TWO AND A HALF YEARS ON:

AN EVALUATION OF THE EU-TURKEY REFUGEE DEAL

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1.INTRODUCTION

Since 2011, the civil war in Syria has displaced, both internally and externally, nearly 13 million people, more than half of the Syrian population (Pew Research Center, 2018). Syrians constitute the largest group within the 65.3 million of forcibly displaced people worldwide and other large displaced populations are Afghans, Colombians, Congolese, Iraqis, Nigerians, Somalis, Sudanese, South Sudanese, and Yemenis (UNHCR, 2016). As of May 2018, there are 3.589.384 Syrians living under temporary protection in Turkey[i], larger than the population of some European states like Lithuania or Slovenia. As a result of this, and together with the EU-Turkey deal, Turkey has become a key global and regional actor with regards to international migration. Lebanon (982,012), Jordan (666,113), Iraq (250,708) and Egypt (128,956) are major other states hosting Syrians in the region (UNHCR, 2018a).

Turkey initially responded to large numbers of Syrians crossing its borders with an open-door policy (terminated by Turkey's construction of a wall at the Syria border), and gradually came to incorporate temporary protection, non-refoulement, and humanitarian assistance into its response as the incoming flow of Syrian migrants continued. As outlined by İçduygu and Millet (2016,4), "Turkey's domestic policy towards Syrian refugees has evolved over time, going through a stage of admission and settlement (2013 - 2015), stabilization   (towards the end of 2015), integration (throughout 2016) and is potentially heading towards a naturalization period" (the debate on access to Turkish citizenship for Syrian migrants is ongoing[ii]).

The EU's response to the refugee flows on the other hand, was mute until the summer of 2015, when the route of Syrian migrants changed course towards EU states and over a million refugees

arrived in Europe (UNHCR, 2015). The sheer number of refugees meant that the EU, with "frantic haste" (Okyay and Zaragoza-Cristiani, 2016, 3), was forced to sign the EU-Turkey deal, sine qua non for the sustained reduction of irregular maritime traffic through the Aegean border (Moreno-Lax and Giuffre (forthcoming, 25). Similar deals were established with Georgia, Ukraine, Moldova, Tunisia, Nigeria, Jordan and Lebanon as part of policies of externalization (Niemann and Zaun, 2018,5) and outsourcing the refugee issue as a part of externalized contactless control (Moreno-Lax and Giuffre, forthcoming, 4). The deal was part of a broader response of the EU to the crisis including introduction of hot spots, relocation and resettlement, introduction of new safe countries of origin, border controls, measures against trafficking and smuggling and introduction of trust funds (Niemann and Zaun, 2018, 5).

The EU-Turkey deal triggered **a policy debate**, and migration governance became one of the most controversial issues of our time. Mass flows of refugees forced the international community to act at the global, regional, national, and local levels. Among the regional responses, the EU-Turkey deal was one of the most significant ones with respect to the governance of mass refugee flows from Syria. The flight of millions of Syrians from the civil war has been widely described as a global migration crisis or a global refugee crisis. Alternatively it is defined as a crisis of solidarity (Ki-moon, 2016), multi-level political crisis (Frohlich, 2017), multiple crises of displacement and EU border controls (Duvell, 2017), crisis of Common European Asylum System (CEAS)(Nieman and Zaun, 2018), migration crisis (Slominski and Trauner, 2018) and crisis of European integration (Niemann and Zaun, 2018). It is, however, also a governance crisis, whereby nations, with shared responsibility, are failing to manage the humanitarian side of the issue on a global scale.

The EU-Turkey deal has also triggered an **academic debate** which scrutinizes "governance" from

various theoretical and empirical perspectives. Specifically, two special issues; Journal of Ethnic and Migration Studies Special Issue: Migration Governance in an Era of Large Movements (Panizzon and van Riemsdijk, 2018) and Journal of Common Market Studies Special Issue on EU Refugee Policies and Politics in Times of Crisis (Niemann and Zaun, 2018) opened new venues to discuss the relevance, limits and changing dynamics of governance Panizzon and van Riemsdijk (2018,2) claim that EU Member states create alliances outside the constraint of the EU legal and institutional framework, preferring intergovernmental cooperation, as the pressure to deliver emergency responses rises. Similarly, Niemann and Zaun (2018,15) argues that crisis has contributed to a stronger reliance on informal patterns of co-operation with the aim of evading institutional and legal constraints as the deal externalized migration control, shifted the responsibility for assessing asylum claims to Turkey and informalized the return policy (non-usage of EU).

2.WHAT WAS THE DEAL ABOUT?

The EU-Turkey deal was a response to the hundreds of thousands of Syrian migrants using the Turkey-Balkan route to enter Europe during the summer of 2015. Following the 29 November 2015 EU-Turkey Joint Action Plan (European Commission, 2015a) and 7 March 2016 EU-Turkey statement (European Council, 2016), Turkey and the EU agreed on the **"one in, one out"** deal, which stipulated that "for every Syrian being returned to Turkey from the Greek Islands, another Syrian will be resettled to the EU" (European Council 2016,1). In exchange, following the fulfillment of the visa liberalization roadmap, visa requirements for Turkish citizens to the EU's Schengen Zone was to be lifted at the latest by the end of June 2016, 6 billion EUR in total was to be granted to Turkey in support of refugees' needs, and Turkey's EU accession process was to be re-energized. The Statement also mentioned that Chapter 33 will be opened during the Dutch Presidency of the Council of the European Union and preparatory work

on the opening of other chapters to continue at an accelerated pace as well as welcoming the ongoing work on the upgrading of the Customs Union (European Council, 2016,1).

