

# EU–Turkey Migration Cooperation: From Saving the Day to Sustainable Mixed Migration Governance

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# EU–Turkey Migration Cooperation: From Saving the Day to Sustainable Mixed Migration Governance

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## Abstract

The current migration cooperation framework between the EU and Turkey was devised mainly as a response to the large-scale movements of 2015–2016, and the policy crisis they provoked inside the EU. Judged not exclusively but primarily by its performance in reducing irregular crossings from Turkey to Greece, and thus by its contribution to momentarily alleviating the policy crisis in the EU, cooperation has been regarded as highly effective. Yet, the type of mixed migration that is of concern to both sides is driven by structural factors, which are likely to occasionally escalate into humanitarian crises, calling for sustainable policy and cooperation approaches that are also emergency-proof. In line with this perspective, this paper examines how the current migration cooperation between the EU and Turkey fares in terms of producing durable responses to mixed migration in the Eastern Mediterranean context, and identifies the main challenges ahead to render both the cooperation and the policy solutions it produces more sustainable.

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## Introduction

The current migration cooperation framework between the EU and Turkey was devised mainly as a response to the large-scale movements of 2015–2016, and the policy crisis they provoked inside the EU. The cooperation mechanism is thus inherently linked to the developments as well as continuing deadlocks informing EU migration and asylum policy post-2015. Designed in an interconnected way and acting in tandem, both the policy responses produced in the intra-EU policy context as well as the EU–Turkey Statement of March 2016 primarily aim at immediately alleviating the grave consequences of an acute “crisis”. In line with such approach, judged not exclusively but primarily by its performance in reducing irregular crossings from Turkey to Greece, and thus by its contribution to momentarily alleviating the policy crisis in the EU, the current cooperation mechanism has been regarded as highly effective.

However, reducing mixed migration governance primarily to preventing such movement from reaching the EU and its immediate vicinity in the short run risks oversimplifying a more complex policy challenge. This may also risk failing to pay sufficient attention in the design of policies and cooperation frameworks to the fact that the type of mixed migration that is of concern to both sides is also, if not mainly, structural in nature, and hence is set to continue in the foreseeable future. Further, policy challenges such as socioeconomic inclusion of protection beneficiaries, which is the main challenge ahead of Turkey as well as an important component of cooperation between the two sides, necessitate forward-looking approaches and durable policy responses, by definition. All these imply it is high time to move from an approach that is mainly driven by, and oriented towards, “saving the day” to one that –

albeit incrementally – aims at sustainable governance of mixed migration that is also emergency-proof.

In line with such perspective, this paper seeks to look beyond the short run on the one hand, and beyond the numbers recorded at the EU external borders on the other. In so doing, it examines how the current migration cooperation framework between the EU and Turkey fares in terms of producing durable responses to mixed migration in the Eastern Mediterranean context, and which challenges remain ahead to render both the cooperation and the policy solutions it produces more sustainable.

Approaching the cooperation mechanism as inherently interconnected with the intra-EU policy context, the first section looks at the policy response produced by the Union post-2015, while paying particular attention to the implications of such response, including its limitations, for EU external cooperation and migration governance as a whole in the Euro-Mediterranean context. The second section zooms in on the current cooperation framework, to assess its impact on and implications for migration and asylum governance in Turkey. Focusing on the two main components of the current cooperation framework, namely irregular migration management and asylum governance, it seeks to identify the main areas in which there is ample room for improvement for enhancing the capacity of local governance systems as well as EU–Turkey cooperation, to produce durable and comprehensive solutions. The third section examines the implications of the Statement and the post-2015 EU policy response for Greece’s already existing mixed migration governance challenges, paying particular attention to the impact on the migrants and local populations in the Eastern Aegean islands, and looking at some ways forward for going beyond the somewhat makeshift solutions produced so far. The final section concludes.

## 1. Implications of the EU policy context for the sustainability of mixed migration governance in the Mediterranean

In order to examine how the current migration cooperation framework between the EU and Turkey fares in terms of producing durable responses to mixed migration in the Eastern Mediterranean context, and which challenges remain ahead to render cooperation more sustainable, one needs to take stock of the developments in the intra-EU policy context following 2015. Such need derives from the fact that the effective functioning of policy instruments on the internal and external dimensions of EU migration policy, and their capacity to produce durable solutions, have become increasingly interdependent. This interdependence also implies that policy shortcomings in one dimension can

significantly affect the effective functioning – as well as the sustainability – of policy instruments in the other dimension, and hence, that of regional mixed migration governance mechanisms as a whole.<sup>1</sup>

The large-scale arrival of migrants, refugees and asylum seekers in the EU in 2015 was crucial for the policy context, in that the unprecedented increase in numbers bluntly exposed already existing, yet largely overlooked, structural shortcomings of European migration and asylum policy. These deficits, particularly visible in the Common European Asylum System (CEAS) and its interaction with the functioning of Schengen, mainly relate to differing asylum and reception capacities among member states, as well as non-standardized asylum procedures and recognition outcomes, in addition to the difficulties in striking a balance between responsibility and solidarity, which are closely related to the systemic shortcomings.<sup>2</sup>

Further straining of this already flawed system by the dramatic increase in irregular arrivals has contributed to the revealing of broader policy and political implications: Responsibility sharing has become one of the most divisive issues within the EU; some member states have rejected to comply with mandatory mechanisms for a fairer distribution of asylum seekers; overburdened “frontline” member states have increasingly contested the “first country of arrival” principle of the Dublin regime assigning a greater share of responsibility to them; those member states *de facto* receiving a larger number of asylum seekers as a result of secondary movement have increased pressure on those at the external borders to comply with registration and asylum processing obligations on the basis of the same principle; and a subset of these member states have reintroduced and maintained physical border controls inside Schengen, putting into question the practical existence of a free movement zone.

The European Commission laid out the EU-level response to this policy crisis in a comprehensive way for the first time in the European Agenda on Migration (hereafter, the Agenda).<sup>3</sup> While largely focusing on emergency measures to immediately relieve the pressure on the external

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1 For an analysis approaching the overarching EU migration policy with its internal and external dimensions from such systemic interdependence perspective, see: Willemijn Tiekstra and Wouter Zweers, “Innovation in EU Migration Policy: Towards a Truly Comprehensive Approach to Migration”, in *Clingendael Reports*, September 2018, <https://www.clingendael.org/node/9483>.

2 For a detailed analysis of structural deficiencies of CEAS, see: Hanne Beirens, “Cracked Foundation, Uncertain Future: Structural Weaknesses in the Common European Asylum System”, in *MPI Reports*, March 2018, <https://www.migrationpolicy.org/node/16131>.

3 European Commission, *A European Agenda on Migration* (COM/2015/240), 13 May 2015, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52015DC0240>.

borders, minimise secondary movement, and prevent a breakdown of Schengen, the Agenda also highlighted the need for addressing the structural limitations of European migration and asylum policy.

The first set of measures on the one hand focused on alleviating the burden on the frontline member states. This was mainly done by mobilising EU financial and operational support in first-response procedures, and a temporary mandatory mechanism to redistribute asylum seekers from those member states to the rest, i.e., the emergency relocation mechanism. The other main focus was on preventing secondary movement through securing full compliance by frontline member states with registration and fingerprinting – and thus asylum processing, reception and return – responsibilities in line with the first country of arrival principle. The “hotspot” approach, which saw the deployment of European Asylum Support Office (EASO), Frontex and Europol personnel, and seconded experts from other member states in points of first arrival in Italy and Greece, aimed to accelerate registration, asylum processing and return procedures, while ensuring systematised registration of all newly arrived migrants and asylum seekers by these member states as “first countries of arrival”.

