

Analyzing Türkiye's Migration Policy Through the Lens of the Türkiye-EU Agreement of March 2016 - Lessons Learned?

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Introduction

Migration has long been a significant issue in global politics, with Türkiye positioned at a crucial juncture between Europe and Asia. This strategic location has always made it both a transit and a host country for millions of migrants and refugees, particularly from conflict zones in the Middle East and further afield.

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Our renewed efforts in 2015 and 2016 soon led to one of the most pivotal moments in recent migration policy history, in the form of the Turkey-EU Agreement of March 2016 ². This was a framework aimed at first curtailing then managing the flow of refugees and migrants into Europe.

This article examines how the deal was made, the nuances and logic of the agreement, its impact on Türkiye's migration policy, and the broader implications for Turkish-European relations. It also looks at whether the deal was generally successful or not, evaluates the criticisms and attempts to present some lessons to be learned from the process, which could be applied in similar situations across the globe.

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The task was easy: Stop the boats!

As the Turkish Ambassador to Greece from 2011 to 2016, I was part of the public and private debate on migration at the height of irregular migrant crossings from Türkiye to Greece and from there, to Europe.

The unprecedented flow of irregular migrants led to heightened tension across Europe. It was an intense period. Every actor was blaming the other for not doing enough. Migrants and NGOs blamed countries for not providing adequate refuge to unfortunate migrants. Greece and other EU countries were complaining that Türkiye was giving the green light to Syrian migrants fleeing the civil war in their country and not doing enough to stop them. Türkiye on the other hand, was pointing out that it was full to the brim with 2.5 million Syrian migrants and a million others according to Turkish Ministry of Interior figures, ³ that these people were acting of their own free will, paying the human smugglers to cross to the Greek Islands and despite enforcement measures that it was practically impossible to prevent this flow. Türkiye was also pointing to the draw factor; the illegal pushbacks and that the EU was not doing enough to share the burden.

In this situation, there were daily incidents between the Turkish and Greek Coast Guards that could easily escalate into confrontation with the vague delimitation lines and overlapping claims in the Aegean sea.

The human smugglers knew and exploited the sensitive areas where the Coast Guards would stay away from to avoid friction with each other. The smugglers would launch their crowded inflatable boats exactly from those areas, sometimes tens of them at one go, banking that

² At the time Türkiye had not changed its name, so both "Türkiye" and "Turkey" will be used according to context.

³ These are the rough figures in 2015. The number of irregular migrants in Türkiye rose along the years to above 5 million in 2024.

most of them would get through even if some were stopped once they were visible in open sea.

As we approached the autumn of 2015, things were getting out of hand. The stream of hundreds of irregular migrant crossings from Türkiye to the Greek Islands was turning into a flood. Now thousands a day were taking this perilous journey. We were hearing that human smugglers were even offering discounts like, "two for the price of one", or "the third family member free!". The migration challenge quickly became continental, threatening to undermine the decades-long project of European integration and shatter the notion of Europe as a singular entity that could speak with one voice.⁴

The unfortunate thing was that although the closer Greek Islands like Lesbos, Samos, Chios, and Kos were only a few miles off and were clearly visible from the Turkish coast, the Aegean winds and currents were strong in the summer, as in the winter, and the waves were high more often than not. The irregular migrants from Syria, Iraq, Afghanistan, Pakistan, Bangladesh, and Iran on the other hand were not usually seafarers and once they left the safety of the calm bays and were in open water, would soon get battered by the wind and waves. Upon being drenched by the cold waves, they would do the wrong thing and instinctively move away from the spray and water to the other side of the boat, leading the flimsy dinghy to capsize, throwing them all into the water and flooding the outboard engine. Without an engine, not knowing how to swim and not equipped with proper inflatable jackets, they would soon be weighed down with their only belongings and wet clothes. A considerable number of them perished this way during the crossing.

Although the Coast Guards of both countries tried to help the migrants in such situations, it was impossible to reach them all. The unfortunate loss of life was a heavy burden on all of us. If they did manage to arrive on the islands, an overcrowded, unwelcoming camp with a long queue of asylum claims was the only thing waiting for them.