3.UPDATE ON THE DEAL: NUMBERS AND BEYOND

The success of the deal has been mostly judged through its implementation namely the decline in irregular crossings from Turkey to Europe and enforcement of resettlement schemes. The daily average irregular crossings from Turkey into the Aegean islands fell from 1794 in the period from January to March 2016 to 80 from the activation of the EU-Turkey Statement in March 2016 (European Commission, 2018, p.46). Yet, Frohlich (2017,10) defines this **counting exercise** as an "illusion" as the deal, while having a measurable effect on official, registered migration, does little to curb irregular, unofficial, unregistered immigration, rendering the actual number of migrants at least partly invisible. Siegfried (2016) shows that in 2015, UNHCR and IOM registered about 1.1 million new arrivals and yet 1.7 million asylum claims were lodged, suggesting that 600,000 people found their way into Europe through covert means. Furthermore, Walter-Franke(2018,3) states that "Low number of irregular crossings in the Aegean Sea thus do not result from the celebrated 1 for 1 swapping mechanism per se, but from its collateral damage in Greece, in combination with the closing of borders along the Balkan route that started before March 2016".

After June 2016, **visas were not lifted**, since Turkey has yet to fulfill 7 out of 72 benchmarks on: the fight against corruption, judicial cooperation in criminal matters, cooperation with Europol, data protection legislation, anti-terrorism legislation, EU-Turkey re-admission agreement, and biometric passports (European Commission, 2018, p.49). Especially the 65th criteria, which is about the organized crime and terrorism, stands as the major bottleneck in the visa dialogue. Considering the increasing security matters in the post-coup era, Turkey's intentions to revise "its legislation and practices on terrorism in line with European standards, notably by better aligning the definition of

terrorism in order to narrow the scope" (European Commission, 2016) became less likely which jeopardizes the implementation of visa liberalization for Turkish citizens. In addition to refugee influx, Turkey was confronted with simultaneous conflicts and challenges such as Gezi Park movement in 2013, diminishing support for the ruling AKP Party in the June 2015 elections, the 2015 resurgence of violence between the Turkish authorities and the Kurdish movement, a series of terrorist attacks and an attempted military coup in July 2016 (Duvell, 2018, 228). An emergency decree (No. 676) passed in October 2016 (as an amendment to the Law on Foreigners and International Protection) designates that people who are considered to be affiliated with terrorist organizations can be removed from Turkey without the possibility of suspending a removal decision by filling an appeal (European Commission, 2018). Even if Turkey successfully completes the criteria of the road map, visa liberalization is an issue which needs to be ratified at the European Parliament, one of the vocal critics of Turkey's application and reform of anti-terror laws (Slominski and Trauner, 2016).

The EU-Turkey accession **dialogues were also not re-energized** due to the June 15, 2016 military coup, state of emergency, and further political internal developments in Turkey. Turkey's snap elections for presidency and parliament took place on 24 June 2018 under the state of emergency which was in practice since the failed coup attempt and extended seven times. Human rights violations caused by decrees under the state of emergency have been outlined by various reports (Human Rights Watch, 2018; OHCHR, 2018). Re-energizing Turkey's EU accession remained limited to strengthening the security and economic policies and failed to re-open the key chapters necessary for Turkey's full membership, namely Chapter 23 (judiciary and fundamental rights) and Chapter 24 (justice, freedom and security).

Another point worth making with respect to the deal is that the Commission launched the first half of the promised funding following the deal and the remaining EUR 3 billion by March 2018. However, the **financial support** that Turkey received (EUR 6 billion in total) hardly makes Turkey whole financially regarding the refugee crisis, as Turkey has already spent EUR 12 billion (European Commission, 2017) to cope with the technical, administrative, and social burdens of the mass influx of Syrians on its own. The EU-Turkey deal led to legal changes in Greece, namely the containment policy (reception facilities and hotspots) through which asylum claims and return to Turkey are quickly processed and in Turkey, namely adoption of the Law on Foreigners and International Protection(LFIP) in 2013 and additional legislation in 2014 that changed Syrians' legal status from temporary guests to those under temporary protection. Finally, Turkey unilaterally suspended the readmission agreement with Greece in 2016.

4.THREE CONTROVERSIES SURROUNDING THE DEAL

- Tying the refugee question to the visa liberalization

According to Betts (2011, 21), "it is important to be aware that in the field of international migration, states' interests may be strongly influenced by the politics of other issue-areas - that the interests of one area of migration may shape the politics of another area of migration". "For example, the politics of asylum and refugee protection has been increasingly shaped by states' interests regarding irregular migration" (Betts 2011, 21). Along the same lines, in the case of the EU-Turkey refugee deal, Turkey's political interests regarding its EU membership and the EU's interest in limiting inward-coming irregular migration dominated the issue of refugee flows. By neglecting international law and regional legal frameworks (as will be discussed below), the negotiating   parties were afforded the flexibility to shape refugee policy in line with their own national interests. Namely, Member States used existing EU Law and re-

interpreted it in such a way that it solely suits a particular national interest and perspective (Slominski and Trauner, 2018, 104) and Turkey as a accession candidate used its position as a transit country of refugee flows to bargain concessions in return for preventing departures or accepting returns(Baubock, 2018, 142). Dealing at the bilateral level with the EU gave Turkey the flexibility to maximize its benefits on visa liberalization, domestic calculations (Zoetweij-Turhan and Turhan,2017), and on the EU accession while packaging the refugee issue with its political interests.

