



MAGYC

Migration Governance and Asylum Crises

# Turkey and the European Union Refugee Deal: Assessing Turkish Migration Policies and the External Protection of European Borders

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**MAGYC:** The MAGYC (**Migr**Ation **G**overnance and **AsYlum C**risis) project seeks to assess how migration governance has responded to the recent “refugee crises” and has since been influenced by it, and how crises at large shape policy responses to migration. This four-year research project (2018–2022) brings together twelve international partners: the Hugo Observatory from the University of Liège (Coordinator), Sciences Po, the University of Economics in Bratislava, the GIGA institute of Global and Area Studies, Lund University, the IDMC, SOAS University of London, the University of Milan, the Lebanese American University, the University of Macedonia, Sabanci University, IfPO/CNRS.

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## **Abstract**

*The Syrian refugee crisis presented Turkey with a major challenge in its migration policies, and unexpectedly changed the nature of the European Union's relations with Turkey, already a highly ambivalent relationship. The magnitude of this refugee flow motivated such players as the European Union and Turkey to adopt new instruments to deal with its repercussions. This working paper analyses Turkish migration policies, the impact of the Syrian refugee crisis on altering these policies, the Turkish harmonization to the EU criteria, and the Turkey-EU refugee deal. The paper deduces how migration governance strategies in the wake of the Syrian crisis created new challenges for both Turkey and the EU. The paper first looks at the main pillars of Turkish migration policy and how it changed over time in response to external crisis and developments, and then analyses the Turkish-EU Refugee deal to assess how the EU relied on a third party-Turkey for the protection of its external borders. In addition, the paper assesses the emergence of a new migration governance strategy that Turkey is adopting in response to the refugee crisis it is facing. The paper contributes to the MAGYC objectives by uncovering multiple challenges in the EU's external migration strategies, as well as demonstrating the evolution of migration governance in Turkey as a key transit country in the EU's periphery.*

## Introduction

On March 3, 2020, the Turkish President Recep Tayyip Erdoğan stated that Turkey will no longer to monitor the Turkish-EU borders to prevent the flow of asylum seekers and undocumented migrants to European destinations. He claimed: "We will not close those doors ... Why? Because the European Union should keep its promises." <sup>1</sup> Accordingly, this declaration was a testimony to the ongoing reservations that Turkey had towards its refugee deal with the EU, along with the unexpected consequences that 4.1 million Syrian refugees currently residing in Turkey are causing at domestic level. Turkey no longer seems to feel obliged to abide by the conditions of its deal on refugees negotiated and agreed with the European Union in 2016. This is an important development with significant implications on the future of the Turkish-EU refugee deal, but also highlighting the impact of the Syrian civil war leading to a serious migration crisis for the EU (Aydin and Kirisci, 2016; Isleyen, 2018), on Turkish-EU relations along with Turkish domestic politics. On March 5, 2020, Kati Piri, the former rapporteur for Turkey in the European Parliament acknowledged that "for years Turkey has shouldered a heavy burden on Europe's behalf for very little in return"<sup>2</sup>.

When the Syrian civil war erupted in 2011, few scholars would have predicted its impact leading to an unprecedented displacement of people, destabilizing the region and then diffusing into the European territories (Elitok and Straubhaar, 2012; Panizzon and van Riemsdijk, 2018; Zaragoza-Cristiani, 2017; Okyay, 2017; Adamson and Tsourapas, 2019). From 2011 onwards, more than half of the Syrian population of 13 million people found themselves as refugees in multiple countries in the Middle East, some of whom are trying to reach European destinations. On the one hand, the refugee crisis presented Turkey with a major challenge in its migration policies, and on the other hand, unexpectedly, the refugee crisis changed the nature of the European Union's relations with Turkey (Saatcioglu, 2019)- already a highly ambivalent relationship (Muftuler-Bac, 2017). While there are other nationalities who find themselves as refugees in Turkey and the European Union, the Syrians currently constitute the largest group of refugees. The magnitude of this refugee flow motivated such players as the European Union and Turkey to adopt new instruments to deal with its repercussions (Wolff, 2014; Aydin and Kirisci, 2016; Boswell, 2018; Slomonski and Trauner, 2018).

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At the same time, Turkey is a country of many paradoxes. Immigration is not an exception in that regard. It plays multiple roles in the global migration dynamics both as a country of immigration and emigration, as well as a transit route (Demirtaş-Bagdonas, 2014; Kirisci, 2014; Aydın and Kirisci, 2016; Kaya, 2012). Since 2011, it has also become a hotspot for refugees. According to the UNHCR, Turkey is hosting the highest number of refugees in the world, a total of 4.1 million refugees, and 3.7 million of these refugees are of Syrian origin. While Lebanon and Jordan in the region also carry a significant burden for Syrian refugees, it is not in the same scale as the Turkish share. The magnitude of the refugee crisis in the Middle East has already led to the adoption of a Regional Refugee and Resilience plan in April 2018, to act as a coordination platform. Turkey initially reacted to the refugee crisis in 2011, by adopting an open door policy which was later on abandoned with the building of physical walls on the Syrian-Turkish border, more or less completed in 2018, signalling a significant change in its stance. It is clear that Turkey was transformed into a buffer zone between the Middle East and European territories where refugees and undocumented migrants either use the Turkish territory as a transit way or settle themselves in Turkey (Kale and et.al. 2018; Isleyen, 2018).

It is within this context that this working paper analyses Turkish migration policies, the impact of the Syrian refugee crisis on altering these policies, and the Turkey-EU refugee deal. The paper deduces how migration governance strategies in the wake of the Syrian crisis created new challenges for both Turkey and the EU. The paper first looks at the main pillars of Turkish migration policy and how it changed over time in response to external crisis and developments, and analyses the Turkish-EU Refugee deal to assess how the EU relied on a third party- Turkey for the protection of its external borders. The refugee deal presents a solid example of containment with external funding and some incentives that the EU uses in an increasing fashion for external protection of its borders. In addition, the paper assesses the emergence of a new migration governance strategy that Turkey is adopting in response to the refugee crisis it is facing; building physical barriers- walls to stop people from illegally crossing the Turkish borders.

The working paper contributes to the MAGYC project's goals of understanding different migration governance strategies and the generation of policy options to deal with similar migration based crisis for the future. The data for the paper is drawn from Frontex, Eurostats, Turkish Institute of Statistics, and the European Stability Initiative. In

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in addition, in preparation for the paper, the author visited the offices of Directorate General of Migration Management (DGMM) in Izmir and the Harmandali Removal and Deportation Center in January 2020. During the visit, the author received detailed information on the procedures under the new International Protection laws, along with in person briefings on the new legal amendments, capacities of the DGMM. In addition, the visit allowed the author to witness on a first hand basis the conditions under which the undocumented migrants are hosted while their asylum requests are processed, and their access to fundamental services.

Prior to an assessment of the Syrian refugees in Turkey and how they brought new challenges to Turkish migration governance, some background information is necessary on Turkish migration policies and their historical evolution. In order to understand the impact of Turkey's refugee deal with the EU on Turkish migration policies, an assessment of both the Turkish migration policy and its historical evolution process are needed. The next section looks at the evolution of Turkish migration policies, and how it has dealt with the challenges posed by the Syrian crisis.

### **The Evolution of Migration Governance in Turkey**

To trace the roots of Turkish migration governance, one needs to go back to the modern Turkish Republic, established in 1923 out of the ashes of the Ottoman Empire. The Ottoman Empire encompassed different ethnic, national, religious, cultural, racial groups living together in a multi-national imperial system. In contrast, the Turkish Republic was to be formed as "homogenous" unit (Elitok 2018; Kaya 2012; Memişoğlu and Ilgıt 2017; Koser-Akcapar and Simsek, 2018). The need to build a new homogenous nation formed the main rationale for Turkey's migration and citizenship rules in the early 1920s (Icduygu, 2011; Icduygu and Aksel, 2014). Three main legal instruments traditionally shaped Turkey's migration policy; 1934 Settlement Law, 1951 Geneva Convention on the Status of Refugees and the 1994 Regulation on Asylum Seekers. 1934 Settlement Law and 1994 Regulation are Turkish legal instruments, and 1951 Geneva Convention is an international document that Turkey signed with some reservations.

The early Republican years aimed at increasing the proportion of ethnic Turks in the country, erasing to a certain extent the cosmopolitan legacy inherited from the Ottoman Empire in an attempt to establish a more stable, uniform nation state (Kaya, 2012). The homogenization of the population of the newly established Turkish Republic

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was the main aim, with the elimination of non-Muslim populations. For that purpose, a number of steps were already taken in the 1920s. The newly established Turkish Republic engaged in an exchange of populations with Bulgaria in 1923 and Greece in 1925. Since these populations have lived together over centuries in an intertwined fashion, co-existing in a multi-lingual, multi-ethnic and multi-religious empire, separating them into different territorially defined nation-states turned out to be a painful process, uprooting the cosmopolitan society Turkey had at the time. Cultural diversity was sacrificed for enhancing national identity.