The final straw came with the picture of an innocent baby boy whose body was washed up on the Turkish coast. We learned that Aylan Kurdi was a two-year-old Syrian boy of Kurdish ethnic background, whose image made global headlines after he drowned on 2 September 2015 in the Mediterranean Sea, along with his mother and brother.

Aylan and his family were Syrian refugees trying to reach Europe from Türkiye, amid the European refugee crisis. Photographs of his body were taken by the Turkish journalist Nilüfer Demir of the Anatolian Agency and went viral, prompting international responses. Since the Kurdi family had reportedly been trying to finally

⁴ See migrationpolicy.org.

reach Canada, his death and the wider refugee crisis even became an issue in the 2015 Canadian federal election.⁵



(pictures from the Anatolian Agency and PBS)

With this heightened awareness and sad image, we increased our efforts to try and formulate an agreement to stop this perilous journey and turn the unprecedented wave of irregular migration into a regular one where no lives would be lost.

The European Union members and Greece were also desperate to come up with a solution. The flood of irregular migrants was increasing tension between member states, shaking the EU by its very main pillars, and leading to the rise of racism and the extreme right all across Europe. This matter was political as much as it was humanitarian. In this chaos, Türkiye had some leverage so we felt that we should take the lead in designing a solution.

The Background of the Migration Crisis

The events starting in March 2011 triggered the Syrian civil war and led to the displacement of millions of Syrians internally and beyond its borders. Türkiye, sharing a mostly flat and long 911 km border with Syria, became a primary destination for millions of displaced individuals. By 2015, Türkiye was hosting over 2.5 million Syrian refugees, creating significant social, economic, and political challenges.

⁵ https://en.wikipedia.org/wiki/Death_of_Alan_Kurdi and https://en.m.wikipedia.org/wiki/European_refugee_crisis

Other regional conflicts, the Arab Spring, troubles in Afghanistan and Iraq and economic difficulties in the region contributed to this unprecedented wave of desperate people and led to a huge influx of migrants seeking safety and better opportunities in Türkiye and Europe.

As the conflict in Syria and other parts of the Middle East intensified and the camps in the Southeast of Türkiye got overcrowded, a large number of refugees began to make their way towards larger cities in the West of Türkiye and from there to Europe, hoping for a more secure and prosperous future for themselves and their children. The primary route for many involved crossing the Aegean Sea from Türkiye to Greece. By mid-2015, an estimated 2,000 to 3,000 people were making this perilous journey every day.

The Greek Islands were the first landing point. According to the European Union's Dublin Rules, their asylum application had to be handled at the first point of arrival. This led to a huge backlog and over-crowding in Greek Islands that were not prepared to handle such crowds, let alone process complex legal claims.

The inhabitants of the Islands were at first welcoming, but as the waves continued unabated, the mood changed and they started to react to this influx, pressuring the Greek state and politicians to do something to treat this unacceptable situation and handle the asylum claims on the mainland. I witnessed from Athens that the relevant Ministers were not producing a coherent plan and leaving events to take their course.

Another route to the EU was to cross the Evros River on the Türkiye-Greece land border. The Turkish-Bulgarian border was the other land alternative. However, the migrants did not choose to go to Bulgaria in big numbers, although it was an EU member, because it was not in the Schengen Zone and different rules applied. Whereas entering Greece was seen as entering Germany, both being in the Schengen zone.

Predicting these crossings as the troubles in Syria began and waves of migrants crossed into its neighbour, Greece began to strengthen the fence along its border with Türkiye as of 2011. These activities continued in the following years. Similarly, Bulgaria strengthened its border with Türkiye.

Border hardening measures did not deter the irregular migrants. Determined to reach more prosperous countries of the EU, they found ways to overcome the barriers and started accumulating in makeshift camps in Northern Greece too. Similarly, they continued to try the sea crossings, sometimes more than once, until they succeeded.

This determination by the migrants to "reach the other side, no matter what", created its mini economy. On the Turkish side, markets developed for the irregular migrants, selling life jackets, tents, sleeping bags, inflatable beds, survival kits, balloons, or waterproof bags to

hold their belongings, documents, and mobile phones. Inflatable boats and outboard engines were on the black market.