- Peril of human rights violations

The deal received criticism due to its moral drawbacks and its incompliance with human rights and refugee law (Bačić-Selanec ,2015; Heijer and Spijkerboer ,2015; Chetail, 2016; Roman et al., 2016; Collett ,2016). Rossi and Lafrate (2017) show that the deal did not fully respect the acquis communitaire and nor comply with international conventions regarding asylum. The legality of the deal was questioned as the European Court of Justice denied the claims of three asylum seekers on the basis that it was not reached by a EU institution, but bilaterally by individual member states with Turkey. In order for the aforementioned violations to be legal, the European directive on asylum procedures has been extended and the European Commission categorized Turkey as a safe country, which has provoked debate. Roman et al. (2016) have argued that, for three reasons, **Turkey does not qualify as being a "safe" country**. First, Turkey applies geographical limitations to the 1951 Geneva Convention and the 1967 Protocol and only recognizes the status of refugees from non-European countries. Secondly, due to the risk of execution, inhuman treatment or torture (especially for certain groups of refugees like Kurds); Turkey is not considered as a safe place to return. Finally, Turkey's incompatibility with the EU Asylum Procedures Directive further strengthens the counter arguments against Turkey's

eligibility to be considered a safe country.

Furthermore, returning migrants to Turkey is problematic, due to the limitations in the operational capacity of Turkey to protect refugees. Reports on post-return human rights situation of Syrians document serious human rights violations such as arbitrary detention and deportation without access to legal aid and international protection (Tunaboylu and Alpes,2017, Ulusoy and Battjes,2017). In 2016, five Syrian refugees were shot dead at the Turkey-Syria border and many other faced beatings, assaults, injuries, pushbacks (Human Rights Watch, 2016).

- Uncooperative behavior and lack of collective action

In the case of the EU's response to the Syrian refugee flows, supranational or subnational actors did not gain power in lieu of nation states. Bačić-Selanec (2015, 39) makes the point that the "EU crisis management technique was simply set within the wrong legal framework since only one member state took the burden, and existing European asylum rules were ignored, effectively contravening the EU Dublin regulation". The Common European Asylum System (CEAS) has been developed to apply the Geneva Convention to the EU framework. Article 78(2) (c) is devoted to the creation of a temporary protection scheme in case of massive inflows due to displacement. The Dublin regulation defines the criteria for determining the responsible member state for providing international protection to a third country national. However, Vincent Cochetel (UHNCR) said that "Europe has not even fulfilled its agreement last September to relocate 66,000 refugees from Greece, redistributing only 600 to date within the 28-nation bloc" (Aljazeera, 2016). Thielemann (2018,79) discusses the limited effectiveness of European asylum system during the Syrian crisis and argues that Dublin system continued to undermine burden sharing efforts and instead legitimized burden-shifting practices.

In the case of the Syrian refugee crisis, **national responses have varied among different**

EU states, from closing national borders (Visegrad group of Hungary, Czech Republic, Slovakia, Poland and Austria) to putting quotas in place regarding the number of refugees allowed to enter a country. In this manner, the deal was a case in point for demonstrating how Member States may exploit the EU as a venue to pursue migration-control oriented objectives (Slominski and Trauner, 2018,104). In the face of a mass influx of migrants, this fragmented response by EU states demonstrates a shift of power from the supranational EU bodies back to the nation states, all with their independent policies.

Among the factors paving the road to the refugee crisis, failure of EU institutions and leaders to Europeanize asylum and refugee policies in time (Baubock, 2018,142), low compliance with the Dublin regulation and regulatory gaps (Genschel and Jachtenfuchs, 2018) and persistent dysfunctionalities and shortcomings of the CEAS (Niemann and Zaun, 2018,3) can be counted. Before the beginning of the mass influx of Syrians and the deal; CEAS and the Dublin regulation have already been in question, because of their placement of full responsibility of refugee flows on the frontline member states of the EU, since they are the first entry points for asylum seekers. As mentioned in the Agenda on Migration (European Commission, 2015b, 13), in 2014, five Member States dealt with 72% of all asylum applications EU-wide. However; in dealing with this uneven distribution mechanism, the EU has developed a framework to be used in case of large movements. Article 78(3) of TFEU allows additional measures benefiting the member states faced with sudden and massive inflows of refugees. In practical terms, this means a relocation of refugees from frontline states to other member states. According to Bačić-Selanec (2015); "even if these emergency mechanisms have been activated twice in 2015 so as to relocate asylum seekers from Greece and Italy towards other member states, the impact remained marginal due to time lag (4 months) in implementation and due to reluctance of some members to follow

CEAS rules".

Instead of relocating migrants within the EU territory, the EU preferred to send them back to Turkey. The Temporary Protection Directive was introduced in 2011 to deal with cases of mass flows and based on the principle of solidarity, where each member state shares the responsibility. According to this directive, all persons under temporary protection can be transferred (relocated) to another member state. By not implementing the temporary protection directive, the EU intentionally chose to keep Syrians outside of its borders and has thereby shifted the responsibility onto the shoulders of the other states instead of sharing it[iii]. Hence, in the case of mass inflows of Syrian migrants, some member states did not interact with Turkey nor with one another other due to their reluctance to follow the common EU framework which requires them to shoulder the responsibility of frontline states. Their non-cooperative behavior, rejecting the equal distribution of Syrian migrants, resulted in the collapse of collective action and solidarity[iv].