In order to promote the emergence of this mostly Muslim, Turkish population, a new law was adopted in 1926 which set the main premises of granting Turkish citizenship to ethnic, Muslim Turks who were scattered around in former territories of the Ottoman Empire, but mainly in the Balkans. The Law underlined the critical role that speaking Turkish language as a key common element plays, in assessing who qualifies for Turkish citizenship. In 1928, an additional step for fostering national identity was taken with the new Turkish Citizenship Law, similarly motivated to enhance homogeneity of the Turkish population. Building on these former steps, in 1934, Turkey adopted the Turkish Settlement Law, Law 2510 was adopted setting up the main pillars of the Turkish migration policy. Law 2510 aimed at populating the newly established Turkey with peoples of 'Turkish origin, descent and culture'. Issued on June 14, 1934, Law 2510 was the most important step to put together a new Turkish nation, stressing geographical, ethnic, religious, linguistic basis of Turkishness. According to the Minister of Interior Affairs at the time, Şükrü Kaya, "This law will create a country speaking with one language, thinking in the same way and sharing the same sentiment".<sup>3</sup> The 1934 Settlement Law determined the basis for Turkish responses to immigration challenges, prioritizing those individuals with Turkish descent and belonging to Turkish culture in granting them citizenship rights. The Law allowed the settlement of 160,000 Bulgarian Turks forced to leave their hometowns in 1950 (Kostanick, 1955) in Turkey, and later on 300,000 Bulgarian Turks had the same fate in 1989. Further legal steps were taken in 1950 with the adoption of two different laws, Law 5682, the Passport Law and Law 5683 for residence and travel of foreign subjects. Both laws rest on the premises set forth by the 1934 Law-allowing people of Turkish descent, for example, again from the Balkans, to come to Turkey and settle as citizens. At the same time, these two Laws determined the conditions under which foreigners could travel to Turkey, and stay in Turkey for extended periods of time either as residents or workers.



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The 1951 Geneva Convention on Refugees is the second main instrument which forms the basic pillars of Turkish migration policy. While the Turkish government signed and ratified the 1951 Geneva Convention, it has nonetheless noted a reservation. Turkey negotiated a geographical limitation to the Geneva Agreement as defined in Article 1.B(1)(a) of the Convention with refugee status to be granted only to those coming from a European country, effectively a two-tiered system of granting refugee status to possible asylum seekers. Turkey is also a signatory to the 1967 Protocol relating to the Status of Refugees, but it has kept its geographical limitation and reservations. To be accepted as refugees, migrants who come to Turkey from non-European states had to register through the Foreigners' Office under the Ministry of Interior Affairs in Turkey until 2013, and go through a refugee determination process that the United Nations High Commissioner for Refugees in Turkey needs to finalize. This meant that while refugees and asylum seekers from non-European countries can not apply to become refugees under international protection in Turkey, they could be granted a status as temporary asylum seekers while the UNHCR looked for permanent residence for them in other countries.

In the 1960s and 1970s, Turkey became both a country of emigration as well as immigration (Icduygu, 2011). Turkish workers began to migrate to European countries, most importantly to Germany for work purposes from 1961 onwards. At the same time, Turkey received around 2 million immigrants during the Cold War years from Balkan countries, notably from former Ottoman territories in the region. In addition, during the Cold War, it provided safe haven to asylum seekers who escaped the Communist regimes of Eastern Europe and the Soviet Union, whose asylum claims were processed by the UNHCR, some of whom were then accepted by other Western states.

The Turkish role as a country of immigration became profoundly clear during the various major crisis in the Middle East when a substantial group of Iraqi Kurds flocked to Turkey in 1988 and 1991. The 1990-91 Gulf War is particularly important in that regard when 500,000 Iraqi Kurds crossed the border onto Turkish territory. Subsequently, a safe haven had to be created from them in Northern Iraq so they could go back. Furthermore, the collapse of the Warsaw Pact and the dissolution of the Soviet Union led to a wave of immigration to Turkey- mainly for labor market purposes. A wave of ethnic Turks -about 300,000- were evicted by the Bulgarian government in 1989 and they were resettled in Turkey under the auspices of the 1934 Settlement Law. Thus, in the early 1990s, a combination of different groups of migrants,

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refugees began to impose new challenges for Turkish migration policy- ethnic Kurds running away from Iraqi government's prosecution, Iranians looking for refuge following the Islamic revolution in Iran, along with Eastern Europeans and citizens of former Soviet Union Republics looking for economic relief. While the challenges of these refugee flows in the early 1990s were less profound in magnitude in comparison to Syrian refugees, they were, nonetheless, a premonition for the later decades. Consequently, it became clear that the existing legal arrangement under the 1934 Settlement Law and the Turkish obligations under the 1951 Geneva Convention were not sufficient for Turkish government to deal with these new challenges. This opened the road to the adoption of a new Regulation in 1994.

In 1994, the Council of Minister adopted a new Regulation on asylum seekers, Regulation No. 6169/1994: "the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum From Another Country". The 1994 Regulation did not revoke Law 2510, but acted as secondary law providing the legal framework for asylum seekers to remain in Turkey while their requests were processed. The main reason for its adoption was the influx of Iraqi Kurds onto the Turkish territory some of whom were asking asylum and rites of passage for European destinations along with other groups mentioned above. Under the 1994 regulation, all asylum seekers need to register with the Foreigners' Office and local authorities, as well as the UNHCR offices. Both European and non-European asylum seekers would apply to the General Directorate of Security within the confines of the Ministry of Interior Affairs for processing. At the same time, The 1994 Regulation made it clear that Turkish security concerns have a priority over the asylum seekers' right to protection, specifically if a person seeking refuge is deemed to be a threat to Turkish national security, then that person would be returned to his/her country of origin even if such a return would jeopardize their lives. However, this was effectively a violation of the 'non-refoulement principle', i.e., its Article 33 of the Refugee Convention.

Despite this reservation, the Regulation still provided 'temporary protection' to asylum seekers while the UNHCR processed their applications, until they finally leave for their final destination-outside of Turkey. However, a major challenge is what to do with asylum seekers whose applications were rejected, and therefore had to return to their country of origin, as these people would either illegally remain in Turkey or use the

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Turkish territory to illegally cross over to European destinations (Rygiel and et., al, 2016). This unexpected consequence of the Turkish reservation on the Geneva Convention created a significant shortcoming in the Turkish regulations to deal with migration and refugee flows (Icduygu and Aksel, 2014; Elitok, 2018). This was coupled with the Turkish reservations on the Geneva Convention as Turkey recognized asylum seekers from non-European countries only temporarily as asylum seekers while their applications were processed by third countries for acceptance (Kirisci, 2014; Tolay, 2012). Until the adoption of the 2013 Law on migration and asylum discussed in the next section, the 1994 Regulation remained in place along with the 1951 Geneva Convention on the Status of Refugees for Turkey, making Turkey an anomaly among other European countries. However, a turning point in Turkey's migration policies came with progress on its accession process for European Union membership (Tolay, 2012; Icduygu, 2011). The next section analyzes these legal amendments and policy changes in Turkey adopted after 2000 in line with the European Union criteria.

### **Turkey's Harmonization to the European Union's Migration Policy**

The EU does not have an immigration policy binding all of its members to a common practice in managing migration (Adamson, 2011; Lavenex, 2006), yet it is able to pinpoint certain areas where harmonization is expected to EU law for its candidate states- one of which is Turkey. This is particularly important because Turkey has been associated with the EU since 1963 as an associate member, became a candidate for accession in 1999, and is negotiating for accession since 2005 (Muftuler-Bac, 2014; 2017). In other words, Turkey is required to adopt the EU's existing laws and policies in migration and asylum matters as an acceding country, and the EU evaluates Turkish compliance in this policy area with its Progress Reports, as well as pinpoint where compliance is expected with Accession Partnership Documents. In response, Turkey adopts its own National Programme on the Accession Partnership Document, taking upon multiple obligations for harmonization.

The EU's migration policy is one of shared competence, and incorporates the expectation that there is a common policy 'on asylum, immigration and external border control, based on solidarity between Member states' under Article 67/2 of the Lisbon Treaty. The EU's migration policy complements its instruments for European foreign policy, as well as the common development policy. It is essential for the EU to see compliance in its member states to the principle of non-refoulement, and

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candidate countries such as Turkey are expected to adjust to the EU rules. The EU has already indicated that Turkey should lift its geographical limitation to the 1951 Geneva Convention in order to harmonize its law to the EU *acquis*. In response, Turkey incorporated lifting its geographical limitation in its 2001 National Programme on the Adoption of the Accession Partnership,<sup>4</sup> which was prepared as a roadmap for its accession to the EU. Even though Turkey indicated that it would be able to lift this limitation by 2004, it has refrained from doing so until now. The Turkish National Programme was revised twice, in 2003 and 2008. These revisions contained multiple points where Turkey indicates its commitment to the adoption of EU rules on migration. For example, the Turkish government agreed on the adoption of the EU rules in visa legislation, data protection legislation to align with the EU rules in preparation for the Schengen regime, adopt and implement EU *acquis* and rules on migration for admission, readmission and expulsion (Tolay, 2012; Kale, and et., al, 2018) All of these adaptations are addressed as part of Turkish harmonization to the EU rules under Chapters for Justice and Home Affairs, specifically Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Society). In addition, Turkey's 2008 National Programme on the Adoption of the Accession Partnership clearly specified the need for a National Plan for Asylum and Migration to combat illegal migration, the establishment of an asylum plan and Asylum Authority, and the conclusion of a Readmission Agreement with the EU.<sup>5</sup>

The key impact of these adaptations is that Turkey would have to find ways to resettle refugees from non-European countries rather than resettling them in 3<sup>rd</sup> parties or sending them back to their countries of origin if their asylum applications are rejected by 3<sup>rd</sup> parties. As a result, Turkey began to change some of its laws on migration and foreigners in line with the European Union regulations. First, in 2003, Turkey adopted a new Law, Law 4817- a legal regulation for Work Permit for Foreigners. This was a significant harmonization attempt to make it easier for foreign nationals to apply for work permits in Turkey, bringing it closer to the European Union's standards, replacing the multiple aspects of the preceding Law, i.e., Law 5683 of 1951. Work Permits were to be processed by the Ministry of Labor and Social Security. Second, in November 2004, Turkey joined International Organization for Migration as a full member. Third, in 2005, Turkish adopted a National Action plan for Asylum and Migration which looks towards the possible elimination of its geographical limitations. The Action plan was a clear road map for the Europeanization of Turkey's migration

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and asylum policies (Aydin and Kirisci, 2016), aiming at a higher degree of alignment with the EU *acquis*, as foreseen by the Accession Partnership Documents and Turkish National Programmes on their adoption (Kale, and et.,al, 2018). Fourth, in 2006, a new Law -5543 was adopted for Settlement of Foreigners, effectively replacing 1934 Settlement Law 2510 but retaining most of its key principles on Turkish descent and culture. In 2009, the government adopted another Law- Law 5901 on Turkish citizenship.