Around these markets, the human smugglers were not too difficult to find for the migrants, as they usually came from the same towns and spoke the same language. The Turkish authorities took increased measures to prevent their activities and thousands of smugglers were detained. But their place was instantly filled by their relatives or others. The smugglers were not idle against those who tried to prevent them either. We heard that there were cases of threats or rewards towards officials on the ground which made things more complicated to prevent.

Inflatable boats and outboard engines were of special interest to the authorities. If they concluded that they were used for human smuggling, they were impounded, or if imported held up in Turkish customs. Especially those ordered online in large quantities from Ali Baba and similar websites ended up in Turkish customs warehouses. Small boats and yachts were closely scrutinized and often stopped at sea. However, the demand was very high and the rewards enticing, so at the end of the day despite all efforts by Turkish authorities it was not possible to put an end to the smuggling rings. It could only be slowed down.

The Turkish authorities were in two minds as to what to do about the life-jacket trade, as removing them from the market would only further endanger the lives of migrants, it would also probably not put an end to the flow. Therefore, they focused on the means of transport and smugglers, instead of the safety equipment.

Pushbacks of irregular migrants were a constant source of complaint in this process. The migrants would complain that first the Greek and Bulgarian security authorities, or if they managed to reach further into Europe, other central European countries forces would mistreat them and send them back. They would complain that pushbacks are against international and refugee law. They claimed that at sea the EU member state authorities would drag them back to Turkish waters and either impound the engine or puncture the boats, preventing them from reaching the Greek Islands and endangering them at sea.^{6 7}

For the land route, there are a considerable number of well-documented claims that the EU member state security authorities would strip the irregular migrants of their phones,

⁶ European Council on Refugees and Exiles (ECRE), "Greece: Ongoing Pushbacks and Tragedies", <https://ecre.org/greece-ongoing-pushbacks-and-tragedies-more-reports-highlight-the-countrys-inhumane-and-failing-asylum-system-ecthr-rules-against-the-authorities/#:~:text=Asylum%2Dseekers%20face%20pushbacks%20from,asylum%20seekers%20in%20multiple%20cases>.

⁷ PBS News, 23 July 2021, You Tube, <https://youtu.be/HdabusAinHo?si=3FDpvfdkhM3ec1tR>.

belongings and even sometimes clothes and push them back across the border, using force in many cases.⁸

All EU member states denied these claims at the time, emphasising that they provided refuge for tens of thousands of irregular migrants at great cost to their already stretched economies and that EU rules and international laws were fully respected.

A 2016 International Monetary Fund (IMF) report that analyzed the economic challenges of the refugee surge in Europe in January 2016, described how Europe's unprecedented surge in asylum applications peaked in 2015 as the Middle East was plagued by civil war and political instability. Asylum applications in 2015 surpassed the previous peak reached after the fall of the Berlin Wall and during the conflict in the former Yugoslavia.

In 2015, the main destination countries were Germany, Sweden and Austria, and the top countries from which the migrants originated were Syria, Kosovo, Afghanistan, Albania, Iraq, Eritrea, Serbia, and Pakistan. Syria, Iraq, Afghanistan, and Eritrea continued to experience conflicts in 2015.⁹

As discussed above, the situation reached a critical point for leaders across Europe when the image of Aylan Kurdi, a two-year-old Syrian boy whose lifeless body washed up on the Turkish shore captured global attention on 2 September 2015. The heartbreaking photo became a symbol of the refugee crisis, sparking widespread outrage and stronger calls for action. (Even today, in 2024 many people remember that image, referring to it if the situation is discussed).

A few days later, on 5 September 2015 German Chancellor Angela Merkel softened the German approach under increased pressure and responded more decisively to the humanitarian tragedy. She announced that there are "no limits on the number of asylum seekers" Germany will take in. She said that "as a strong, economically healthy country we have the strength to do what is necessary", effectively suspending Dublin rules of the EU which stipulate that asylum applications must be handled in the first port of entry to the EU, in this case largely Greek islands.