- <u>Lack of multiple actors and layers</u>

Loescher and Milner (2011, 189) have stated that, "the global governance of refugees differs from, and is more robust than, the governance of other areas of migration, since a formal multilateral institutional framework for regulating states' responses to refugee flows has been in place for nearly six decades". They argue that "unlike other migration organizations, the UNHCR has a specific mandate from the international community to ensure the protection of refugees and to find a solution to their plight". However, as the global crisis of asylum emerged following the conflict in Syria in 2011, states largely excluded the UNHCR and increasingly began to devise their own responses to flows of migrants in order to insulate themselves from growing numbers of refugees seeking access to their territories. The EU sought ways to keep refugee flows outside of its borders and cooperated bilaterally with Turkey, hence, a global humanitarian

issue was handled at a regional level. As mentioned above, Germany has become the central power of the EU and although various other actors, such as the member states and the European Council, were active in the decision-making process, the **national governments of Germany and Turkey** shaped the policy to a significant extent. Among the EU member states, Germany had a special role during the negotiation process preceding the deal (Slominski and Trauner,2016), not only due to its steering role in the formation of both EU policies in general and the EU's enlargement politics vis-a-vis Turkey in particular (Turhan, 2016a, 26), but also because Germany hosts the highest number of refugees in comparison with other member states. All EU member states were involved in the refugee debate yet; Germany, specifically Merkel, through EU-Turkey summits, mini-summits with member states on the Balkan route, intergovernmental consultations, visits, press conferences, parliament speeches (Turhan, 2016a), took an active role in negotiations with Turkey and had a dominant position in shaping the agreement[v]. In this manner, nation states played the key role during the deal, leaving non-state actors, particularly the UHNCR, out of the policy making process. Among the few non-state actors, one think-tank, the European Stability Initiative (ESI) is worth mentioning on the Turkish side of the deal, due to its crucial role in proposing the deal, building up consensus, and lobbying. The deal involved small number of stakeholders where NGOs and informal networks engaged mostly with the refugee population, before and after the deal, both in Greece and in Turkey, and were not involved enough in drafting the deal. Greece had a weak role in the diplomatic phase of the deal, however it struggled to relocate refugees to other member states on the one hand and to return refugees to Turkey on the other during the implementation phase.

On a different account, **intergovernmental negotiations** should be acknowledged within the broader context of disengagement with the Global Compact[vi] and UNHCR's Zero Draft (UNHCR,2018b) as a result. Declaration on Migrants and Refugees was adopted by United

Nations (UN) General Assembly on 19 September 2016 in New York (UN, 2016) and signed by 193 UN states The Declaration advocated for protecting refugee rights, sharing responsibility globally, and saving lives and committed to develop the Global Compact on safe, regular and orderly migration(GCM) with a multi-stake holder approach for a comprehensive refugee response involving national and local authorities, international organizations, international financial institutions, regional organizations, regional coordination and partnership mechanisms, civil society partners, including faith based organizations and academia, the private sector, media and refugees themselves (UN, 2016, New York Declaration, Annex 1, para. 2). Declaration has also developed Comprehensive Refugee Response Framework (CRRF) with the aim of rapid and well supported reception and admissions; support for immediate and on-going needs (such as protection, health and education); assistance for local and national institutions and communities receiving refugees; and expanded opportunities for solutions (UNHCR, 2018c,2). Declaration has given the task of developing the GCM to UNHCR in 2016, yet disengagement with the Global Compact and CRRF led UNHCR to release a "zero draft" in 2018 prior to formal intergovernmental negotiations. GCM and its aim was remarkable in terms of multi-level policy response to the refugee crisis yet remained ineffective.

5.INFLUENCE OF THE DEAL UPON TURKEY-EU RELATIONS

The 2016 EU-Turkey deal has triggered a debate among scholars of European studies about the influence of the deal upon Turkey-EU relations - whether it carries the risk of worsening existing mistrust, or if it is an opportunity to revitalize the longstanding stagnancy of ascension negotiations. **Optimists** see it as a success because it has opened a "window of opportunity" for creating new dynamics (Krumm, 2015), new cooperation, and re-vitalization (Kale, 2016 and Toygür and Özsöz, 2016), and a chance for re-cooperation (Nas, 2016). **Pessimists,** on the other hand, note the high-probability of failure, high costs; and potential spill-back effects which

may further jeopardize already fragile relations between Turkey and the EU (Şenyuva and Üstün, 2016), create the risk of collapse due to obstacles in implementing the deal (Knaus, 2016) and highlight the undeniable risks of damaging the relationship between the EU and Turkey in case of mismanagement of the bargaining process (İçduygu and Millet, 2016). **Between these two perspectives**, Turhan (2017) sheds light on the sudden and temporary rapprochement between Turkey and the EU following the transformation of the Syrian refugee crisis in to a "European crisis" and argues that the EU-Turkey refugee deal fostered the development of bilateral relations between Turkey and the EU, however this new institutional architectural framework is outside the framework of Turkey's accession process and is closer to a "strategic partnership". The author stands with the pessimists, considering this deal highly risky due to its unsustainability and given that it may decrease the likelihood of Turkey obtaining full membership in the EU, instead becoming merely a gate-keeping partner, whose citizens are mobile in EU territory, which re-admits irregular migrants, and essentially which has the benefits only of a revised Customs Union, which perfectly fits the privileged membership status instead of full membership.