In 2010, the Presidency for Turks Abroad and Related Communities was established for assisting and managing Turkish citizens living abroad. In May 2012, Turkey signed a Memorandum of Understanding with the European Agency for the Management of Operational Cooperation-Frontex. In 2014, it signed an Action plan for the implementation of the institutional coordination with the EU for 2014- 2016, and accepted the appointment of a European official to act as a Frontex liaison officer in Turkey on April 1, 2016. These changes were all adopted to align further into the EU *acquis* on migration and asylum governance as mandated by the Turkish accession process (Tolay, 2012; Aydin and Kirisci, 2016).

Turkey's adaptation to the EU rules in line with its National Programme on the Adoption of Accession Partnership for migration governance as well as its 2005 Action Plan on Asylum and Migration were intensified with the 2011 Syrian crisis and the unprecedented flow of refugees onto Turkish territories. When Turkey was confronted with a massive flow of Syrian refugees in 2011, it initially registered them with AFAD (Turkish Disaster and Emergency Management Authority) and classified them as 'quests' in line with its reservations on the 1951 Geneva Convention, precisely as non-Europeans could not be granted the same protection rights as asylum seekers from European countries. However, in October 2011, Turkey adopted a temporary protection clause for the Syrians, with both non-refoulement principle<sup>6</sup> and access to humanitarian assistance, but not yet full access to fundamental rights. This Temporary Protection Regulation replaced the 1994 Regulation on Foreigners.

The combination of the need to align with the EU rules and the challenges posed to Turkish migration policy with the flow of Syrian refugees led to the adoption of major legal changes. Within this logic, the most critical development both in dealing with the migration challenges and in adaptation to the EU *acquis* turned out to be the legal amendment adopted in 2013 which revised the main legal migratory framework in Turkey (Kale and et.,al 2018; Zaragoza-Cristiani, 2017; Rygiel and et.al, 2016). On April

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4, 2013, the Turkish Parliament adopted a new Law on Foreigners and International Protection-Law 6458 (Yabancılar ve Uluslararası Koruma Kanunu) which went into force in April 2014, effectively revising the original 1934 Law on Settlement, Law 2510, which dealt with the needs of the incoming populations to Turkey after the War of Independence, as well as the 1950 Passport Law, Law 5682. To be precise, Law 6458 is the Asylum Law as foreseen in Turkey's 2008 National Programme, fulfilling one of the key Turkish obligations under Chapter 24 in order to align to the EU *acquis*. To reiterate, the Turkish immigration procedures were set by the 1934 Law which gave the right to settle in Turkey only to those people deemed to be sharing Turkish ethnic identity, language and culture. Even though Law 2510 was revised in 2006 with the above mentioned Law 5543, the essence of Turkish migration rules remained unchanged. In contrast, the new 2013 Law aimed at regulating migratory policy in Turkey in response to the growing number of refugees and asylum seekers flocking to the country, in particular from Syria. Moreover, the Law led to the creation of a new governmental agency, Directorate General for Migration Management (DGMM), which functions as a unit to handle all migration matters in a centralized fashion, coordinate Turkish governmental responses to immigration flows, as well as act as a medium of exchange between different Ministries-in particular, the Ministry of Interior Affairs, Ministry of Labour, Ministry of Foreign Affairs, Ministry of Family and Social Policy. This new unit took over the registration function for the incoming refugees and asylum seekers from the General Directorate of Security under the Ministry of Interior Affairs in May 2015. In its implementation, the asylum seekers who find themselves in the Turkish territory would apply both to the UNHCR and the DGMM for settlement into third countries, if their registration in these units is successful, then they are recognized as international protection applicants under Turkish law.

What needs to be noted here is that these legal changes in Turkish migration policies are also tied to the Schengen visa rules for Turkey. Under the Schengen regime, Turkish citizens face severe restrictions on their ability to travel. This issue was often raised in the revamping of customs union talks, based on the argument that while Turkish industrial products enter the EU market freely under the 1996 Customs Union Agreement signed between Turkey and the EU (Muftuler-Bac, 2017), their manufacturers cannot. Similarly, students, academics, professionals all face serious hurdles in their short term visa applications to Schengen countries (Tolay, 2012; Muftuler-Bac, 2014; Saatcioglu, 2019). In order to deal with these mobility related

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concerns, Turkey and the EU signed the Readmission Treaty on December 16, 2013 launching also the visa liberalisation talks, which was already foreseen in the 2012 Positive Agenda (Muftuler-Bac, 2017). The Readmission Agreement for Turkey mainly addresses the return of third country nationals (Wolff, 2014), and replaces pre-existing bilateral readmission agreements between Turkey and EU member states such as the 2002 bilateral agreement with Greece.

The 2013 Law on International Protection and Foreigners sets out the procedures for deportations of undocumented migrants and those who overstay their visas in Turkey, and creates three different categories for migrants- refugees, conditional refugees –these are those specifically to be settled in 3<sup>rd</sup> countries, and individuals under temporary/subsidiary protection. This categorization is to be added on top of the provisions with regards to refugees from European countries that Turkey has been recognizing with the 1951 Convention on the Status of the Refugees. Thus, the Law brings a new adaptation to the Turkish geographical limitation to the Convention, and by doing so, enables the Turkish government to classify in particular the Syrians under a new category- individuals in need of special protection who face security risks in their country of origin. However, the Turkish reservation on 'refugees' from non-European countries remain under the new Law, and they can only apply for conditional refugee or temporary protection. With the new temporary protection clause, every Syrian who enters Turkey receives an identity card-(kimlik) which grants them the right to basic services, health services, education, but only in the cities that they have registered as dictated by the Turkish migration rules. In case they move around in Turkey, their access to social services would be disrupted. This lack of mobility inside Turkey was a key concern for these refugees.

On October 22, 2014, the Council of Ministers adopted an additional legislation as secondary law (Temporary Protection Regulation) on October 22, 2014 into the Law on Foreigners and International Protection which changed the official status of Syrians from guests to those in need of temporary protection. This was a step in formalization of the Temporary protection Regime, and to demarcate Syrians from other asylum seekers. Once the Syrians register with the Directorate General for Migration Management, they would gain access to fundamental services such as health care and education. The 2013 Law combined different laws- Law on Aliens and Law on Asylum, to manage flow of migrants in Turkey in a more efficient, centralized manner. The law also has an important component of integration of refugees- indicating the

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possibility that some of the refugees in Turkey will be integrated into the Turkish system as citizens rather than being sent back to their countries of origin, intended most likely for the Syrian population in Turkey. The temporary protection position for Syrian refugees, however, prevented the Syrian asylum seekers to apply for settlement onto third countries while they are residing in Turkey under this new legal status. It needs to be noted that as long as Turkey's reservations to the Additional Protocol and the Geneva Convention remain intact, Temporary protection Regulation still does not imply a full recognition of Syrians' status as refugees. Furthermore, this temporary protection status would end if a person in this status leaves Turkey voluntarily, accepts the protection of a third country or is admitted by another country for resettlement. In short, sets of shortcomings exist in its implementation.

Certain problems in the implementation of the new Law and DGMM's processing capacities turned out to be substantial obstacles. Under the Law on Foreigners and International Protection, all refugee related decisions are taken by the Directorate General for Migration Management (DGMM). Similarly, the Law allows Turkey not to provide exit visas for Syrians, that is because if a Syrian under the protection of this law, travels to another country, he/she loses that right. If a Syrian refugee wants to leave Turkey permanently, then he/she has to apply for an exit visa from the Directorate General of Migration Management which can be obtained through the Provincial Directors where he/she is already registered. These requirements are not fully understood and cause delays in processing. In November 2015, the National Action Plan for illegal migration as foreseen in Accession partnership documents was launched. In 2016, a bylaw for the Law on Foreigners and International Protection was adopted, allowing Syrians under Temporary protection to participate in the labour market with Work Permit regulations. Furthermore, the Turkish Parliament adopted the Law on International Labour Force in July 2016 which set the basis for this change for all beneficiaries of international protection in Turkey. Multiple measures were adopted to ease the living conditions of the Syrian refugees in Turkey. In October 2016, the Turkish government adopted an executive order, Decree 676 as an additional amendment to the Law on Foreigners and International Protection which postulated foreigners affiliated with suspected terrorist organizations are to be deported from Turkey. This Amendment was a significant step in demonstrating the increased securitization concerns of the Turkish government in response to the



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continued flow of people from Syria. A clear linkage was visible between openness to refugees and security concerns for the Turkish government.

A new development in 2016 involved the discussion on the right of citizenship for the Syrian refugees. For example, on July 2, 2016, the Turkish President Recep Tayyip Erdogan declared that some Syrians would be granted Turkish citizenship if they qualify.<sup>7</sup> In 2017, citizenship paths were opened for some of the Syrian refugees (Koşer-Akçapar, and Şimşek, 2018). In 2017, an amendment on the Law of Citizenship became operational under which close to 40,000 Syrians acquired Turkish citizenship.

Equally important in the implementation of the new law were the changes on the powers of the UNHCR. In 2016, UNHCR signed a Host Country Agreement with Turkey which entered into force on July 1, 2018, and consequently, the UNHCR ended its registration of international protection applicants on September 10, 2018. From 2018 onwards, all applications for international protection are to be processed by the DGMMs, which also took over the registration and accommodation needs for these people from AFAD. This was a step to enhance the Turkish government's control over who could stay in Turkey, also indicating further strengthening of the linkage between security and openness to migration. In 2017, the DGMM also began to cooperate with the European Asylum Support Office. New units were set up under the DGMM - Refugee Status Determination Centre in Ankara in 2018, and in Istanbul in 2019. The applicants for international protection registered in Provincial Directorates for Migration Management could also reside only in 'satellite cities' which exclude three big cities in Turkey. On February 1, 2018, Law 7070 clarified the conditions under which deportation of undocumented migrants would take place. In September 2018, a Migration Board was established under the Ministry of Interior Affairs to coordinate Turkish migration policies.