Besides these measures focusing on the post-arrival stage, a significant part of the emergency response has been oriented at preventing irregular arrivals. Reinforcing EU external borders as well as enforcement capacity and effectiveness to counter irregular migration and the smuggling of migrants has been one of the main intra-EU elements. Boosting efforts to increase return rates in order to reduce the stock of irregular migrants in the EU, while dissuading future attempts of irregular crossing, has been another significant component, at the intersection of intra-EU policies and cooperation with third countries. The post-Agenda period has seen the attribution of an even more significant role to such cooperation in this primarily prevention- and control-oriented dimension, particularly in combating irregular migration. Increasing the EU’s assistance to refugee-hosting countries lies at the intersection of two logics: one aimed at supporting building and consolidation of these countries’ asylum systems in the long run, the other seeking to diminish the incentives for refugees in these countries to attempt irregular arrival in the EU in the short as well as the long run.

As for addressing the structural limitations, the Agenda underlines the need for developing a diversified and comprehensive policy toolbox to effectively and sustainably manage migration. This toolbox includes policy instruments to be deployed both internally and externally, and aims at having an effect both on the “demand” side and the “supply” side. The former addresses the factors in third countries that are considered to be

driving migration and forced displacement so as to reduce the need or aspiration for EU-bound migration, i.e., “addressing the root causes”, in EU jargon. The latter aims at opening or expanding legal admission channels for both migrants and protection seekers so as to constitute potential alternatives to irregular entry.<sup>4</sup>

Regarding protection-related admission channels, the European Commission has been highlighting in the last years the need for shifting from *ad hoc* resettlement and humanitarian admission schemes to a stable framework. This was translated into the Commission’s July 2016 proposal for establishing the “EU Resettlement Framework”.<sup>5</sup> The Commission has been also underlining the need for a functioning and permanent responsibility-sharing mechanism among member states for the opening of these admission channels to become a feasible option, and hence for the broader objective of enhancing and structuring asylum governance on territory. As regards labour migration, the Commission has been encouraging member states and offering EU support to launch pilot projects with origin and transit countries as to target also those beyond the sub-set of the high skilled.<sup>6</sup>

Four years after the publication of the Agenda, the impasse in reforming the asylum system has not been overcome, while member states’ appetite for activating labour migration schemes remains low, mainly informed by the continuing crisis mood and politicisation of migration. Consequently, in implementation, priority has been given to emergency response over addressing (also) the structural issues; to the external dimension over the internal one; to measures targeting the demand side over those targeting the supply side; and on reinforcing the instruments mainly oriented at prevention and control over those that could contribute to broadening and diversifying the toolbox in its entirety.

The main outcome of this approach has been an overall reduction of irregular arrivals in the EU. Many policy actors consider this a major success, particularly because it is regarded as having helped soothe the policy and political crises. Yet, mixed results have been obtained in other components of the overall policy framework. The two emergency relocation mechanisms from September 2015 initially aimed at relocating a total of 160,000 asylum seekers within two years, while 54,000 places out of this target were redirected to voluntary resettlement in

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<sup>4</sup> *Ibid.*, p. 6-7.

<sup>5</sup> European Commission, *Proposal for a Regulation Establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014...* (COM/2016/468), 13 July 2016, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016PC0468>.

<sup>6</sup> See, for example, European Commission, *On the Delivery of the European Agenda on Migration* (COM/2017/558), 27 September 2017, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0558>.

September 2016.<sup>7</sup> The revised target was not met by the September 2017 deadline, and a total of 34,710 asylum seekers were relocated from both Greece and Italy by 6 March 2019.<sup>8</sup> It can be said that slightly better results have been obtained in resettlement relative to those in relocation: 27,800 persons were resettled in the period between 2015 and 2017 through various programmes.<sup>9</sup> Twenty-four thousand additional resettlements had taken place as of March 2019 upon the call of the Commission to the member states to resettle 50,000 persons between September 2017 and December 2019.<sup>10</sup> However, the adoption of the EU Resettlement Framework is still pending. Beyond the actual numbers, non-compliance, large differences between member state contributions and these schemes' dependence upon *ad hoc* commitments by a sub-set of members constitute the main issues. As for labour migration, only a few member states, such as Belgium, France, Germany, Lithuania and Spain, have started to explore the possibility of launching pilot projects.<sup>11</sup>

The difficulty in overcoming these mainly internally driven challenges has implications for external cooperation mechanisms and for the governance system as a whole. First, the inability to find common ground on a fair and functioning responsibility-sharing mechanism inside the EU significantly constrains its capacity to launch predictable and larger-scale admission schemes, and hence its capacity to share responsibility at a regional scale. Second, the low appetite for broadening legal access channels for potential labour migrants implies that one side of the phenomenon of irregular mixed migration is largely overlooked, which puts further pressure on the asylum channel as well as on return enforcement, while potentially straining non-EU countries' management capacities. Finally, in a context in which systemic and political challenges continue to constrain EU capacity to regulate admission, internal policies as well as external cooperation on mixed migration management remain predominantly driven by, and oriented at, minimising EU-bound movement. All these implications raise questions

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7 See, European Parliament, *Legislative Train Schedule: Towards a New Policy on Migration: 2nd Emergency Relocation Scheme*, as of 20 June 2019, <http://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-2nd-emergency-relocation-scheme>.

8 European Commission, *Progress Report on the Implementation of the European Agenda on Migration* (COM/2019/126), 6 March 2019, p. 1, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52019DC0126>.

9 European Commission, *Reforming the Common European Asylum System... Factsheet 5: Union Resettlement Framework*, December 2018, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20181204\\_managing-migration-factsheet-5-union-resettlement-framework\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20181204_managing-migration-factsheet-5-union-resettlement-framework_en.pdf).

10 European Commission, *Progress Report on the Implementation of the European Agenda on Migration*, cit.

11 *Ibid.*, p. 16-17.

regarding the capacity of the current governance approach in the Euro-Mediterranean context, including the piece of the broader puzzle constituted by EU–Turkey cooperation, to produce durable responses to the phenomenon of mixed migration.

## 2. EU–Turkey migration cooperation post-2015: Moving from temporary solutions to a durable mixed migration governance system

The framework structuring current migration cooperation between the EU and Turkey was developed in the face of the unprecedented rise in the number of – mainly but not exclusively Syrian – refugees and asylum seekers as well as migrants irregularly crossing from Turkey to Greece in 2015. A series of political arrangements constitute the basis of this framework: the EU–Turkey Joint Action Plan of 15 October 2015, which was activated at the EU–Turkey Summit of 29 November 2015, and the EU–Turkey Statement of 18 March 2016, the latter being the conclusive step.<sup>12</sup>

The cooperation mechanism foresees enhancing cooperation in two main areas: irregular migration management and asylum governance. The former component, aiming at preventing irregular crossings from Turkey to the EU, foresees measures to be taken mainly on the part of Turkey. It is also complemented by a mutual commitment to returning migrants without a protection claim and those whose asylum claims were found inadmissible or unfounded, from Greece to Turkey. The second major component aims at improving international protection standards and fostering social cohesion between refugees and local populations in Turkey, mainly through the EU's commitment to providing large-scale transferred aid, and to sharing part of the responsibility with Turkey through resettlement and humanitarian admission schemes. The Facility for Refugees in Turkey (FRIT), which foresees the EU rolling out a total of 6 billion euro in financial and operational support over four years, substantiates the first commitment, and the 1:1 resettlement mechanism and the "Voluntary Humanitarian Admission Scheme" (VHAS), the second.