6.POLICY RECOMMENDATIONS

Even though Turkey and Germany have ended up being two main players in the governance of the crisis, the Syrian refugee issue resonates beyond the bilateral relations between Turkey and the EU and requires responsibility sharing on a global level. Indeed, in paying Turkey to play a more proactive role in the management of migrant and refugee flows into Europe, Roman et al. (2016) perceive the EU and its member states to be bargaining with the rights of both Turkish nationals and non-nationals, including asylum seekers fleeing conflicts and persecution but are of the opinion that the protection of rights should never be traded for more control.

As one of the largest refugee movements in history; it has broad implications for **international**

peace and security; and cooperation in this area would contribute to global governance by encouraging solidarity and equal sharing of responsibility.

If the large flows of migrants had been governed globally, including multiple actors and levels, it would have brought better and longer-term solutions to the crisis. For this reason, the deal should be revised in a way that it does not link a humanitarian crisis to other issues of politics, that respects human rights, and divides responsibility evenly among all nations on a global level, including non-state actors, refugees themselves (through representative NGOs), and the UNHCR in the decision and policy making process.

The goal should be **far-sighted policies** dealing with the root causes of refugee flows as well as peace talks, instead of shortsighted solutions that are in contradiction with basic European norms and values, such as fundamental rights protection. Specifically, family reunification policies, resettlement programs, providing mechanisms for legal pathways for refugees as well as humanitarian visas (as discussed in the case of Switzerland by Hanke et al., 2018) should put into practice. Yet, the issue of how to share the responsibility of mass refugee flows is not solely for EU member states to solve, nor should it be dealt with between the EU and Turkey bilaterally. Rather, a humanitarian crisis of this sort requires governance on an international level.

7.CONCLUSION

The focus of this paper is the EU-Turkey deal in its two and a half years. First section presents information about the Syrian civil war and the refugee crisis, Turkey's and the EU's response to the crisis as well as the policy and academic debates sparked by the crisis. Second and third parts outline the key features of the deal and provided an update on its promises and currents state. Fourth sections discussed the ongoing controversies around the deal and its outcomes: namely the reluctance to share the responsibilities of the refugee crisis, the absence of

local and subnational non-state actors in the decision-making process, the violation of international laws, the fragmented response of EU member states as well as its linkage to other issue areas. Fifth, influence of the deal upon the Turkey-EU relations has been discussed. Next, some policy recommendations are listed.

References:

Aljazeera.

2016   "*UN Says EU-Turkey Refugee Deal Would Violate Law*". http://www.aljazeera.com/news/2016/03/eu-turkey-refugee-deal-contravene-law-unhcr-160308160629966.html, accessed 22.03.2017

Betts, A.

2011   "Introduction: Global Migration Governance" in, A. Betts (ed), *Global Migration Governance*. Oxford: Oxford University Press.

Bačić-Selanec, N.

2015   "A Critique of EU Refugee Crisis Management: On Law, Policy and Decentralization" *Croatian Yearbook of European Law and Policy*. No. 11: 73.

Baubock, R.

2018   "Refugee Protection and Burden-Sharing in the European Union", *Journal of Common Market Studies*, Vol.56, No.1.

Cassarino, J.-P.

2007   "Informalising Readmission Agreements in the EU Neighbourhood", *The International Spectator*, 42:2

Caponio, T. and M. Jones-Correa.

2017   "Theorizing migration policy in multilevel states: the multilevel governance perspective", *Journal   of   Ethnic   and   Migration   Studies*. http://dx.doi.org/10.1080/1369183X.2017.1341705Chetail, V.

2016   "Will the EU-Turkey Migrant Deal Work in Practice?" *Graduate Institute of International and Development Studies News*, https://t.co/3vDyeJb8o1., accessed 22.03.2017

Den Heijer, M. and T. Spijkerboer.

2016	"Is the EU-Turkey refugee and migration deal a treaty*?" EU Law Analysis*. http://eulawanalysis.blogspot.com/2016/04/is-eu-turkey-	refugee-and-migration-deal.html, accessed 22.03.2017

Duvell,F.

2018	"The 2015 Refugee Crisis, EU-Turkey Relations and Migration Diplomacy" in "*Who Counts in Crises? The New Geopolitics of International Migration and Refugee Governance*" Allen, W., Anderson, B., Van Hear, N., Sumption, M., Düvell, F., Rose, L., Hough, J., Humphris, R., and Walker, S., *Geopolitics,* Vol.23, No.1

Elitok, S.P.

2013	"Turkish Migration Policy over the Last Decade: A Gradual Shift towards Better Management and Good Governance." *Turkish Policy Quarterly Spring* 2013.

European Commission.

2015a	*EU-Turkey Joint Action Plan*. http://europa.eu/rapid/press-release_MEMO-15-5860_en.htm. Accessed 22.03.2017 accessed 22.03.2017

European Commission.

2015b	*A European Agenda on Migration.* https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf	accessed 22.03.2017.

European Commission.

2016	*Turkey's Progress on the Visa Liberalization Roadmap.* http://www.avrupa.info.tr/sites/default/files/2016-08/Visa%20factsheet%2001246.pdf, accessed 22.03.2017

European Commission.