In 2019, a major amendment on the 2013 Law on International Protection was adopted, with the decision that access to health care for international protection applicants would continue for one year after their applications are registered. On December 24, 2019, residence permit rules were amended and Temporary Protection Regulation was amended on December 25, 2019 with a revision of deportation rules. Increasingly in 2019, the emphasis was placed on the return of the Syrian refugees back to their home countries. The economic cost of hosting close to 4 million Syrian refugees in Turkey was also substantial, with close 40 billion \$ according to the Turkish government. Table 3 provides a detailed, city by city presentation of all foreigners

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living in Turkey, which includes all the registered foreigners with valid residence and/or work permits. Turkish government has invested in the building of Removal Centers -one of which is visited by the author of this study- in 2018 and 2019. By 2020, a total of 28 active Removal Centres are operational in different parts of Turkey. The Deportation/Removal Centres are set up with assistance from the EU, and involves significant alignment to EU rules in terms of access to services, counseling and interpretation assistance in these centres.

These changes in the Turkish migration policies were precipitated by the EU accession process on the one hand (Muftuler-Bac, 2017), and the Syrian refugee crisis after 2011 (Tolay, 2012; Aydin and Kirisci, 2016) on the other hand. The combination of these two factors led to the policy changes noted above. While the impact of the Syrian refugees on Turkey's migration policies and internal cohesion was significant, an important aspect of these developments is tied to Turkey's relations with the EU. The most important alteration in Turkish migration policies came about with the 2015 refugee crisis, leading to a Turkey-EU Refugee Statement addressed in the next section.

### **Turkey-EU Refugee Statement**

The EU's external migration policy "attempts to manage migration through cooperation with migration sending or transit countries" (Boswell, 2018). The EU uses multiple tools in its external migration policy (Adamson and Tsouporas, 2019; Huysmans, 2000; Lavenex, 2006), in particular "Political instruments (bilateral and regional policy dialogues and action plans), legal instruments (such as visa facilitation and readmission agreements), operational support and capacity building and project support made available to third countries and other stakeholders."<sup>8</sup> The EU's ability to deal with migratory crisis turned out to be one of the most important challenges it faces in its integration process (Lavenex, 2006; Slominski and Trauner, 2018). The 2013 Readmission Agreement concluded with Turkey fits into a pattern of external border management, with the EU returning the undocumented migrants/non-EU nationals back to their countries of origin or the countries through which they have passed to reach EU destinations (Turkey in this case).

A particular turning point for Turkey's relations with the European Union and its migration policy is the Turkey-EU Refugee Statement signed on March 18, 2016. However, there is already a pathway leading up to that deal, the 2013 Readmission

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Agreement and the 2015 Joint Action Plan are important stepping stones in paving the road for Turkey-EU refugee statement. The Readmission Agreement aims to “establish, on the basis of reciprocity, procedures for the rapid and orderly readmission, by each side, of the persons having entered or are residing on the territory of the other side in an irregular manner”.<sup>9</sup> While the Agreement became operational in 2014, it was only on October 1, 2017 that the reciprocal obligations for the readmission of non-EU nationals became applicable. The reciprocity of the readmission agreement is tied to EU’s granting some financial incentives, visa liberalization and facilitation. This is seen in the correlation between Turkey’s path of accession and its Readmission Agreement clauses.

When Turkey’s accession negotiations to the EU commenced in October 2005, talks for a readmission agreement also subsequently began, but they were frozen in 2006 when the European Council adopted a decision to suspend eight chapters from negotiations in its December summit. When the negotiations on readmission restarted in 2009, the initial drafts of the Readmission agreement did not include visa liberalization. (Muftuler-Bac, 2014). Yet, one of the most important incentives for the Turkish government to finalize a readmission agreement was the lifting of the visas for Turkish nationals. The Readmission Agreement brought a reciprocal obligation under which Turkey would take back its own citizens who travelled to EU member states as undocumented migrants along with third party citizens who used the Turkish territory to reach the EU territory, in return, the EU would finalize a visa liberalization for Turkish nationals- pending the Turkish government’s fulfilment of 72 main criteria. The Readmission Agreement was to be implemented in three years’ time, by June 2016 and visa liberalization for Turkish citizens to be realized in October 2016. Turkey also had the right to suspend and/or withdraw from the Agreement if visa liberalization for Turkish nationals were not realized at the latest in April 2018.<sup>10</sup>

While both parties were preparing for their reciprocal obligations under the Readmission Agreement, the refugee crisis became a monumental challenge. In 2015, the European Union confronted a major migration crisis in 2015, facing one million of potential refugees and asylum seekers trying to reach European destinations. The future of Schengen area in turn faced a crisis in 2015 which could only be solved with a credible and effective control of the EU’s external borders. In 2015, at the height of the migration crisis, the German Chancellor, Angela Merkel identified the Turkish role as “We will not solve the refugee problem completely; we need, among other things,

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further talks with Turkey for that. Only with Turkey we can switch illegality to legality. It is very important that the (European) Commission discusses further the migration agenda with Turkey."<sup>11</sup> Accordingly, the EU agreed on a Joint Action Plan with Turkey in October 2015 to stop refugee flows onto the European territories- through the Eastern Mediterranean route. The European Commission President at the time Jean Claude Junkers and Turkish President Recep Tayyip Erdogan met in October 2015 to negotiate the Joint Action Plan.<sup>12</sup> On 8 October 2015, the European Council declared "We are facing a common challenge. As partners, we need to respond collectively with solidarity" and suggested engaging with partners like Lebanon, Jordan, and Turkey.<sup>13</sup> In October 2015, at the Justice and Home Affairs (JHA) Council meeting, the EU member states stressed "Cooperation with the countries of origin and transit is key to successful return operations".<sup>14</sup> Angela Merkel further stressed this cooperation in her visit to Turkey in October 2015, underlining the critical role Turkey was expected to play in protecting the EU's external borders.

It was clear that the EU was attempting to find a solution to its migration conundrum with an engagement with Turkey and externalization of its border security to third countries (Saatçioğlu, 2019). On November 24, 2015, the European Commission adopted a decision for Turkey for putting together a Facility for Refugees to pool 3 billion Euros. On November 29, 2015, a bilateral summit was held between Turkey and the EU for generating the modalities of the Action plan (Muftuler-Bac, 2017). An integral aspect of the Joint Action plan was the Turkish commitment to take back refugees which used the Turkish territory to reach European destinations, and those who could not go back to their home countries- effectively eliminating the Turkish reservations of not taking back non-European refugees once they leave the Turkish territory (Isleyen, 2018; Memisoglu and Ilgit, 2017).

Based on the November 2015 Joint Action plan, on March 18, 2016 Turkey-EU agreed on a Joint Statement (known as the Turkish-EU refugee deal) which became an important turning point in transforming the Turkish role in managing migration towards European destinations. The deal incorporated a change in Turkish stance towards non-European refugees and the reluctance to take them back. The deal included the postulate that any undocumented migrant arriving on the Greek islands after March 20, 2016 will be returned to Turkey if they are not under international protection, or have a right to international protection, or claim asylum. Those individuals who do seek asylum but whose applications are deemed inadmissible will

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also be returned back to Turkey. The Turkey-EU Refugee Statement<sup>15</sup> postulates that “all irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey, and for every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU, and Turkey will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU”.<sup>16</sup> In return, the EU agreed to lift visa requirements for Turkish citizens by the end of 2016, the revitalization of the accession negotiations and Refugee funds of 6 billion euros. At the same time, the deal aimed to curb the undocumented migrants and asylum seekers using the Turkish territory to cross over the Aegean sea to reach Greece, and other EU member states. The deal rests on the recognition of Turkey as a safe third country to whom asylum seekers that used the Turkish territory could be returned to, i.e. a country to which asylum seekers can be returned as they could have requested and received refugee status there in line with the 1951 Convention. This is a central aspect for the implementation of the deal, that it needs to be assured that Turkey can provide access to fundamental services, protections against forced return to a country of origin where there is a serious risks of bodily harm. Turkey also agreed to take back all migrants who do not need international protection who used the Turkish territory to reach Greece as well as undocumented migrants caught in the Turkish national waters in the Aegean Sea. Facility for Refugees was set up to provide funds to Turkey for providing fundamental services to these refugees. One of the most important aspects of the deal rested on the EU's member states agreeing to process and settle refugees residing in Turkey in a ratio proportional to those readmitted back to Turkey. It also rested on the classification of Turkey as a safe third country to whom asylum seekers, refugees and undocumented migrants could be returned to. Even though Turkey still does not grant refugee status to those migrants coming from non-European countries, it still was seen as a safe third country in line with the EU's Directive 2011/95, based on the non-refoulement protection, and access to fundamental rights it offers to refugees. When the European Commission published its “EU Turkey Statement - One Year On” fact sheet, it noted that irregular migrants trying to reach European destinations was down by 97% in one year,<sup>17</sup> and Turkey turned out to be a reliable partner.<sup>18</sup> The European Council President Donald Tusk reiterated this position as “I would like to express our appreciation for the impressive work Turkey has been doing”.<sup>19</sup>

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The control of the EU's external borders is a particularly high priority within the overall European Agenda on Migration. The following table, Table 1, demonstrates the magnitude of the illegal migration, with regards to the increase in illegal border crossing over time from 4 different routes. Two of these routes- Western Balkan and the Eastern Mediterranean highlight the role that Turkish territory plays in these routes- Western Balkans is the land and the Eastern Mediterranean is the sea route that undocumented migrants utilize to reach European destinations.