Following a significant drop after March 2016, three years later irregular arrivals in Greece continue to be

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12 European Commission, *EU–Turkey Joint Action Plan*, 15 October 2015, [http://europa.eu/rapid/press-release\\_MEMO-15-5860\\_en.htm](http://europa.eu/rapid/press-release_MEMO-15-5860_en.htm); Council of the European Union, *Meeting of Heads of State or Government with Turkey – EU–Turkey Statement*, 29 November 2015, <https://www.consilium.europa.eu/en/press/press-releases/2015/11/29/eu-turkey-meeting-statement>; *EU–Turkey Statement*, 18 March 2016, 18 March 2016, <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement>.

97 per cent less than the period before the conclusion of the Statement.<sup>13</sup> This implies that cooperation has successfully delivered on its objective of substantially reducing irregular crossings from Turkey to the EU. Yet, as Section 2.1 aims to show, looking beyond the drop in absolute numbers at the EU borders, a more nuanced picture is revealed in terms of the implications of the Statement for patterns of cross-border movement in and out of Turkey, as well as its impact on policy frameworks beyond the EU. This picture raises questions as to the capacity of the current cooperation framework to yield results beyond curbing irregular arrivals at the EU borders in the short term, while highlighting the need for giving further consideration on moving towards a durable system for governing mixed migration.

The asylum governance component has produced mixed results, as Section 2.2 seeks to demonstrate. As for responsibility-sharing beyond financial assistance (i.e., through admission on the side of the EU), cooperation has generated suboptimal outcomes. Beyond the outcomes obtained so far, working out fairer and more predictable responsibility-sharing mechanisms remains among the main issues to be addressed in order to sustainably enhance protection standards in Turkey and to incrementally build a durable regional asylum governance regime. While cooperation under the FRIT framework, focusing on the hosting of refugees within Turkey, has contributed to meeting beneficiaries' basic needs and improving their living conditions in several crucial areas, major challenges remain as to reducing aid dependency and enhancing social cohesion in the longer run.

### 2.1 Sustainably co-governing mixed migration or saving the day by preventing EU-bound flows?

Both parties regard their current cooperation on migration as highly effective, primarily on the basis of the substantial drop it has achieved in the number of migrants irregularly arriving in the EU. Such reduction may indeed be considered effective in alleviating the EU policy crisis, manifested as the near-paralysis of the asylum system and the potential breakdown of Schengen. However, when approached from a perspective sensitive to effectively governing mixed migration along the entire trajectory in the longer run, questions arise as to whether the prominence of curbing EU-bound irregular flows both in policy design and in measuring policy success can be justified. A closer look beyond the irregular arrivals at the EU borders suggests that additional outcomes are being produced: triggering of irregular entries into Turkey, diversion of EU-bound routes, reconfiguration of smuggling practices, and an expansion of the prevention-

<sup>13</sup> European Commission, *EU–Turkey Statement. Three Years On*, 18 March 2019, p. 1, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20190318\\_eu-turkey-three-years-on\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20190318_eu-turkey-three-years-on_en.pdf).

focused policy approach towards the outer “orbits” around the EU.

While observers caution against assuming a direct and linear causal link between the Statement and the reduction of unauthorised arrivals in Greece,<sup>14</sup> a significant drop is visible from 2016 onwards (see Table 1). This is accompanied by a considerable increase in the number of irregular migrants apprehended by Turkish authorities. While not all intercepted migrants can be considered as being destined towards Greece, the latter figure can give a rough indication about the scope of potential irregular crossing attempts. This number also signals enhanced apprehension performance by Turkey, in line with its main commitment within the current cooperation framework.

**Table 1** | Unauthorised border crossings in the Turkey–EU corridor and apprehensions of irregular migrants by Turkey (2008–2018)

	Unauthorised border crossings (sea+land) – EMR*	Unauthorised border crossings – Greece (sea)**	Irregular migrants apprehended by Turkey (overall)***
2008	52,300	—	65,737
2009	40,000	10,165	34,345
2010	55,700	1,766	32,667
2011	57,000	757	44,415
2012	37,200	1,627	47,510
2013	24,800	9,357	39,890
2014	50,834	34,441	58,647
2015	885,386	847,924	146,485
2016	182,277	165,574	174,466
2017	42,319	29,718	175,752
2018	56,561	32,494	268,003

\* This is the total number of crossings at the Eastern Mediterranean Route, of which crossings to Greece constitute the great majority. Source: Frontex website: *Migratory Routes: Eastern Mediterranean Route*, <https://frontex.europa.eu/along-eu-borders/migratory-routes/eastern-mediterranean-route>.

\*\* Source: Years 2008–2016: Philippe Fargues, *Four Decades of Cross-Mediterranean Undocumented Migration to Europe. A Review of the Evidence*, Geneva, IOM, 2017, p. 26, <https://publications.iom.int/node/1788>; years 2017–2018: UNHCR Operational Portal: *Refugee Situations: Greece*, <https://data2.unhcr.org/en/situations/mediterranean/location/5179>.

\*\*\* Republic of Turkey, Ministry of Interior, Directorate General for Migration Management (DGMM) website: *Migration Statistics: Irregular Migration*, [http://www.goc.gov.tr/icerik6/irregular-migration\\_915\\_1024\\_4746\\_icerik](http://www.goc.gov.tr/icerik6/irregular-migration_915_1024_4746_icerik).

In order to deliver on this commitment, Turkey reinforced its efforts in countering irregular migration. Actual policy shift and action gained significant pace during the negotiation of the cooperation package. Yet, most of

<sup>14</sup> See, Thomas Spijkerboer, “Fact Check: Did the EU–Turkey Deal Bring Down the Number of Migrants and of Border Deaths?”, in *Border Criminologies Blog*, 28 September 2016, <https://www.law.ox.ac.uk/node/14268>.

the measures introduced in that period have been part of the Visa Liberalisation Dialogue that was launched simultaneously with the signing of the Readmission Agreement between the EU and Turkey in December 2013. In a nutshell, these measures include: reinforced border and inland controls, hardening of physical borders, application of a stricter visa regime towards the citizens of the main countries of origin (e.g., introduction of a visa requirement for Syrian nationals arriving at sea and air borders and the abolishment of the border visa practice for Iraqi nationals); and enhanced irregular migration cooperation between Turkey and countries to its East and South.<sup>15</sup>

Several measures aim at preventing and dissuading irregular entries into Turkey, also with a view to reducing irregular exits towards the EU. Extending the scope of Turkey's bilateral return and readmission arrangements forms part of these measures. Turkey proposed opening negotiations on readmission agreements to 14 countries in January 2016,<sup>16</sup> illustrating the impact of the Statement on southward expansion of the prevention-oriented policy framework. The physical hardening of Turkey's borders with Syria and Iran, justified by cross-border security and counter-terrorism concerns as well as by the reinforced fight against irregular migration and smuggling – including that of migrants – constitutes another important set of measures. The wall at the Syrian border started to be built in late 2013,<sup>17</sup> whereas construction of the wall at the border with Iran started in August 2017.<sup>18</sup> According to statements of Turkish authorities in January 2018, the former was nearly complete and more than half of the latter was built, while construction was to be finished by Spring 2019.<sup>19</sup>

These measures, while aiming to reduce irregular entries, seem to have nonetheless played a role in producing also the opposite outcome. This seems to be particularly the case concerning the construction of the wall at the Iranian border, as a significant increase in unauthorised

15 See, European Commission, *Commission Staff Working Document Accompanying the Document Third Report on Progress by Turkey in Fulfilling the Requirements of Its Visa Liberalisation Roadmap* (SWD/2016/161), 4 May 2016, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016SC0161>; Turkey's Ministry of Foreign Affairs website: Implementation of Turkey-EU Agreement of 18 March 2016, [http://www.mfa.gov.tr/implementation-of-turkey\\_eu-agreement-of-18-march-2016.en.mfa](http://www.mfa.gov.tr/implementation-of-turkey_eu-agreement-of-18-march-2016.en.mfa).

