). Why Greece's expensive new migrant camps are outraging NGOs. *The Guardian*.
www.theguardian.com/world/2021/sep/19/why-greeces-expensive-new-migrant-camps-are-outraging-ngos
- Stathopoulou, Theoni / Avrami, Lydia/Kostaki, Anastasia/Cavounidis, Jennifer/Eikemo, Terje Andreas (2019). Safety, health and trauma among newly arrived refugees in Greece. *Journal of Refugee Studies*, 32(1), i22–i35. doi.org/10.1093/jrs/fez034
- Statewatch (2021). Whip Greece into shape so we can resume migrant removals, northern Schengen states demand. *Statewatch*. www.statewatch.org/news/2021/june/whip-greece-into-shape-so-we-can-resume-migrant-removals-northern-schengen-states-demand/
- Maximilian Steinbeis, Stephan Detjen: *Die Zauberlehrlinge: Der Streit um die Flüchtlingspolitik und der Mythos vom Rechtsbruch*, Stuttgart: Klett-Cotta 2019.
- Stock, Inka/Üstübcici, Ayşen/Schultz, Susanne U. (2019). Externalization at work: responses to migration policies from the Global South. *Comparative Migration Studies* 7(48). doi.org/10.1186/s40878-019-0157-z
- The Guardian (2012). Turkey reinforces Iran border to block Afghan refugees. *The Guardian*.
www.theguardian.com/world/2021/aug/23/turkey-reinforces-iran-border-to-block-afghan-refugees
- Thevenin, Elodie (2021). Between human rights and security concerns: Politicisation of EU-Turkey and EU-Libya agreements on migration in national parliaments. *European Security*, 30(3), 464-484.
[oi.org/10.1080/09662839.2021.1947804](https://doi.org/10.1080/09662839.2021.1947804)
- United Nations High Commissioner for Refugees (2021). *Global trends. Forced displacement in 2020*. UNHCR The UN Refugee Agency. www.unhcr.org/60b638e37/unhcr-global-trends-2020

Unlu, Nihan Aylin/Ergul, Hatice (2021). A critical evaluation of the education policies on syrian refugees in Turkey and Jordan. *International Journal of Curriculum and Instruction*, 13(2), 1694-1708.

Wodak, Ruth (2019). Entering the 'post-shame era': the rise of illiberal democracy, populism and neo-authoritarianism in Europe. *Global Discourse: An interdisciplinary journal of current affairs*, Volume 9, Number 1, January 2019, 195-213.

Yıldırım, Ceren Ark/Komsuoğlu, Ayşegül/Özekmekçi, İnanç (2019). The transformation of the primary health care system for syrian refugees in Turkey. *Asian and Pacific Migration Journal*, 28(1), 75-96.
doi.org/10.1177/0117196819832721

Yılmaz, Volkan (2019). The Emerging Welfare Mix for Syrian Refugees in Turkey: The Interplay between Humanitarian Assistance Programmes and the Turkish Welfare System. *Journal of Social Policy*. 48(4), 721-739. [doi:10.1017/S0047279418000806](https://doi.org/10.1017/S0047279418000806)

Yıldız, Ayselin (2021). Impact of the EU-Turkey statement on smugglers' operations in the Aegean and migrants' decisions to engage with smugglers. *International Migration* 59(4), 141-157.
doi.org/10.1111/imig.12767

Imprint

Heinrich-Böll-Stiftung Greece

3 Aristotelous, 54624, Thessaloniki, Greece

Contact: Neda Noraie-Kia, Head of Migration Policy Europe
Heinrich-Böll-Stiftung Greece

E neda.noraie-kia@gr.boell.org

Place of publication: <https://gr.boell.org>

Release date: March 2022

Editing and proofreading: Chris Meikle, Brussels

Layout: Micheline Gutman, Brussels

License: Creative Commons (CC BY-NC-SA 4.0),
<https://creativecommons.org/licenses/by-nc-sa/4.0/>

The opinions expressed in this report are those of the author and do not necessarily reflect the views of the Heinrich-Böll-Stiftung Greece.