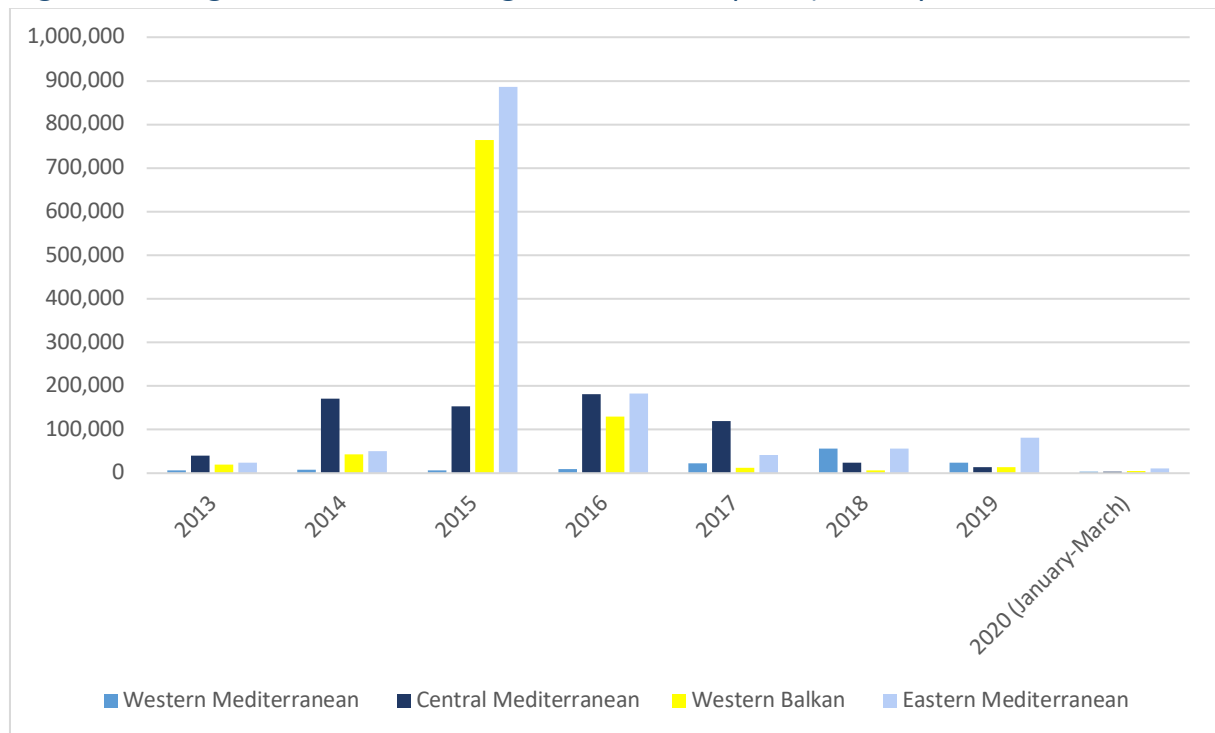
Table 1: Illegal Border Crossings onto the EU territories-Frontex <sup>20</sup>

Year	Western Mediterranean	Central Mediterranean	Western Balkan	Eastern Mediterranean
2013	6800	40000	19950	24800
2014	7243	170664	43357	50834
2015	7004	153946	764033	885386
2016	9990	181376	130325	182277
2017	23063	118962	12179	42319
2018	57034	23485	5869	56561
2019	24000	14000	14000	82000
2020 (January-March)	2821	3621	5721	10327

As Frontex data clearly demonstrates, the Eastern Mediterranean route has become the main transit to the European destinations, reaching a peak of almost 1 million illegal crossings in 2015-with a major jump from 2014.

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Figure 1: Illegal Border crossings: 2013-2020 (1st quarter)



As shown above, the peaks of illegal border crossings towards the EU territories are highly visible in 2015 and in the first half of 2016- leading to increased applications for asylum in European Union member states, with Germany occupying the top position for asylum seekers. While most of the undocumented migrants reach Greece, their ultimate desired destination seems to be Germany as Table 2 illustrates. Table 2 below demonstrates the asylum requests to the European Union members on a time-based frame, with peaks in 2015 and 2016.

Table 2: Asylum requests EU per 100,000 inhabitants<sup>21</sup>

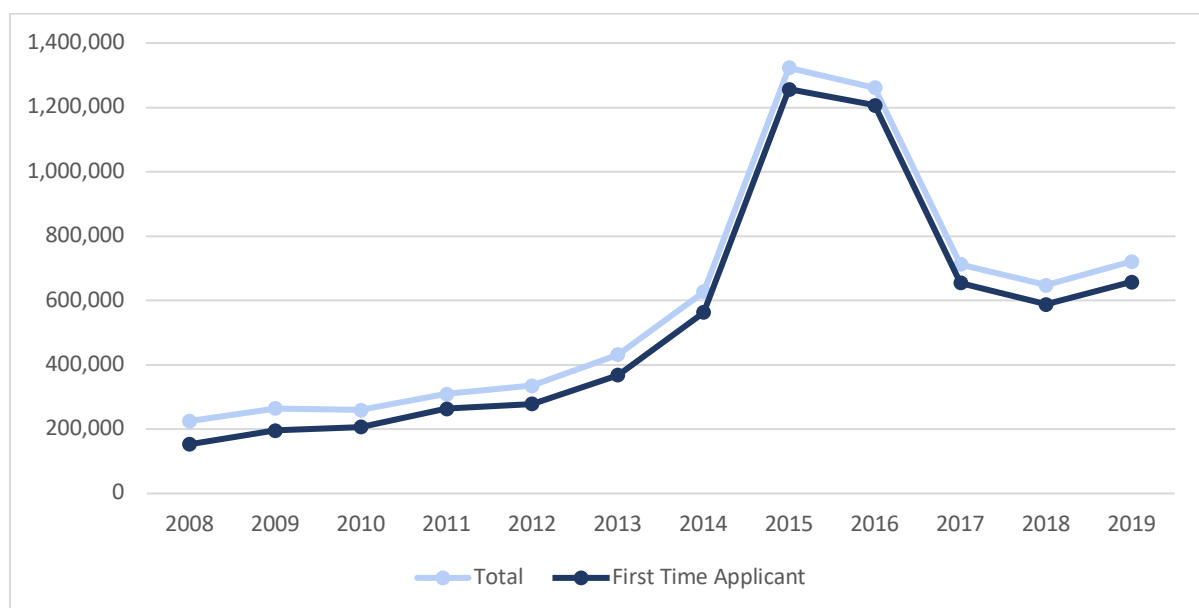
Member State/Year	2014	2015	2016	2017	2018	2019
Germany	202.645	476.510	745.160	222.565	184.180	165.615
France	64.310	76.165	84.270	99.330	120.425	128.940
Spain	5.615	14.780	15.755	36.610	54.050	117.800
Greece	9.430	13.205	51.110	58.650	66.965	77.275
United Kingdom	32.785	40.160	39.735	34.780	38.840	44.835
Italy	64.625	83.540	122.960	128.850	59.950	43.770
Belgium	22.710	44.665	18.280	18.340	22.530	27.460
Sweden	81.185	162.450	28.795	26.330	21.560	26.255
Netherlands	24.495	44.970	20.945	18.210	24.025	25.200
Switzerland	23.560	39.445	27.140	18.015	15.160	14.195
Cyprus	1.745	2.265	2.940	4.600	7.765	13.650
Austria	28.035	88.160	42.255	24.715	13.710	12.490

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Ireland	1.450	3.275	2.245	2.930	3.670	4.780
Finland	3.620	32.345	5.605	4.995	4.500	4.520
Malta	1.350	1.845	1.930	1.840	2.130	4.085
Poland	8.020	12.190	12.305	5.045	4.110	4.070
Slovenia	385	275	1.310	1.475	2.875	3.820
Denmark	14.680	20.935	6.180	3.220	3.570	2.700
Romania	1.545	1.260	1.880	4.815	2.135	2.590
Luxembourg	1.150	2.505	2.160	2.430	2.335	2.270
Norway	11.415	31.115	3.490	3.520	2.660	2.265
Bulgaria	11.080	20.390	19.420	3.695	2.535	2.150
Czechia	1.145	1.515	1.475	1.445	1.690	1.915
Portugal	440	895	1.460	1.750	1.285	1.820
Croatia	450	210	2.225	975	800	1.400
Iceland	170	370	1.125	1.085	775	845
Lithuania	440	315	430	545	405	645
Hungary	42.775	177.135	29.430	3.390	670	500
Slovakia	330	330	145	160	175	230
Latvia	375	330	350	355	185	195
Estonia	155	230	175	190	95	105
Liechtenstein	65	150	80	150	165	50
<b>Total</b>	<b>662.170</b>	<b>1.393.930</b>	<b>1.292.760</b>	<b>735.015</b>	<b>665.930</b>	<b>738.445</b>

Figure 2 demonstrates the peak in 2015 and 2016 in these asylum applications and show how there is sharp decline after the Turkish-EU refugee deal in 2016. This decline in asylum applications need to be seen as one of the key successes of Turkey-EU statement, leading to a lessening of the migratory pressures on the EU member states.