16 European Commission, *Commission Staff Working Document...*, cit., p. 18.

17 Asli Selin Okyay, "Turkey's Post-2011 Approach to Its Syrian Border and Its Implications for Domestic Politics", in *International Affairs*, Vol. 93, No. 4 (2010), p. 829-846, <https://doi.org/10.1093/ia/iix068>.

18 Cengiz Özbek, "Türkiye komşularıyla arasına 'duvar' örüyor" [Turkey Is Building 'Walls' Between Itself and Its Neighbours], in *Deutsche Welle*, 11 August 2017, <https://p.dw.com/p/2i3WM>.

19 Orhan Coskun and Tuvan Gumrukcu, "Turkey to Complete Wall on Iranian Border by Spring 2019", in *Reuters*, 10 January 2018, <https://reut.rs/2mmglRz>.

entries by Afghan nationals through this border was observed from early 2018 onwards. Between 20,000 and 30,000 Afghan migrants irregularly entered Turkey in the first three months of the year, according to different media outlets.<sup>20</sup> The number of apprehended Afghan migrants, which is not necessarily made up of only new entries, was given as 46,495 in June 2018.<sup>21</sup> This number had reached 100,841 at the end of the year, more than double the 45,259 Afghan nationals apprehended in 2017.<sup>22</sup> These crossings seem to have peaked some months following the start of the wall's construction and at a time when news about speedy progress towards its completion emerged. This might indicate a "just in time effect", referring to increased irregular crossings shortly before restrictive measures are fully put in place. Further, the rise in the number of apprehensions in Turkey also translated into a boost in returns to Afghanistan – outside the framework of a formal readmission agreement, which is not yet in place – with reported numbers ranging from around 7,000 by mid-April,<sup>23</sup> to 15,000 by June.<sup>24</sup>

Besides the effects on entries into Turkey, the current cooperation framework seems to have had an impact also on the patterns of exit towards the EU. Arrivals at Greece's land borders saw a nearly threefold increase from 2017 to 2018 (see Table 2), which can be seen as a response to the hardening of the maritime borders. Past trends also confirm such effect, as a similar shift from the land to the sea borders between Turkey and Greece took place after 2012. This followed another episode of boosted EU-Turkey cooperation against irregular migration and Greece's completion of the fence at its land border in 2012, demonstrating that in a context of continued "demand", migrant smuggling practices adapt to restrictive measures, rather than being eradicated as a result of them.<sup>25</sup> Finally, besides the emergent shift from

20 "6,846 Undocumented Afghan Migrants Deported from Turkey in Recent Weeks", in *Hürriyet Daily News*, 17 April 2018, <http://www.hurriyetdailynews.com/6-846-undocumented-afghan-migrants-deported-from-turkey-in-recent-weeks-130428>; Zehra Yıldız, "Afganistan'dan yürüyerek geliyorlar: Türkiye'nin göz ardı edilen Afgan göçmen gerçeği" [They Come on Foot from Afghanistan: The Overlooked Afghan Migrant Reality of Turkey], in *Euronews*, 25 June 2018, <https://tr.euronews.com/2018/06/25/afghanistan-dan-yuruyerek-geliyorlar-turkiye-nin-goz-ardi-edilen-afgan-gocmen-gercegi>.

21 Amy Pitonak, "Mass Deportations of Afghans from Turkey: Thousands of Migrants Sent Back in a Deportation Drive", in *Afghanistan Analysts Network*, 21 June 2018, <https://www.afghanistan-analysts.org/mass-deportations-of-afghans-from-turkey>.

22 DGMM website: *Migration Statistics: Irregular Migration*, [http://www.goc.gov.tr/icerik6/irregular-migration\\_915\\_1024\\_4746\\_icerik](http://www.goc.gov.tr/icerik6/irregular-migration_915_1024_4746_icerik).

23 "6,846 Undocumented Afghan Migrants Deported from Turkey in Recent Weeks", cit.

24 Amy Pitonak, "Mass Deportations of Afghans from Turkey", cit.

25 Ayşem Biriz Karaçay, "Shifting Human Smuggling Networks along Turkey's Borders", in *Turkish Policy Quarterly*, Vol. 15, No. 4 (Winter 2017), p. 97-108, <http://turkishpolicy.com/article/845/>

sea to land routes post-Statement, migrant smuggling operations along the maritime routes seem to be also reconfigured: transnationally operating networks increasingly dominate the scene, prices increase, and vessels destined to Italy are starting to replace rubber dinghies setting off for the Greek islands.<sup>26</sup>

**Table 2** | Unauthorised arrivals recorded at the sea and land borders of Greece (2014–2018)

	Sea border	Land border
2014	41,038	2,280
2015	856,723	4,907
2016	173,450	3,784
2017	29,718	6,592
2018	32,497	18,014

Source: UNHCR Operational Portal: *Refugee Situations: Greece*, <https://data2.unhcr.org/en/situations/mediterranean/location/5179>.

The picture above illustrates that policy implications beyond the overall reduction of unauthorised entries into EU territory are manifold and complex. As also underlined by a broad range of civil society stakeholders in Turkey, resorting primarily to prevention-oriented policies and cooperation mechanisms leads to the diversion of routes, adaptive transformation of smuggling practices, mounting pressure on non-EU countries along migratory corridors to control movement, as well as increasing costs of human security and human rights.<sup>27</sup> Emerging trends indicate that such outcomes are highly likely to be produced also in the future, pointing out a need for rethinking how successful mixed migration co-governance is defined.

## 2.2 Improving protection standards and long-term integration prospects for refugees

### *Sustainably enhancing Turkey's protection capacity through fairer responsibility-sharing*

Turkey maintains the title of the biggest refugee-hosting country, with around 4 million protection beneficiaries. Of this population, over 3.6 million are Syrian nationals,<sup>28</sup> while mainly Afghan, Iraqi and Iranian citizens make up the rest.<sup>29</sup> Still maintaining the geographical limitation to the

shifting-human-smuggling-networks-along-turkeys-borders.

<sup>26</sup> Ayselin Yıldız, *Perception of "Smuggling Business" and Decision Making Processes of Migrants*, Ankara, IOM Mission to Turkey, July 2017, <https://turkey.iom.int/node/183>.

<sup>27</sup> Asli Selin Okyay, "Bottom-up Approaches to EU–Turkey Migration Cooperation: A Call for Sustainable, Principled, Fair and Inclusive Governance", in *MEDRESET Working Papers*, No. 15 (June 2018), p. 15, <http://www.medreset.eu/?p=13559>.

<sup>28</sup> DGMM website: *Migration Statistics: Temporary Protection*, [https://www.goc.gov.tr/icerik6/temporary-protection\\_915\\_1024\\_4748\\_icerik](https://www.goc.gov.tr/icerik6/temporary-protection_915_1024_4748_icerik).

<sup>29</sup> UNHCR, *Turkey Fact Sheet*, August 2018, <https://data2.unhcr.org/en/documents/details/66212>.

Geneva Convention, the forms of protection granted to all these non-European beneficiaries fall short of full refugee status. While non-Syrian and non-European beneficiaries are granted conditional refugee or subsidiary protection status regulated by Turkey's 2013 Law on Foreigners and International Protection, Syrian nationals benefit from temporary protection, a legal status introduced in 2014.