2017	*European Civil Protection and Humanitarian Aid Operation (ECHO) Factsheet*. http://ec.europa.eu/echo/files/aid/countries/factsheets/turkey_syrian_crisis_en.pdf. accessed 22.03.2017

European Commission.

2018	*Turkey's	Progress	Report.* https://www.ab.gov.tr/siteimages/kapbtablolar/20180417-turkey-report.pdf. accessed 19.06.2018

European Council.

2016   *EU-Turkey   Statement,*   18   March,   2016. http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/ accessed 22.03.2017

Fakhoury,T.

2018   "Multi-level govenance and migration politics in the Arab world: the case of Syria's displacement", *Journal of Ethnic and Migration Studies*, https://doi.org/10.1080/1369183X.2018.1441609

Frohlich, C.

2017   "A Critical View on Human Mobility in Times of Crisis." *Global Policy*, Vol.8, Supplement 1.

Geddes, A.

2003   *The Politics of Migration and Immigration Policy*. Thousand Oaks, CA: Sage Publications.

Geiger, M. and A. Pécoud.

2013   *The Transformation of Migration Politics: From Migration Control to Disciplining Mobility*. New York: Palgrave Macmillan.2017   "Turkey: More Emergency   Decrees   Issued"http://www.loc.gov/law/foreign-news/article/turkey-more-emergency-decrees-issued/ accessed on 19.06.2018

Guiraudon,V.

2000   "European Integration and Migration Policy: Vertical Policy-making as Venue Shopping", *Journal of Common Market Studies*, Vol.38, No.2

Gokalp Aras, N.E. and Z. Sahin Mencutek.

2015   "The international migration and foreign policy nexus: the case of Syrian refugee crisis and Turkey". *Migration Letters*. Vol.12, No.3.

Guild, E., Costello, C. and V. Moreno-Lax.

2017   "Implementation of the 2015 Council Decisions establishing provisional measures in the area of international protection for the benefit of Italy and of Greece", *Policy Department for   Citizen's   Rights   and   Constitutional   Affairs*, http://www.europarl.europa.eu/committees/en/supporting-analyses-search.html   accessed   on 27.06.2018

Guild, E., Roele, I., Panizzon, M., Gammeltoft-Hansen, T. and V. Moreno-Lax.

2017   What is a Compact? Migrants' Rights and State Responsibilities Regarding the Design of the UN Global Compact for Safe, Orderly and Regular Migration, *RWI Publications;* RWI Reports.

Hanke, P., M. Wieruszewski, and Marion Panizzon.

2018   "The 'Spirit of the Schengen Rules', the Humanitarian Visa, and Contested Asylum Governance in Europe – The Swiss Case." *Journal of Ethnic and Migration Studies,* https://doi.org/10.1080/1369183X.2018.1441615

Hooghe, L. and G. Marks.

2004   "Unraveling the Central State, But How? Types of Multi- Level Governance." *Institute for Advanced Studies*, Vienna, https://www.ihs.ac.at/publications/pol/pw_87.pdf, accessed 22.03.2017

Human Rights Watch.
2016   *Turkey Border Guards Kill and Injure Asylum Seekers*.
https://www.hrw.org/news/2016/05/10/turkey-border-guards-kill-and-injure-asylum-seekers accessed on 20.06.2018

Human Rights Watch.
2018   *Country Report*. Turkey, https://www.hrw.org/world-report/2018/country-chapters/turkey accessed 19.06.2018

İçduygu, A. and E. Millet.
2016   "Syrian Refugees in Turkey; Insecure Lives in an Environment of Pseudo-Integration." *Global Turkey in Europe Series*, Working Paper 13. http://www.iai.it/sites/default/files/gte_wp_13.pdf, accessed 22.03.2017
Ineli-Ciger,M.

2018   *Temporary Protection in Law and Practice,* International Refugee Law Series, Volume: 10, Brill | Nijhoff

Kale, B.

2016   The EU-Turkey Action Plan is Imperfect, But Also Pragmatic, And Maybe Even Strategic*, GMF on Turkey*, http://www.gmfus.org/publications/eu-turkey-action-plan-imperfect-also-pragmatic, accessed 22.03.2017

Kaunert C. and S.Leonard.

2012   "The development of the EU asylum policy: venue shopping in perspective", *Journal of European Public Policy*, 19:9.

Ki-moon, B.

2016   "Refugees and Migrants: A Crisis of Solidarity".   *United Nations University Publications.*

Kirişçi, K.

2012   "Turkey's new draft law on asylum: What to make of It?", in:, Seçil Paçacı Elitok and Thomas Straubhaar (eds.), *Turkey, Migration and the EU*, Hamburg, Hamburg Univ. Press, pp. 65.

Knaus, G.

2016   "Keeping the Aegean Agreement A float." *Turkish Policy Quarterly*. Fall 2016.,43-50.http://turkishpolicy.com/files/articlepdf/keeping-the-aegean-agreement-afloat_en_1496.pdf. 12.12.2017

Krumm,T.

2015   "The EU-Turkey refugee deal of autumn 2015 as a two-level game. Turkish Journal of International Relations". *Alternatives*. Vol.14. No.4

Kunz R,. S. Lavenex and ., and M. Panizzon.

2011   *Multilayered Migration Governance: The   Promise of Partnership Routledge advances in international relations and global politics.* 89. GB: Routledge Ltd.