Figure 2: Asylum Applications (non-EU) in the EU-28 Member States, 2008-2019

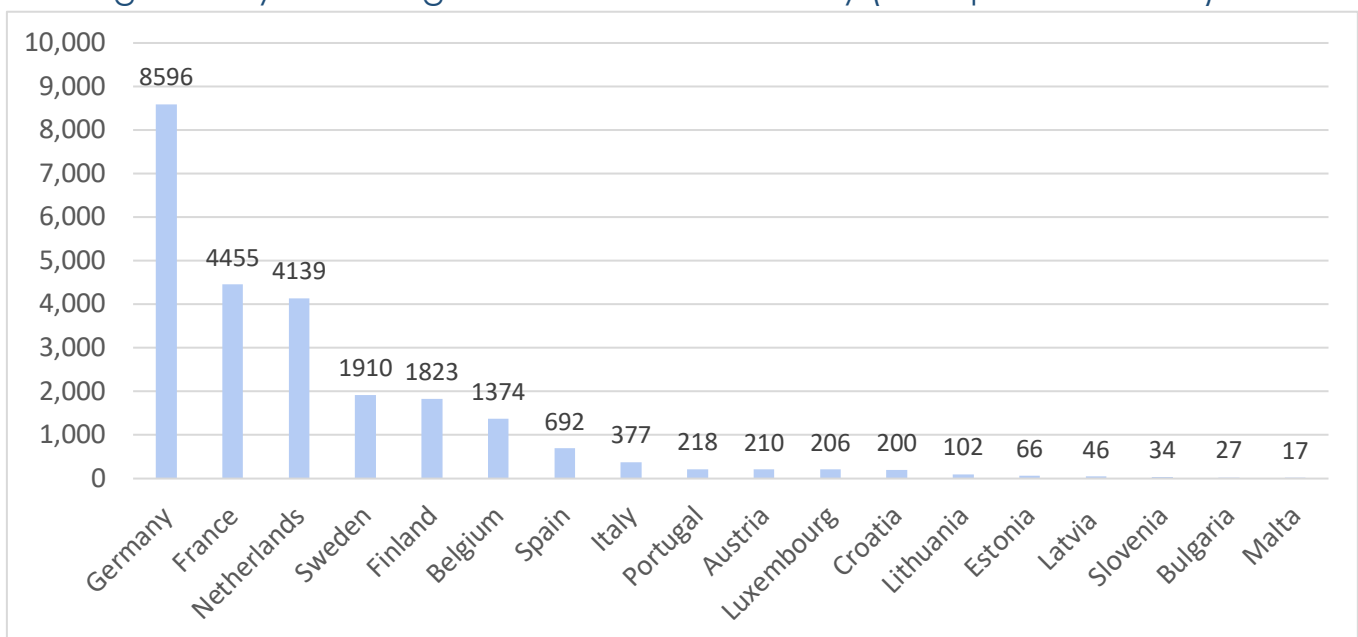




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Table 1, Figures 1 and 2 all demonstrated the impact of the refugee deal lessening the burden the Syrian refugees would have on the EU member states, had there been no deal on refugees with Turkey, and the migratory flows of 2015 and early 2016 would have continued at a similar pace. Figure 3 shows the Syrian refugees who were accepted into European countries- in line with the premises of the Turkey-EU refugee deal, while the initial promise was about 72,000 refugees to be settled, the actual realization of these settlements remained low, with the burden of hosting the highest number of refugees falling on the Turkish shoulders.

Figure 3: Syrian Refugees resettled from Turkey (16 September 2019)

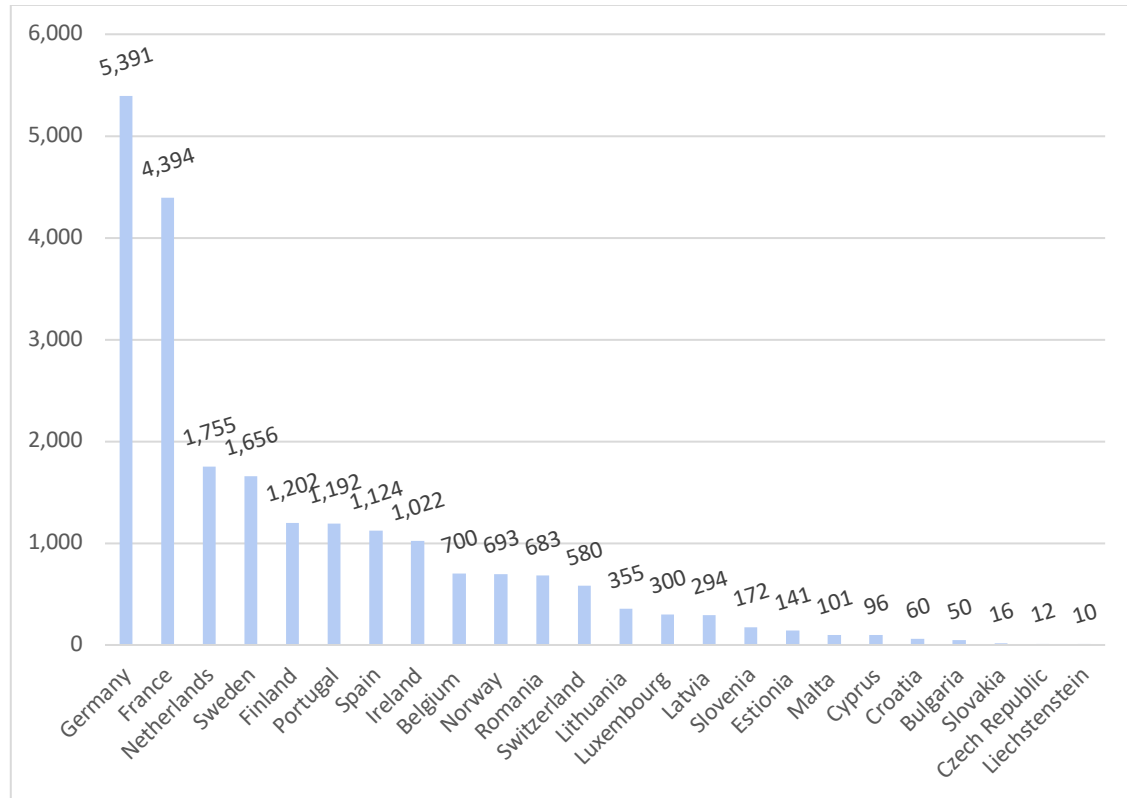


As of March 2020, a total of 26,135 Syrians have been resettled in EU member states after the refugee deal. In comparison, those refugees that were relocated from Greece also demonstrates a difference between Turkey and Greece. While the deal expected to see a higher number of Syrians to be resettled from Turkey, another component was the return of undocumented migrants from Greece back to Turkey. It also is important to note that since the operationalization of the deal, only about 2,505 refugees were returned from Greece to Turkey, indicating a less than efficient process taking place in the Greek refugee camps. Figure 4 shows the relocation data for refugees who were relocated from Greece to EU member states. It is also important to note that without the Turkish-EU refugee deal, Turkey would not have taken back these 2,505 refugees. Thus, it is the implementation of the 'one-for-one' formula

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adopted in the Turkey-EU Statement that made Turkey accept the undocumented migrants back to the Turkish territory.

Figure 4: Refugees relocated from Greece (30 October 2018)



Under the EU-Turkey Statement, the EU funds two different direct assistance programs for Syrians in addition to the EU Facility for Refugees, the Emergency Social Safety Net program and the Conditional Cash Transfer for Education program. Both of these programs are novel and constitute original initiatives to assist refugees in third countries by improving their living conditions. These funds that the EU allocates to Turkey for Syrian refugees are managed by Turkish agencies in order to enhance the services provided for the Syrian refugees.

While the EU Facility for Refugees turned out to be one of the most successful aspects of the refugee deal, enabling the provision of health care services and education facilities for the Syrian refugees in Turkey, the Emergency Social Safety Net program is one of the largest single humanitarian projects for the EU- serving the needs of a refugee community in a third country. By February 2020, out of 6 billion euros to be allocated to Turkey for the Syrian refugees, 4.7 billion euros have already been contracted, but there is uncertainty over the continuation of the financial aid for the provision of fundamental services to the Syrian refugees. The EU also provides

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significant assistance to capacity building for DGMM as well as the Removal Centres. Yet, in comparison to what Turkey has already spent from its own resources, close to 40 billion euros in humanitarian aid to the Syrian refugees, the European financial scheme remains relatively little. This emerges as a key problem in the implementation of the deal.

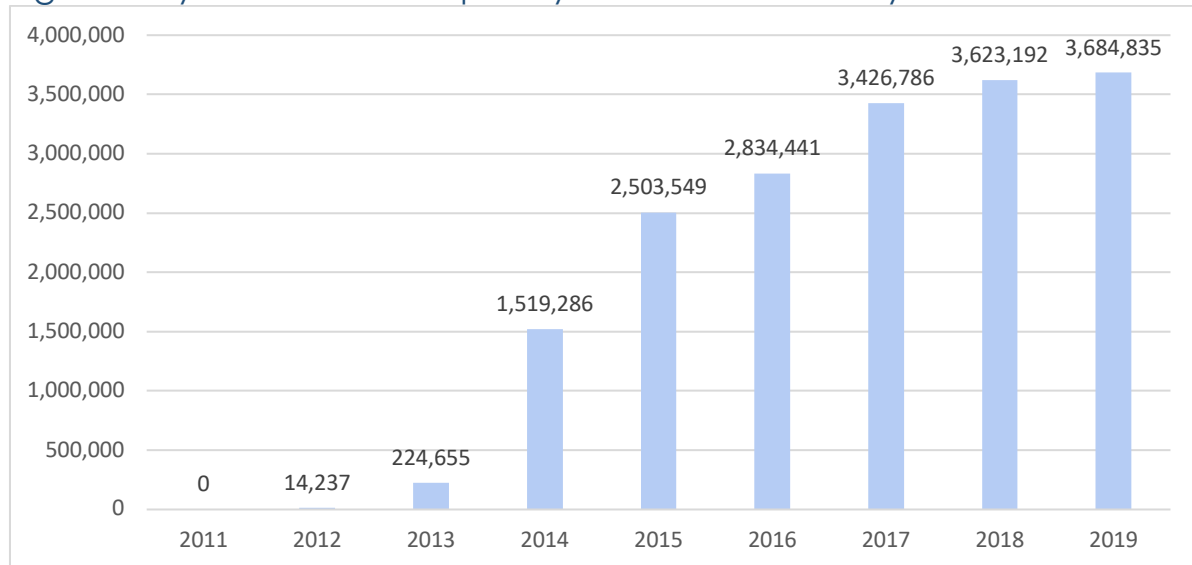
Furthermore, Turkey is increasingly resentful of the EU's inability of fulfilling the visa free travel for Turkish citizens- as agreed upon in the 2013 Readmission Agreement and the 2016 Turkey-EU statement. Turkey has insisted that 'it would not implement the provisions that entered into force in October 2017 until the visa requirement for Turkish citizens travelling to the Schengen zone for a short stay has been lifted'.<sup>22</sup> Another similar problem in implementation arose from political reasons. Turkey already has a bilateral readmission agreement signed with Greece in 2002 for the return of undocumented migrants and under the terms of the Refugee Statement, this bilateral agreement was taken over by the Turkey's Readmission Agreement with the EU from 1 June 2016 onwards. However, the Turkish government suspended the implementation of bilateral agreement with Greece on June 6, 2018 when the Greek government did not expedite Turkish officers, suspected of involvement in the 2016 military take-over attempt, to Turkey. Despite the suspension of the Greek-Turkish readmission agreement, the Turkish deal with the EU continued functioning. Yet, the Turkish government's resentment increased further in summer 2019, leading to its announcement that it will be suspending the Readmission agreement and the Turkish obligations under the refugee deal. The Turkish Minister of Foreign Affairs, Mevlut Cavusoglu, declared on July 2019, "The readmission agreement and visa waiver were supposed to enter into force at the same time. We have therefore suspended the readmission agreement."<sup>23</sup> While this declaration did not necessarily finalized the readmission agreement, it indicated the rocky road on which Turkey-EU statement is proceeding on.