These are temporary statuses that need to be annually renewed, and that in theory do not foresee permanent settlement and integration in Turkey. Thus, in legal terms, long-term options for beneficiaries are limited to return and reintegration, or resettlement to a third country. The prospect of return for most beneficiaries in Turkey is bleak, or at the very least distant, particularly considering the protracted crisis in Syria.<sup>30</sup> Resettlement has become a less available option at the global scale.<sup>31</sup> These factors imply that for a considerable section of beneficiaries, long-term stay in Turkey with temporary and subsidiary statuses is the *de facto* situation.

Thus, the *de jure* situation based on the assumption of temporary stay is incompatible with actual prospects, subjecting the beneficiaries to a constant state of limbo. This negatively affects their life prospects, ability to plan their lives, as well as sense of (in)security and belonging, all of which are crucial factors for integration outcomes. This suggests that it would be important to re-incorporate the issue of uncertain and insecure legal status into the EU–Turkey cooperation agenda in the future, even if it is not among the specified objectives and areas of intervention of the FRIT. This is particularly the case given that having legal certainty is one of the prerequisites for measures aiming at self-reliance and social cohesion, to succeed in the longer run.

In an ideal world, the solution would be for Turkey to lift the geographical limitation and grant Convention refugee status to non-European beneficiaries. Yet, one should consider that it is already a major refugee-hosting country, and that it will most probably continue receiving protection seekers from its region. This implies that for this option to become a realistic and feasible one for Turkey, fairer and more predictable responsibility-sharing mechanisms should be put in place in the EU–

[org/en/documents/details/66212](https://www.unhcr.org/en/documents/details/66212).

<sup>30</sup> According to a survey conducted with over 7,500 Syrian respondents, the share of those that were not thinking of returning to Syria under any circumstances was 16.3 per cent, while 61.1 per cent were considering returning only if the war were to end and if there were a good government. See, M. Murat Erdoğan, *Syrians Barometer 2017. A Framework for Achieving Social Cohesion with Syrians in Turkey. Executive Summary*, Hacettepe University Migration and Politics Research Center, 6 December 2017, p. 38–39, <https://mmuraterdogan.files.wordpress.com/2016/06/syrians-barometer-executive-summary.pdf>.

<sup>31</sup> UNHCR website: *Resettlement Data*, <https://www.unhcr.org/resettlement-data.html>.

Turkey context.<sup>32</sup> Beyond a question of whether and how Turkey could expand refugee status to a wider group of beneficiaries, responsibility-sharing – beyond financial assistance – is needed for the country to willingly and realistically aim at enhanced protection standards and a comprehensive integration path.

Under the current cooperation framework, one such admission-based responsibility-sharing mechanism is the 1:1 scheme that foresees the resettlement of one Syrian refugee from Turkey in the EU to match every Syrian to be returned from Greece to Turkey, up to a maximum of 72,000 persons. The other is the “Voluntary Humanitarian Admission Scheme” (VHAS), a mechanism for expedited humanitarian resettlement based on member states’ voluntary pledges for subsidiary protection of no less than one year. While limited in themselves, these schemes could have had the potential to pave the path for gradually developing more substantial and predictable responsibility-sharing mechanisms between the two parties. Yet, the ways in which the objective of curbing irregular flows was also built into these schemes (i.e., the one-to-one matching between resettlement and return numbers, and the conditioning of VHAS activation upon a substantial and sustained reduction of irregular crossings) may be diminishing such potential by making resettlement, and hence responsibility-sharing, part of a transactional arrangement, rather than embedding them into trust-based and durable cooperation mechanisms.

The EU’s suboptimal delivery on these admission-related commitments, and the dim-looking prospects for enhancing such capacity by overcoming the intra-EU responsibility-sharing deficits, poses another major challenge to working towards fairer and more predictable responsibility-sharing between the EU and Turkey. A total of 22,729 Syrian refugees were resettled in the EU under the 1:1 mechanism as of July 2019,<sup>33</sup> which vastly exceeds a total of 357 Syrian nationals<sup>34</sup> so far returned to Turkey under the Statement.<sup>35</sup> While the *de facto* abolishment of the initially foreseen one-to-one matching is a welcome

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<sup>32</sup> Such responsibility-sharing mechanisms are certainly needed also at the global scale, even if this dimension is beyond the scope of this paper.

<sup>33</sup> DGMM website: *Migration Statistics: Temporary Protection: Statistical Data Related to Syrian Refugee Who Left Country in the Scope of One to One Policy* (as of 16 May 2019), [http://www.goc.gov.tr/icerik6/temporary-protection\\_915\\_1024\\_4748\\_icerik](http://www.goc.gov.tr/icerik6/temporary-protection_915_1024_4748_icerik).

<sup>34</sup> DGMM website: *Migration Statistics: Return Statistics: Irregular Migrants Returned to Turkey within the Scope of EU-Turkey Statement* (as of 27 May 2019), [http://www.goc.gov.tr/icerik6/return-statistics\\_915\\_1024\\_10104\\_icerik](http://www.goc.gov.tr/icerik6/return-statistics_915_1024_10104_icerik).

<sup>35</sup> EU sources give the total number returns from Greece to Turkey under the Statement at 1,835 by end February 2019, in addition to 600 returns under the Greek–Turkish readmission protocol, while not specifying the number of Syrian nationals. See, European Commission, *Operational implementation of the EU-Turkey Statement* (as of 12 March 2019), [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state\\_of\\_play\\_-\\_eu-turkey\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_eu-turkey_en.pdf).

development, the actual resettlement number is still well below the modest target of 72,000. The VHAS, even if irregular crossings have been steadily kept low, remains inactive three years after the Statement.<sup>36</sup> More important than the actual number of resettled persons *per se*, is the fact that admission on the side of the EU remains highly dependent on the willingness of a rather small subset of member states. In the case of the 1:1 scheme, ten members have not resettled any Syrian refugees, while 71.5 per cent of the total number is made by resettlements to Germany, France and the Netherlands.<sup>37</sup>

This suggests that in addition to fully delivering on its commitments under the current cooperation framework, working out a more predictable intra-EU resettlement mechanism would be significant for the EU to soothe Turkey’s concerns about having to bear an excessively disproportionate share of responsibility, if it were to lift the geographical limitation. Adopting and operationalising the EU Resettlement Framework, and incorporating the currently *ad hoc* resettlement mechanisms between the two sides under such framework could be a promising step. This, and other steps towards gradually consolidating responsibility-sharing between the two parties would be important also for smoothing the path for mid-way solutions for beneficiaries in Turkey, such as multi-year permits, foreseeing long-term settlement. Furthermore, such steps would also positively contribute to Turkey’s willingness for and capacity to substantially enhance protection standards in the medium term, even if it maintains the geographical limitation.

### ***Prioritising social cohesion in the long run***

The FRIT framework constitutes the core of EU–Turkey cooperation focusing on sectorial interventions for improving the protection conditions and the living standards of protection beneficiaries, supporting host communities and fostering overall socioeconomic inclusion. Following the timeframe foreseen for the disbursement of EU funds in two tranches of three billion euros, policy interventions under the FRIT framework have also been designed to roll out in two phases. In the first phase, the focus largely remained on basic protection needs and improving refugees’ access to public social services. In this initial period, Turkey took some significant steps so as to contribute to long-term integration in the fields of employment and education, which were also supported by EU assistance. Yet, as civil society actors in Turkey underline, in the absence of a comprehensive and forward-looking integration strategy, these measures have tended to be piecemeal and *ad hoc*, and thus

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<sup>36</sup> Katrien Luyten and Selene González Díaz, “Legal Migration to the EU”, in *EPRS Briefings*, March 2019, p. 9, [http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS\\_BRI\(2019\)635559](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2019)635559).