Küçük, E.

2016   "The Principle of Solidarity and Fairness in Sharing Responsibility: More than Window   Dressing?"   *European   Law   Journal.*   Volume   22.   Issue   4. http://onlinelibrary.wiley.com/doi/10.1111/eulj.12185/full

Lavenex, S.

2016   "Multilevelling EU external governance: the role of international organizations in the diffusion of EU migration policies", *Journal of Ethnic and Migration Studies*, 42:4.

Loescher G. and J. Milner.

2011   "UNHCR and the Global Governance of Refugees*",* A. Betts (ed.) *,Global Migration Governance*' Oxford: Oxford University Press, pp. 189-207

Maiani, F.

2017   "The reform of the Dublin system and the dystopia of 'sharing people'", *Maastricht Journal of European and Comparative Law*, Vol. 24(5).

Mitsilegas,V.

2017   "Humanizing solidarity in European refugee law: The promise of mutual recognition", *Maastricht Journal of European and Comparative Law*, Vol. 24(5).

Moreno-Lax, V. and Mariagiulia Giuffre.

Forthcoming.   "The Rise of Consensual Containment: From "Contactless Control" to 'Contactless Responsibility' for Forced Migration Flows, S. Juss (ed.), *Research Handbook on International Refugee Law* (Edward Elgar**)** Newland, K.

2010   "The Governance of International Migration: Mechanisms, Processes, and Institutions". *Global Governance: A Review of Multilateralism and International Organizations:* July-September 2010, Vol. 16, No. 3, pp. 331-343.

Nas, Ç.

2016   "Mülteci Krizi Ekseninde Türkiye - AB İşbirliği", *İktisadi Kalkınma Vakfı Yayınları*, pp.27-39.

OHCHCR.

2018   *Report on the impact of the state of emergency on human rights in Turkey*, https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf accessed 19.06.2018

Okyay A. & J. Zaragoza-Cristiani.

2016.   "The Leverage of the Gatekeeper: Power and Interdependence in the Migration Nexus between the EU and Turkey." *The International Spectator*. http://www.tandfonline.com/doi/abs/10.1080/03932729.2016.1235403, accessed 12.12.2017

Panizzon, M and M. van Riemsdijk.

2018   "Introduction to the Special Issue: Migration Governance in an Era of Large Movements: A Multi-Layer Approach." *Journal of Ethnic and Migration Studies.,* https://doi.org/10.1080/1369183X.2018.1441600

Piattoni, S.

2009   "Multi-level Governance: a Historical and Conceptual Analysis." *Journal   of European Integration*, 31 (2), pp.163-180.

Pew Research Center.

2018   *"About Six-in-Ten Syrians Are Now Displaced From Their Homes",*

http://www.pewresearch.org/fact-tank/2016/06/13/about-six-in-ten-syrians-are-now-displaced-from-their-homes/ Accessed on 21.06.2018

Roman, E., T. Baird and T. Radcliffe.

2 016   "Why Turkey Is Not a 'Safe Country', in *Statewatch Analyses*, No. 3/16. http://www.statewatch.org/analyses/no-283-why-turkey-is-not-a-safe-country.pdf,   accessed 12.12.2017

Rossi, E. and P. Lafrate.

2016   "The EU Agreement with Turkey: Does it Jeopardize Refugee Right?" *Center for Migration Studies Essays*. http://cmsny.org/publications/rossi-iafrate-eu-turkey-agrmt/. Accessed 1.21.22017.Siegfried, K.

2016   *The   Hidden   Failure   of   Europe's   Migration   Policy   Billions*, http://www.irinnews.org/analysis/2016/09/16/hidden-failure-europe%E2%80%99s-migration-policy-billions?utm_source=IRIN+-+the+inside+story+on+emergencies&utm_campaign=e9395161ce-RSS_EMAIL_ENGLISH_ALL&utm_medium=email&utm_term=0_d842d98289-e9395161ce-15757289, accessed on 20.06.2018.

Şenyuva, Ö. and Ç. Üstün.

2016   " A Deal to End 'the' Deal: Why the Refugee Agreement is   a   Threat to   Turkey   –   EU   Relations". *GMF   on   Turkey*, No.132. http://www.gmfus.org/publications/deal-end-%E2%80%9Cthe%E2%80%9D-deal-why-refugee-agreement-threat-turkey-eu-relations

Slominski, P. and F. Trauner.

2018   "How do Member States Return Unwanted Migrants? The Strategic (non-)use of 'Europe' during the Migration Crisis" *Journal of Common Market Studies*, Vol.56. No.1

Stephenson, P.

2013   "Twenty years of multi-level governance: 'Where Does It Come From? What Is It? Where Is It Going?'" *Journal of European Public Policy*, 20 (6), pp.817-837.

Thirlemann,E.
2018   "Why Refugee Burden-Sharing Initiatives Fail: Public Goods, Free-Riding and Symbolic Solidarity in the EU", *Journal of Common Market Studies*, Vol. 56, No.1

Thym, D and E.(L.) Tsourdi.

2017   "Searching for Solidarity in the EU asylum and border policies: Constitutional and operational dimensions", *Maastricht Journal of European and Comparative Law*, Vol 24(5).

Toygür İ. and M. Özsöz.

2016   "Reshaping Relations in the Midst of Crises: A Bitter Anniversary for Turkey-EU Accession Negotiations"– *Istanbul Policy Center. Policy Brief.*

Tsourdi, E.(L.).