Finally, in March 2020, a new crisis erupted in Turkish-EU refugee statement, when the Turkish government declared it will no longer be closing its borders which led to a new flow of refugees from Turkey to Greece. It is becoming increasingly clear that the Turkish government is disillusioned with the conditions of its refugee deal with the EU while taking upon huge responsibilities for taking care of the Syrian refugees in Turkey.

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The visible presence of the Syrian refugees in the Turkish cities has led to a resentment among the Turkish people, who felt that they are increasingly becoming a minority in their own countries. As the refugee deal with the EU meant that Turkey would have to deal with millions of Syrians, its domestic politics began to be affected significantly. Figure 5 shows the Syrians under Temporary protection in Turkey as drawn from the Directorate General for Migration Management reports.

Figure 5: Syrians Under Temporary Protection in Turkey 2011-2019



It needs to be noted that these are the official numbers and there are also those who might be residing in Turkey illegally, not captured with the data above. The following map -Figure 6- from the Turkish Directorate of Migration provides an assessment of the distribution of Syrians in Turkey under Temporary Protection scope on a geographical basis. The border cities in Southern Turkey have both very high absolute numbers in Syrian refugees as well as in relative terms to the local population. Kilis is of particular importance with the highest per capita concentration of Syrian refugees in comparison to the native Turkish population in the city. Table 3 at the end of the paper provides a detailed, city by city account of foreigners living in all the Turkish cities.

Figure 6: Geographical Distribution of Syrian Refugees under Temporary Protection in Turkey



Source: Directorate of Migration, Turkey, [www.goc.gov.tr](http://www.goc.gov.tr)

As demonstrated above, five cities on the Syrian border, Gaziantep, Hatay, Kilis, Sanliurfa and Mardin host about 1,5 million Syrian refugees, and what is more, these refugees constitute a high percentage of the population in these cities. For example, by 2018, 22.3 % of the population in Gaziantep, 11% of the population in Mardin, 27,4% of the population in Hatay and a surprisingly 82% of the population in Kilis are Syrians. These are significant concentrations of Syrian populations in Southern Turkey, changing the demographic composition of the region as well. The increased presence of the Syrian refugees in Turkey acted as a key reason as to why the Turkish government increasingly adopted more restrictive policies in recent years as analysed in the above sections in terms of legal and policy relevant changes.

The Turkish change of heart also goes parallel to the newly adopted measures in the country to deal with the flow of Syrian refugees into the Turkish territories, in particular the building of physical walls. In recent years, multiple countries have begun to use physical walls as a form of border management. Turkey is one of these countries where a new reality has emerged with physical barriers. The Turkish-Syrian border with its 911 km of a new wall has been largely porous. The Turkish open door policy towards

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Syrian refugees adopted in 2011, increasingly became unfeasible by 2013, precisely due to the security threats it posed to the south east region in Turkey.

Multiple terrorists attacks in 2013 and 2015 such the Reyhanli bombings that killed 53 Turkish citizens illustrated the tradeoffs between Turkish security concerns and migration policy. To deal with these security threats, the Turkish government adopted increased security measures – for the overall aim to increase border security. To do so, a new border protection plan - Acil Sinir Fiziki Guvenlik Sistemi projesi- Project on Urgent Border Physical protection System- was adopted, which comprised of modular walls, watchtowers, electronic monitoring, and barbed wire. In a matter of one year, by 2015, Turkey built 13 km of wall, along with 160 km of barbed wire and ditches-these measures were taken to ensure a physical control of the border with increased military personnel patrolling the area to prevent any more illegal crossings. When it is fully finished, the Turkish-Syrian border will be a 828 km long wall comprising the entirety of the border, ranking the 3<sup>rd</sup> largest border wall in the world following the Chinese wall and the US-Mexico border. In addition to the wall, 120 watchtowers (Kulekol) are built which act as bases for the soldiers to monitor illegal activity across the border. A total of 59 high security doors which are resistant to attacks are built in the wall- 44 of which are on the Turkish-Syrian and the rest on the Turkish-Iranian border. The Wall is mostly finished by 2018 effectively blocking the flow of people from Syria onto Turkish territories.

The Turkish-Syrian border wall is one of similar examples, where physical space constitutes a line of demarcation, but also an indicator of who belongs in and who does not. The most important concern for adopting the border security regimes is related to the large influx of people across from Syria, especially to cities in the south such as Hatay which led to an alteration in the demographic and ethnic balances in these areas (Okuyay, 2017; Rygiel and et.al, 2016).

## **Conclusion**

This paper demonstrated how and to what extent Turkish migration policies changed over time in response to its increased responsibilities to adjust to the EU criteria as an acceding country, and to deal with the unprecedented flow of refugees coming from Syria. It is the interplay of these external and internal conditions that has led to the adoption of new tools in migration and also pave the way to finding a common policy with the EU. While Turkey has refrained from recognizing individuals

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from non-European countries as asylum seekers, its accession process to the EU on the one hand and the Syrian refugee crisis on the other hand necessitated multiple reforms to be adopted. Of these significant changes, the most notable is the 2013 Law of International Protection and Foreigners. The 2013 Law is a key example of an alignment to the EU policies with the generation of an asylum law. While it is motivated to deal with the Syrian refugees, it has significantly changed the Turkish migration policies and created new institutions- the Directorate General for Migration Management and new instruments to deal with migratory pressures. The close correlation with the legal changes and the EU accession process is an important indicator of the diffusion of EU's migration tools to the non-EU countries, creating a new type of migration governance.

At the same time, the paper analyzed the background within which the Turkish-EU refugee statement is adopted in 2016, and demonstrated how EU's migration policy is dependent on externalization of its border protection to 3<sup>rd</sup> parties. The paper's quantitative analysis indicated the policy's relative success in achieving a reduction of the flow of undocumented migrants and asylum seekers into the EU member states. However, the paper also revealed that more comprehensive tools are needed in order to manage both the EU's external borders as well as the countries in the EU's periphery such as Turkey's borders. This is critical as the domestic implications of the Syrian refugees are reflected onto Turkish domestic politics. As the domestic costs of hosting Syrian refugees and taking back those returnees from the Greek islands become higher in political terms for the ruling party, their commitment to the Turkish-EU statement would wane. The developments since 2019, with the Turkish government declaring its resentments, building physical walls on the Syrian border, the increased emphasis on the safe return of the Syrian refugees back to their homes all indicate that while the Turkey-EU statement might have worked initially, it is no longer sufficient to enable Turkey and the EU to deal with the migratory challenges. Thus, the Turkish-EU refugee deal experience, and the Turkish handling of the Syrian refugees in massive numbers could be used as yardsticks with which migration governance strategies that might be emerging in countries like Libya, Ethiopia, Nigeria and Mali could be assessed.

What also remains to be seen and assessed is how the new legal changes and policies have been implemented in practice and in what level of effectiveness. Particularly important here is the changing role of the UNHCR in Turkey in dealing with

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asylum claims- both in terms of its time frame and the magnitude of the applications it needed to process, and how the Turkish governmental agencies taking over this function could alter these problems in implementing the new policies. Equally important are the different layers of policy linkages that exist between Turkey's security, military and migration related policies. Given the limited space of a working paper, all of these issues could not be dealt with in this report. However, it needs to be noted that there is a high degree of interplay between changes in Turkish migratory policies and its security concerns rising from illegal migration to the Turkish territory, shaping its willingness to align to the EU rules, and continue functioning as a gate keeper for the European Union's external borders.