<sup>37</sup> European Commission, *Operational Implementation of the EU-Turkey Statement*, cit.

produce mixed results, while having limited impact upon actual outcomes that could contribute to social cohesion in the long run.<sup>38</sup>

When it comes to policy interventions supported by the first tranche of FRIT funds, the main focus had been on humanitarian assistance and meeting basic protection needs, as well as access on education and healthcare. Thirty-four per cent of overall assistance was allocated to monthly cash transfers to 1.5 million refugees through the “Emergency Social Safety Net” (ESSN) programme, while support in the realms of education and health made up 28 per cent and 15 per cent respectively.<sup>39</sup> Municipal infrastructure and socioeconomic support, two areas that are highly relevant for refugees’ self-reliance, host communities’ resilience and local capacity – and thus particularly important for both social cohesion and future aid independence of the local systems – received considerably less attention.<sup>40</sup>

In overall terms, cash transfer under the ESSN programme has made an important contribution to meeting the basic needs of a large group of the most vulnerable refugees, while FRIT assistance has been crucial in complementing Turkey’s efforts for enhancing refugees’ access to schooling and healthcare. Yet, looking ahead, as also underlined by a wide range of civil society actors in Turkey as well as the Court of Auditors’ evaluation, the main challenge remains transitioning from humanitarian assistance so as to meet refugees’ basic needs to interventions paving the way for refugees’ self-reliance and socioeconomic inclusion, while supporting local populations.<sup>41</sup> While a holistic and forward-looking approach to social cohesion through multi- and cross-sectorial interventions is needed, employment and education stand out as particularly crucial areas for moving towards longer-term development solutions.

A major positive step in the realm of employment was taken when Turkey legally regulated access to labour market for beneficiaries of both temporary protection and international protection in 2016. Unemployment and informal employment among refugees nonetheless continue to constitute major challenges. Latest numbers given by officials indicate a continuing trend of widespread informal employment: out of a working-age population of above two million, an estimated 800,000 Syrian refugees are employed, whereas the number of

work permits issued to Syrian refugees remains around 82,000.<sup>42</sup> Refugees face several hurdles in accessing formal employment such as cumbersome administrative procedures, high dependence on employers, and insufficient information regarding how to obtain work permits.<sup>43</sup> In addition, lower educational and skill levels as well as the language barrier act as additional hurdles in accessing (formal) employment.<sup>44</sup>

Further complicating the situation, informal labour and unemployment are not issues exclusively affecting refugees’ labour market participation. Estimates suggest that the informal sector makes up close to one third of Turkey’s economy,<sup>45</sup> whereas unemployment has been on the rise, particularly in the last year.<sup>46</sup> Due to wide regional socioeconomic disparities, both of these problems are further accentuated in the regions hosting large populations of Syrian refugees.<sup>47</sup> This implies not only additionally limited access of refugees to formal employment, but also higher degrees of competition over jobs and social assistance between local populations and refugees in these regions, which is a significant factor further feeding into refugees’ increasingly negative perception by host communities.<sup>48</sup>

In the realm of education, an important step towards longer-term integration was taken when Turkey launched its strategy in 2016 of incorporating all Syrian children into the public school system by 2020 through gradually abolishing the Temporary Education Centres that used to cater to their educational needs. Thanks to accelerated efforts to increase refugee children’s access to education, also supported by the FRIT framework, the schooling rate of Syrian children has reached 60 per cent.<sup>49</sup> This rate

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42 Hüseyin Şimşek, “800 bin Suriyeli işçiden sadece 80 bini kayıtlı [Out of 800 Thousand Syrian Workers, Only 80 Thousand Have a Work Permit], in *BirGün*, 4 July 2019, <https://j.mp/2XqFNkd>.

43 Asli Selin Okyay, “Bottom-up Approaches to EU–Turkey Migration Cooperation”, cit., p. 9.

44 Ximena V Del Carpio, Sirma Demir Şeker and Ahmet Levent Yener, “Integrating Refugees into the Turkish Labour Market”, in *Forced Migration Review*, No. 58 (June 2018), p. 10-13, <https://www.fmreview.org/node/4911>.

45 Kemal Kirişçi, Jessica Brandt and M. Murat Erdoğan, “Syrian Refugees in Turkey: Beyond the Numbers”, in *Order from Chaos*, 19 June 2018, <https://brook.gs/2K0Xngw>.

46 Ezgi Erkoyun and Ali Kucukgocmen, “Nearly a Year After Currency Crisis, Unemployed Turks Still Can’t Dream”, in *Reuters*, 26 June 2019, <https://reut.rs/2xfctdm>.

47 Ximena V Del Carpio, Sirma Demir Şeker and Ahmet Levent Yener, “Integrating Refugees into the Turkish Labour Market”, cit., p. 10-11.

48 Fikret Adaman and Burçay Erus, “Turkey: Active Labour Market Policies for Syrian Refugees Are Also Supporting the Local Population Affected by the Refugee Influx”, in *ESPN Flash Reports*, No. 2019/15 (February 2019), <https://ec.europa.eu/social/BlobServlet?docId=20776&langId=en>.

49 Melissa Hauber-Özer, “Schooling Gaps for Syrian Refugees in Turkey”, in *Forced Migration Review*, No. 60 (March 2019), p. 51, <https://www.fmreview.org/node/5030>.

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38 Asli Selin Okyay, “Bottom-up Approaches to EU–Turkey Migration Cooperation”, cit., p. 9-10.

39 European Court of Auditors, “The Facility for Refugees in Turkey: Helpful Support, But Improvements Needed to Deliver More Value for Money”, in *ECA Special Reports*, No. 27/2018 (October 2018), p. 17, <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=47552>.

40 Ibid., p. 17-19.

41 Asli Selin Okyay, “Bottom-up Approaches to EU–Turkey Migration Cooperation”, cit.; European Court of Auditors, “The Facility for Refugees in Turkey”, cit.

nonetheless falls to 20 per cent at the secondary level, as families prioritise their children's contributions to the household economy over continuing education beyond the primary level, which acts in tandem with social acceptance of, and insufficient enforcement against, child labour in raising dropout rates.<sup>50</sup> Challenges also remain in enhancing the quality of education and adjusting the schooling system to special needs of refugee children as well as to diversity in the classrooms.<sup>51</sup>

Against this background, it is a welcome development that in the "Updated Strategic Concept Note" steering the programming for the second tranche of FRIT funds, strong emphasis is placed on: investing in socioeconomic inclusion and self-reliance; shifting from humanitarian to development assistance; and enhancing refugee-hosting capacity at both societal and systemic levels.<sup>52</sup> In line with this strategic update, the second phase foresees active labour market policies and skill development programmes for refugees and local populations, as well as language training for adult refugees, while paying greater attention to better aligning learning outcomes of refugee children with those of local pupils.

The entire range of projects to be funded by the second tranche is yet to be seen.<sup>53</sup> Initiatives aiming to increase employment opportunities for and employability of refugees, with an inclusive approach towards local populations, would be expected. Some examples of such initiatives have already emerged, such as "The Employment Support Project for Syrians Under Temporary Protection and Host Communities", run by the World Bank, the Ministry of Labour and the Employment Agency of Turkey, also supported by EU funds.<sup>54</sup> In following these promising examples, it would be important to pay utmost attention to the sustainability of livelihood opportunities, context-sensitivity and appropriateness of employability support, close involvement of and ownership by national systems with a view to take-over, and inclusiveness towards local populations. In the realm of education, addressing deeper socioeconomic, cultural and structural factors turning child labour into a strategy and legally tolerated option would be important for

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50 Özlem Erden, "Child Labour and School Attendance in Turkey", in *Forced Migration Review*, Vol. 60 (March 2019), p. 59-60, <https://www.fmreview.org/node/5033>.