2017   "Solidarity at work? The prevalence of emergency-driven solidarity in the administrative governance of the Common European Asylum System", *Maastricht Journal of European and Comparative Law*, Vol (24(5).

Tunaboylu, S. and J. Alpes.

2017   "The EU-Turkey deal: What happens to people who return to Turkey?" *Forced Migration Review*, FMR Online 54.

Turhan, E.

2016   "Turkey's EU Accession process: do member states matter?'' *Journal of Contemporary European Studies*. http://dx.doi.org/10.1080/14782804.2016.1198693

Turhan, E.

2016a   "Europe's Crises, Germany's Leadership and Turkey's EU Accession Process''. *CESifo Forum* 2/2016. http://www.cesifo-group.info/DocDL/forum-2016-2-june.pdf

Turhan, E.

2017   "Mülteci Krizinin AB-Türkiye İlişkilerine Etkileri: AB'ye Üyelik Sürecinden Bir "Stratejik Ortaklığa" Doğru mu?, *İstanbul Ticaret Üniversitesi Sosyal Bilimler Dergisi*, Yıl: 16, Sayı: 31

Trachtman, J. P.

2009   *The International Law of Economic Migration: Toward the Fourth Freedom*. Kalamazoo, MI: W.E. Upjohn Institute for Employment Research.

Toygür İ. and B. Benvenuti.

2016　　　　　"The European Response to the Refugee Crisis: Angela　Merkel　on　the　Move." *Istanbul　　　　　Policy　　　　　Center*.　　　　　http://ipc.sabanciuniv.edu/wp-content/uploads/2016/06/IlkeToygur_BiancaBenvenuti_FINAL.pdf, accessed 12.12.2017

United Nations.

2016　　　　　*"New　York　Declaration　for　Refugees　and　Migrants*" .http://refugeesmigrants.un.org/declaration, accessed 12.12.2017UNHCR.

2015　　　　　"*Over　One　Million　Sea　Arrivals　Reach　Europe　in　2015*", News, http://www.unhcr.org/5683d0b56.html, accessed on 12.07.2018

UHNCR.

2016　　　　　*Global　Trends: Forced　Displacement　in　2015*. http://www.unhcr.org/en-us/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html. accessed on 21.06.2018

UNHCR.

2018a　　　　　*Refugee　Situations*, https://data2.unhcr.org/en/situations/syria　accessed　on 21.06.2018.

UNHCR

2018b　　　　　*The　Global　Compact　on　Refugees*, Zero　Draft. https://refugeesmigrants.un.org/sites/default/files/180205_gcm_zero_draft_final.pdf. accessed on 27.06.2018

UNHCR,2018c　　　　　*Applying　the　Comprehensive　Refugee　Response　Framework* (CRRF), http://www.unhcr.org/584687b57.pdf. accessed on 27.06.2018

Ulusoy, O. and Hemme Battjes.

2017　　　　　"Situation of Readmitted Migrants and Refugees from Greece to Turkey under the EU-Turkey Statement", *VU Migration Law Series* No 15.

Walter-Franke, M.

2018　　　　　"Two Years into the EU-Turkey "deal"- Taking stock" ,　ADD THE LINK

Wolff, S.

2014　　　　　"The Politics of Negotiating EU Readmission Agreements: Insights from Morocco and Turkey", *European Journal of Migration and Law* 16

Zaun, Natascha.

2018   "States as Gatekeepers in EU Asylum Politics: Explaining the Non-Adoption of a Refugee Quota System" *Journal of Common Market Studies*, Vol. 56, No.1

Zoeteweij-Turhan, M. H. and O. Turhan.

2017   "Above the Law- Beneath Contempt: The End of the EU-Turkey Deal?" *Swiss Review of International and European Law*. Volume 27. Number 2.

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[i] Directorate General of Migration Management(DGMM) in Turkey. This number excludes unregistered Syrians and Syrians with residence permits.

[ii] In 2017, Turkish authorities completed naturalization process for 36323 Syrians and issued 15700 work permits for Syrians under temporary protection (European Commission, 2018, 47)

[iii] See Ineli-Ciger (2018) for a comprehensive discussion on the potential of Temporary Protection Schemes to provide a viable framework to respond mass influx of forced migrants and necessity to clarify its content, boundaries, legal foundation in many countries including Turkey and the EU.

[iv] Scholars discussed the principle of solidarity specifically in the case of EU-Turkey deal from manifold perspectives. Mitsigelas (2017) calls for a shift from negative (inter-state level) to a positive (individual centered) mutual recognition of asylum decisions through humanizing solidarity. Thielemann (2018) approaches the unequal burden sharing from public goods theory perspective and underlines the need for Europe to move beyond the symbolic solidarity and suggests 'substantive co-operation" for effective outcomes. Constitutionality of the Dublin III Regulation (Kucuk, 2016),) constitutional significance of solidarity and its interaction with loyalty and mutual trust (Thym and Tsourdi, 2017) and emergency-driven solidarity (Tsourdi, 2017) have also been discussed.

[v] See Toygür and Benvenuti(2016) for the specific role and impact of Angela Merkel and Gokalp-Aras and Sahin-Mencutek (2015) for the impact of the Turkish foreign policy.

[vi] See Guild et al. for a detailed information on the disengagement with the Global Compact and critical analysis of the deal.