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"No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."
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**Annex 1: Foreign population by country of citizenship, 2018, 2019**

Table 3: Foreign population by country of citizenship, 2018, 2019

Country of citizenship	2018			2019		
	Total	Male	Female	Total	Male	Female
Total	1 211 034	601 551	609 483	1 531 180	777 891	753 289
Irak-Iraq	283 934	149 229	134 705	313 810	164 953	148 857
Afganistan-Afghanistan	120 409	69 993	50 416	152 230	88 533	63 697
Türkmenistan-Turkmenistan	68 146	28 514	39 632	133 669	74 243	59 426
Suriye-Syria	87 955	52 511	35 444	114 277	66 334	47 943
İran-Iran	68 839	35 908	32 931	92 718	49 288	43 430
Almanya-Germany	82 031	39 059	42 972	88 539	42 342	46 197
Azerbaycan-Azerbaijan	61 807	29 605	32 202	68 515	32 533	35 982
Özbekistan-Uzbekistan	34 090	9 704	24 386	44 906	13 026	31 880
Rusya Federasyonu-Russian Federation	33 441	10 615	22 826	40 201	13 319	26 882
Mısır-Egypt	26 162	16 724	9 438	31 105	19 196	11 909
Libya-Libya	19 479	12 057	7 422	24 296	15 161	9 135
Kırgızistan-Kyrgyzstan	19 552	5 364	14 188	23 541	6 183	17 358
Gürcistan-Georgia	19 920	3 242	16 678	22 096	4 114	17 982
Filistin-Palestine	15 749	9 806	5 943	21 457	13 233	8 224
Kazakistan-Kazakhstan	16 828	6 345	10 483	21 151	8 172	12 979
Ukrayna-Ukraine	18 471	3 395	15 076	20 228	3 790	16 438
Ürdün-Jordan	11 999	7 416	4 583	19 550	11 900	7 650
Yemen-Yemen	14 978	9 810	5 168	18 881	12 268	6 613
Çin-China	13 837	8 099	5 738	18 505	10 085	8 420
Avusturya-Austria	15 993	8 666	7 327	17 300	9 338	7 962
Somali-Somalia	7 770	4 173	3 597	16 598	8 699	7 899
Fas-Morocco	8 406	1 710	6 696	14 096	3 415	10 681
Birleşik Krallık-United Kingdom	11 701	5 626	6 075	13 950	6 831	7 119
Bulgaristan-Bulgaria	8 667	3 068	5 599	13 474	5 450	8 024
Yunanistan-Greece	6 245	2 950	3 295	11 866	5 764	6 102
Cezayir-Algeria	4 930	2 303	2 627	9 247	4 441	4 806
Amerika Birleşik Devletleri-United States	7 658	3 969	3 689	9 111	4 765	4 346
Pakistan-Pakistan	5 379	3 831	1 548	8 330	5 812	2 518
Nijerya-Nigeria	5 045	4 199	846	8 212	6 799	1 413
Moldova-Moldova	8 500	1 480	7 020	8 070	1 483	6 587
Hollanda-Netherlands	5 699	3 080	2 619	6 518	3 512	3 006
Endonezya-Indonesia	4 538	1 341	3 197	6 078	1 809	4 269
Lübnan-Lebanon	2 758	1 558	1 200	4 778	2 667	2 111
Suudi Arabistan-Saudi Arabia	3 488	2 207	1 281	4 770	2 997	1 773
Tacikistan-Tajikistan	3 621	1 873	1 748	4 652	2 355	2 297

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Filipinler-Philippines	3 295	373	2 922	3 751	431	3 320
Sudan-Sudan	2 118	1 270	848	3 741	2 206	1 535
Tunus-Tunisia	2 470	842	1 628	3 604	1 268	2 336
Etiyopya-Ethiopia	1 647	685	962	3 581	1 922	1 659
Fransa-France	3 089	1 554	1 535	3 444	1 759	1 685
Kuveyt-Kuwait	1 285	875	410	3 247	2 080	1 167
Güney Kore-South Korea	3 093	1 595	1 498	3 148	1 639	1 509
Danimarka-Denmark	2 776	1 566	1 210	3 067	1 701	1 366
Arnavutluk-Albania	3 047	1 389	1 658	3 003	1 372	1 631
İsveç-Sweden	1 793	976	817	2 630	1 421	1 209
Hindistan-India	2 748	2 303	445	2 528	1 950	578
Belarus-Belarus	2 296	204	2 092	2 501	276	2 225
Norveç-Norway	1 764	847	917	2 358	1 132	1 226
Kuzey Kıbrıs Türk Cumhuriyeti Turkish Republic of North Cyprus	2 380	1 236	1 144	2 280	1 148	1 132
İtalya-Italy	1 957	1 244	713	2 146	1 341	805
Kanada-Canada	1 568	820	748	2 144	1 186	958
Nepal-Nepal	2 816	2 192	624	1 879	964	915
Romanya-Romania	1 804	490	1 314	1 873	528	1 345
Senegal-Senegal	1 357	1 157	200	1 864	1 563	301
Kuzey Makedonya-North Macedonia	1 984	830	1 154	1 861	813	1 048
Kosova-Kosovo	1 853	859	994	1 852	866	986
Cibuti-Djibouti	740	475	265	1 803	1 055	748
Ermenistan-Armenia	1 580	306	1 274	1 760	371	1 389
Belçika-Belgium	1 397	696	701	1 659	838	821
Tayland-Thailand	1 236	320	916	1 602	336	1 266
Moğolistan-Mongolia	1 269	498	771	1 546	605	941
Japonya-Japan	1 492	665	827	1 529	688	841
Bangladeş-Bangladesh	948	753	195	1 401	1 125	276
İspanya-Spain	1 065	615	450	1 320	812	508
Sırbistan-Serbia	1 289	631	658	1 312	649	663
Uganda-Uganda	668	375	293	1 304	614	690
Gana-Ghana	1 001	829	172	1 286	1 039	247
Eritre-Eritrea	590	342	248	1 247	638	609
Çad-Chad	576	484	92	1 193	1 002	191
Kamerun-Cameroon	862	617	245	1 188	813	375
Bosna Hersek-Bosnia and Herzegovina	1 133	438	695	1 141	429	712
Polonya-Poland	925	233	692	1 053	290	763
Brezilya-Brazil	814	313	501	1 026	377	649
İsviçre-Switzerland	884	434	450	1 013	486	527
Malezya-Malaysia	746	389	357	939	477	462
Avustralya-Australia	814	442	372	938	507	431

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Güney Afrika Cumhuriyeti Republic of South Africa	695	412	283	926	535	391
İsrail-Israel	557	300	257	848	465	383
Finlandiya-Finland	635	262	373	816	318	498
Kenya-Kenya	554	350	204	797	457	340
Kongo Demokratik Cumhuriyeti Democratic Republic of the Congo	368	256	112	740	465	275
Katar-Qatar	372	292	80	676	502	174
İrlanda-Ireland	555	281	274	668	314	354
Angola-Angola	64	46	18	637	443	194
Moritanya-Mauritania	387	294	93	632	467	165
Mali-Mali	474	374	100	620	476	144
Gambiya-Gambia	281	226	55	606	492	114
Gine-Guinea	469	396	73	590	478	112
Kolombiya-Colombia	402	152	250	558	224	334
Litvanya-Lithuania	498	80	418	545	102	443
Küba-Cuba	264	92	172	528	225	303
Tanzanya-Tanzania	410	268	142	496	322	174
Kotdivuar-Côte d'Ivoire	322	238	84	465	312	153
Macaristan-Hungary	358	129	229	434	170	264
Karadağ-Montenegro	421	180	241	388	173	215
Çekya-Czechia	341	120	221	380	125	255
Meksika-Mexico	313	110	203	375	138	237
Burkina Faso-Burkina Faso	281	246	35	365	279	86
Nijer-Niger	236	189	47	307	239	68
Portekiz-Portugal	270	173	97	273	180	93
Zambiya-Zambia	211	115	96	266	131	135
Bahreyn-Bahrain	186	99	87	265	158	107
Zimbabve-Zimbabwe	158	92	66	255	138	117
Letonya-Latvia	233	36	197	251	43	208
Birleşik Arap Emirlikleri-United Arab Emirates	126	89	37	247	161	86
Slovakya-Slovakia	209	55	154	232	65	167
Yeni Zelanda-New Zealand	201	106	95	232	123	109
Ruanda-Rwanda	175	116	59	231	156	75
Venezuela-Venezuela	161	76	85	231	106	125
Burundi-Burundi	196	141	55	230	162	68
Dominika-Dominica	123	76	47	221	135	86
Kongo-Congo	166	126	40	219	147	72
Tayvan-Taiwan	166	44	122	205	77	128
Togo-Togo	132	108	24	205	165	40
Hırvatistan-Croatia	170	85	85	183	89	94
Benin-Benin	142	132	10	183	164	19

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Sierra Leone-Sierra Leone	128	106	22	172	133	39
Estoniya-Estonia	139	29	110	171	42	129
Haiti-Haiti	90	67	23	160	113	47
Sri Lanka-Sri Lanka	97	67	30	158	98	60
Komorlar-The Comoros	127	87	40	152	100	52
Myanmar-Myanmar	134	83	51	151	90	61
Gine Bissau-Guinea Bissau	120	78	42	150	100	50
Vietnam-Vietnam	159	73	86	146	39	107
Dominik Cumhuriyeti-Dominican Republic	110	26	84	145	37	108
Arjantin-Argentina	111	44	67	142	69	73
Saint Kitts ve Nevis-Saint Kitts and Nevis	156	90	66	137	85	52
Gabon-Gabon	90	59	31	129	76	53
Güney Sudan-South Sudan	89	70	19	128	98	30
Singapur-Singapore	115	46	69	128	51	77
Liberya-Liberia	110	89	21	123	95	28
Peru-Peru	91	33	58	123	43	80
Slovenya-Slovenia	109	54	55	118	57	61
Madagaskar-Madagascar	120	76	44	114	71	43
Diğer ülkeler-Other countries	1 035	552	483	1 315	727	588
Vatansız-Stateless	320	192	128	394	242	152
Bilinmeyen-Unknown	108	76	32	111	77	34
<b>TurkStat, The Results of Address Based Population Registration System, 2019</b>						
Foreign population covers individuals who are holding a valid residence/work permit at the reference day and individuals who have a valid address declaration at the reference day while holding an identity document equivalent to residence permit such as international protection identity document and the individuals who have already renounced his/her Turkish Republic citizenship and who have a valid address declaration at the reference day. In addition to Syrians under temporary protection, foreigners holding visas or residence permits shorter than 3 months with the purpose of training, tourism, scientific research, etc. are not covered.						