51 Melissa Hauber-Özer, "Schooling Gaps for Syrian Refugees in Turkey", cit.

52 European Commission, *Facility for Refugees in Turkey. Updated Strategic Concept Note*, 5 June 2018, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/updated\\_facility\\_strategic\\_concept\\_note.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/updated_facility_strategic_concept_note.pdf).

53 For some large-scale projects for which second tranche funds are already allocated, see, European Commission, *Third Annual Report on the Facility for Refugees in Turkey* (COM/2019/174/2), 15 April 2019, p. 8, [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52019DC0174R\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52019DC0174R(01)).

54 Fikret Adaman and Burçay Erus, "Turkey: Active Labour Market Policies...", cit.

preventing dropouts. Beyond sheer enrolment numbers, filling infrastructural gaps, increasing the sensitivity of the education system to linguistic and cultural diversity, and enhancing quality of education in regions with strained capacities should remain priorities within and beyond the lifespan of FRIT.

### 3. Makeshift responses to structural challenges of mixed migration governance in Greece and the EU?

The EU–Turkey Statement and the post-2015 EU policy response had major implications for the asylum and migration system of Greece. The main impact at the national level was the transformation of Greece from a *de facto* country of transit within the EU, into a country of final destination.<sup>55</sup> This implied that Greece was accorded the main responsibility for all the tasks involved in managing mixed migration inflows, including registration, screening, reception, asylum processing and return. The EU policy response, while providing support to Greece in better managing these arrivals, has not really been oriented at addressing the structural shortcomings either of CEAS or of Greece's asylum and reception system. The overall outcome has been a further overburdening of a young and already struggling migration and asylum system, which has significant implications for the migrants and asylum seekers as well as local populations.

The impact on the five Eastern Aegean islands, designated as the "hotspots" (Reception and Identification Centres – RICs),<sup>56</sup> has been even more dramatic. The reception system, already struggling due to insufficient capacity, has been dramatically strained, as the mobility of persons arriving after the conclusion of the Statement was restricted to the islands, except for those protection-claimants recognised as vulnerable and the Dublin cases.<sup>57</sup> Furthermore, following the Statement, asylum seekers arriving on the islands have been excluded from the relocation system.<sup>58</sup> The implication is that, apart from the abovementioned exempted cases, those who arrive on the islands are obliged to remain there, either until their asylum application is accepted or until they (i.e., non-claimants, those who opt for voluntary return, and those whose asylum application was found inadmissible or rejected) are returned.<sup>59</sup>

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55 Angeliki Dimitriadi, "The Impact of the EU-Turkey Statement on Protection and Reception: The Case of Greece", in *GTE Working Papers*, No. 15 (October 2016), <https://www.iai.it/en/node/6950>.

56 Chios, Kos, Leros, Lesvos and Samos.

57 Greek Council for Refugees, "Greece: Freedom of Movement", in *AIDA Country Reports*, last updated 29 March 2019, <https://www.asylumineurope.org/node/492>.

58 Aspasia Papadopoulou et al., *The Implementation of the Hotspots in Italy and Greece. A Study*, Amsterdam, Dutch Council for Refugees, 2016, p. 47, <https://www.ecre.org/?p=3274>.

59 Angeliki Dimitriadi, "Situation Report at the Greek-Turkish

While the scale of the flows as well as the effects of post-2015 internal and external migration policies played a role in augmenting the difficulties faced by Greece, most of the issues underlying such difficulty precede the “crisis”.<sup>60</sup> Greece’s substandard asylum and reception system had long been an issue within the EU. This constituted the basis of the 2011 ECtHR ruling and the suspension of Dublin transfers by most of the other member states to Greece. Also informed by the country’s insufficient capacity to assume the responsibility of acting as a first country of arrival, Greece’s unsystematic registration and fingerprinting of irregularly arrived migrants, and their secondary movement towards the West and the North, have long been among the manifestations of CEAS’ flaws, and a source of friction between Greece and the *de facto* countries of final destination. Following mounting pressure for Greece to converge towards EU standards on asylum and reception by those member states unable to enforce Dublin transfers, the former established its First Reception Service, the Asylum Service and the Appeals Service, which became operational only in 2013.<sup>61</sup>

Having received the flows with such a young and unprepared asylum system, Greece faced an insurmountable challenge. In the face of this challenge, the Statement and the intra-EU emergency measures intended to create a mechanism with several interconnected parts, primarily aiming at relieving the pressure on Greece, while halting westward secondary movement. The interconnected parts of the mechanism included, in a nutshell, the hotspot approach, expedited asylum processing, emergency relocation, EU financial-operational assistance, swift return and reinforced border controls. The expectation was that also with the support provided by the EU, the hotspot system would swiftly sift those who would be granted asylum from those who would be returned to Turkey, preventing an overloading of the capacity on the islands. Rapid enforcement of return in a context of significantly reduced arrivals was expected to allow Greece to quickly decongest the islands. As for the mainland, the emergency relocation scheme aimed at alleviating the heavy load and cost of asylum processing incurred by Greece. Yet, the functioning of this mechanism was based on several assumptions that did not really take into account the abovementioned structural shortcomings.

Three years later, the only piece of the mechanism that worked almost exactly as planned has been the reduction of arrivals. The expectation of swift processing of asylum

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Border”, in María José Castaño Reyero et al., *On Europe’s External Southern Borders. Situation Report on Migration Management*, Budapest, Friedrich-Ebert-Stiftung, August 2018, p. 8, <http://library.fes.de/pdf-files/bueros/budapest/14644.pdf>.

<sup>60</sup> UNHCR Greece, *Current Issues of Refugee Protection in Greece*, July 2013, <https://www.refworld.org/docid/524432564.html>.

<sup>61</sup> Angeliki Dimitriadi, “The Impact of the EU-Turkey Statement on Protection and Reception...”, cit.

claims proved to be unrealistic against a background of a young asylum system with insufficient capacity. Despite EASO support, and an increased number of personnel provided by Greece, the caseload is still overwhelming: whereas in 2013 each caseworker had to process 26 applications, by 2017 this number had increased to 88.<sup>62</sup> Capacity-related issues have also affected the appeal process. Beyond the issue of heavy caseload, insufficient administrative capacity led to the paralysis of the Appeals Committee between September 2015 and August 2016, due to “delays in processing the funds”.<sup>63</sup> Indicative of the slow pace of asylum processing are the figures from last year: 61,750 cases were pending by the end of 2018.<sup>64</sup> Returns to Turkey remain very small in scale, also because of the somewhat inevitably slow pace of asylum processing in Greece.

The EU allocated 2 billion euro to Greece (881 million euro to the government and 1.2 billion to international organisations and (I)NGOs) in the period between 2015 and 2019.<sup>65</sup> While swiftly processing the funds has proved challenging, allegations about misuse of funds also emerged.<sup>66</sup> As for intra-EU responsibility-sharing beyond financial assistance, even though it picked up pace later on, the emergency relocation scheme failed to meet the target. These indicate that while increased funding in a spirit of responsibility-sharing is necessary and to be welcomed, administrative and infrastructural capacity challenges faced by Greece cannot be overcome only with financial assistance and in a short timeframe. Further, limiting intra-EU responsibility-sharing to financial contributions and operational support by other member states to those that are overburdened does not really address the systemic issues that lead to such overburdening in the first place.

Informed by all these issues, and exacerbated by the regime created with the Statement, the overcrowding of the reception centres in the islands has become a persistent problem, occasionally peaking in correlation with increasing arrivals. As of March 2019, the reception centres on the five islands, with a total capacity of 8,379, hosted 15,359 persons.<sup>67</sup> In addition to insufficient

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<sup>62</sup> Ioannis Antypas and Gianna-Carina Grün, “Beyond Capacity, Greek Island Refugee Camps Get More Packed”, in *Deutsche Welle*, 18 December 2018, <https://p.dw.com/p/3AFOU>.

<sup>63</sup> Angeliki Dimitriadi, “The Impact of the EU-Turkey Statement on Protection and Reception...”, cit., p. 6.

<sup>64</sup> European Stability Initiative (ESI), “The EU-Turkey Statement Three Years On”, in *ESI Core Facts*, 15 April 2019, p. 1, [https://www.esiweb.org/index.php?lang=en&id=156&document\\_ID=193](https://www.esiweb.org/index.php?lang=en&id=156&document_ID=193).

<sup>65</sup> *Ibid.*, p. 15.

<sup>66</sup> Lili Bayer, “EU Watchdog Probes Possible Misuse of Refugee Funds in Greece”, in *Politico*, 25 September 2018, <https://www.politico.eu/article/eu-watchdog-probes-possible-misuse-of-refugee-funds-in-greece>; SolidarityNow, *SolidarityNow Submits Petition to the European Parliament*, 4 April 2017, <https://www.solidaritynow.org/en/?p=1994>.

<sup>67</sup> ESI, “The EU-Turkey Statement Three Years On”, cit., p. 12.

infrastructure, the reception centres remain understaffed, be it as regards case workers, or specialised supporting staff needed for asylum processing, such as interpreters or cultural mediators.<sup>68</sup>

All these issues lead to substandard reception conditions. They also contribute to the prolonging of asylum processing times, implying migrants and asylum seekers have to stay in these centres – and on the islands – for long periods of time. Overcrowding further exacerbates already existing problems caused by insufficient infrastructural capacity, resulting in very poor reception conditions in some cases.<sup>69</sup> These conditions have significant implications for migrants and asylum seekers as well as the local populations on the islands. There have been numerous reports of deteriorating mental health, self-harm, as well as fights and riots in the centres. In a context of overall rise in negative attitudes towards foreigners,<sup>70</sup> and also considering the additionally disadvantaged socioeconomic status of these remote islands, attacks by local populations on migrants and asylum seekers and rising social tension between the two groups have become increasing sources of concern.<sup>71</sup>

In short, while the policy and cooperation framework delivered on its objective of reducing irregular arrivals to the Greek islands, implications generated by this framework are far broader. Continuing challenges in a context of reduced arrivals show the limits of emergency-focused responses and quick fixes. The situation also shows that persisting structural shortcomings informing mixed migration governance both at the national and the European levels act in tandem in exacerbating these challenges. All of this suggests that a readjustment of expectations may be necessary regarding the extent to which these challenges can be overcome by increased EU funding and operational support, and within a short timeframe. Substantially addressing these issues in a comprehensive way may be a longer-term objective given the political and policy context in the EU, as well as the nature of the challenge ahead. A rethink of the regime created after the Statement would be nonetheless needed in the shorter run, in order to maximally remedy its negative effects on the migrants, asylum seekers and local populations on the islands.

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68 Luca Barana, “EU-Turkey Cooperation on Migration Management: Going Beyond Ad-hoc Short-Termism”, in *Documenti IAI*, No. 19|11 (March 2019), <https://www.iai.it/en/node/10536>.

69 ActionAid et al., *Joint NGO Statement for Conditions on the North Aegean Islands*, 14 September 2018, <https://data2.unhcr.org/en/documents/details/65732>.

70 UNHCR Greece, *Current Issues of Refugee Protection in Greece*, cit., p. 9-10.

71 Niki Kitsantonis, “One of the Hardest Nights: Violence Erupts Between Greeks and Migrants”, in *The New York Times*, 24 April 2018, <https://nyti.ms/2Kcci4A>.

## Conclusion

Looking at the current modality of governing mixed migration in the Euro-Mediterranean context as an overarching whole made up of interconnected pieces demonstrates the importance of paying attention to mutual interdependence among these pieces. The current cooperation mechanism between the EU and Turkey, which is closely connected to the workings of the intra-EU policy framework, constitutes one of these intertwined and interdependent pieces. Such interdependence implies that improvements are needed in relation to all constituting parts of the governance system in order to reinforce the capacity of the system to produce durable and effective solutions as a whole.

One such major improvement that would significantly contribute to the sustainability and effectiveness of the responses produced by the governance system as a whole relates to the need for overcoming intra-EU policy and political constraints. These constraints limit the Union’s capacity to diversify and adapt the ingredients of its toolbox for addressing mixed migration in a comprehensive and balanced way. Such limitation is particularly manifested in its willingness and capability to deploy “supply-side” policy instruments, i.e., relatively expanding and diversifying legal admission channels, and making them more predictable. This implies that mixed migration governance in the Euro-Mediterranean context, including cooperation between the EU and key countries along the migratory corridors, is predominantly driven by and oriented at minimising EU-bound movement.

While current cooperation between the EU and Turkey has so far been successful in delivering on this objective, a closer look at the mobility patterns and policy implications beyond the EU’s external borders nonetheless depicts a more complex picture. Rather than an eradication of irregular migration and migrant smuggling in overall terms – which is highly questionable as a realistic policy objective – the emerging trends in the post-2015 policy context indicate a path towards further diffusion of prevention-oriented policies South of the Mediterranean, diversion of irregular migration routes, adaptive transformation of smuggling practices, and increasing human security costs in the longer run. All of these caution for more nuanced, multi-dimensional and forward-looking definitions of policy success to structure and shape cooperation between the EU and Turkey for sustainably managing mixed migration along the Eastern Mediterranean corridor.

These internal constraints also impede the EU’s capacity to contribute to fairer and more predictable responsibility-sharing mechanisms in both internal and external dimensions. In the particular case at hand this translates into disproportionate responsibility being

accorded to both Greece and Turkey, relative to their respective capacities, particularly as regards asylum governance. Reproducing an asymmetrical distribution of responsibility as well as political and financial costs poses a significant challenge to the durability and reliability of cooperation not only among member states, but also between the EU and its external partners. To what extent EU financial and operational assistance could compensate for such asymmetry on the part of the relatively overburdened parties inside and outside the EU, thus remains a pending question to be addressed. Beyond a consideration for improved cooperation dynamics, building fairer responsibility-sharing mechanisms would be important for both Greece and Turkey to willingly and realistically aim at substantially enhancing their asylum capacities, and offering a comprehensive, long-term integration path for protection beneficiaries.

This is not to say that financial, technical and operational assistance to Greece and Turkey to better manage mixed migration and enhance their refugee-hosting capacities should be disregarded. Both cases highlight that effectively using financial resources in ways tailored to context-specific needs, priorities and limitations is essential, and arguably more important than the sheer size of such resources. As for the main challenges ahead regarding effective use of resources, a shift from emergency responses to sustainable solutions aiming at aid independence of refugees and long-term social cohesion of the society as a whole comes to the front in Turkey. In Greece, filling the structural gaps regarding administrative and infrastructural capacity so as to incrementally reinforce the asylum and reception systems stands out as the priority.

All in all, the workings of the EU–Turkey cooperation framework suggest a rethinking of the mixed migration governance system as a whole, to include both the intra-EU policy framework and regional cooperation mechanisms. Such rethinking, albeit being politically challenging in the current context, is needed for producing durable solutions that are at the same time emergency-proof. This is particularly the case in the Euro-Mediterranean context, where migration and forced displacement are often responses to, and symptoms of, various structural socioeconomic, political and human security-related factors that occasionally escalate into humanitarian crises.