However, it would be overly simplistic to claim that the tragic death of a child led to all his change. It was accumulating for some time. This event and the public outcry were nothing but the final straw. In fact, on 19 August the German government had already increased its prognosis for the number of refugees it was expecting in 2015 to 800,000, four times as many

⁸ Human Rights Watch, 7 April 2022, "Their Faces Were Covered" Greece's Use of Migrants as Police Auxiliaries in Pushbacks.

⁹ "The Refugee Surge in Europe - Economic Challenges", Staff discussion note from the International Monetary Fund (IMF), January 2016, SDN-16-02, page 8.

as in the previous year — but the German media claimed that no additional preparations followed. Neither did anything radical happen after Merkel promised during her summer press conference in Berlin on 31 August (2015) that "we can do it."¹⁰

The situation at that point when Germany decided to apply a more open-door policy, was quite dire already. Tens of thousands of desperate migrants were scattered across Europe, trying to make their way to their final destination, prevented at each border and each security check. They were slowed down, but no one knew what to do with them and how to treat their claims.

As the Syrian wave of migrants across Europe was unfolding, the scars of the Bosnian war of 1992–1995, the Srebrenica massacre, the wider crimes against humanity and the ethnic cleansing campaign were fresh in European minds. So was the Kosovan War of 1998-1999. The understanding was that EU countries did not want to look unkind towards desperate migrants again, only two decades later.

However, the open-door policy of Germany, instead of solving the source of the situation, probably made it worse. It strengthened the pull factor and encouraged people who might not have to take more risks to cross into the EU Schengen Zone and make their way to the larger economies of the EU from there. The word was spreading like wildfire across the irregular migrant communities in Türkiye and other places that now was the time to hit the road, as "Germany had changed the rules". They were flooding into Türkiye and from there to the EU in any way they could.

Those days, a disturbing new pattern emerged. A determined push by the irregular migrants happened from the land route on 19-21 September 2015. Many Syrian migrants gathered in the Istanbul Esenler bus station and asked to be transported to the border, claiming that Germany had changed the rules and that the land route should also be opened. When the government did not allow this, a large group of thousands of migrants started walking towards the Turkish-Greek-Bulgarian border near Edirne. This changed the dynamic. It was one thing to go by sea, but quite another to go in large numbers by land.

When efforts to calm the situation at a lower level failed, Turkish Prime Minister Davutoglu himself met with the leaders of the migrants and managed to stop this flow.¹¹ -This was an important test case because if the Turkish authorities had failed to stop that group, it would have opened another main corridor of migration via the land route, which would probably have surpassed the sea route very soon. This danger was nipped in the bud.

¹⁰ Zeit Online. The Day Germany Lost Control. 30. August 2016, DIE ZEIT Nr. 36/2016

¹¹ BBC Turkish News, 21 September 2015,
https://www.bbc.com/turkce/haberler/2015/09/150921_gocmen_istanbul_otogar

Germany of course was crucially important in this equation, as it was the main target country for irregular migrants and also the largest economy in Europe and an exemplary democracy. Germany on the other hand also needed more workers with an ageing population and a low birth rate, it indeed could absorb these migrants much better than other EU countries.

When it came to irregular migration, there are many routes, but in 2015-16 the Aegean route was one of the most active. Türkiye was at one end and Germany at the other. In between there was largely chaos and suffering for the unfortunate irregular migrants. Naturally, a better life was a strong incentive. These desperate people were determined to take any risk and pay any price within their means to reach their destination.

It would not be wrong to say that the Turkish public opinion was happy to see the irregular migrants leave Türkiye for Europe. They were a heavy burden on the Turkish economy. According to official figures, by the year 2017 Türkiye had spent 30 billion USD for their everyday needs.¹² This included building camps, and schools, providing food, energy, water, education, healthcare, security, and jobs. By the year 2020, according to official Turkish sources, this figure rose to 40 billion USD¹³. If the last 4 years are added, this figure is widely accepted to be closer to 45-50 billion USD.

On the other hand, various opposition party figures in Türkiye add the loss of international trade and the increase in security spending and claim that the Turkish cost due to the migrants is as high as 250 billion USD.¹⁴ I find this last figure, populist, inflated and distorted. Furthermore, security spending has nothing to do with the presence of migrants in Türkiye but with the general international situation in the Middle East.

In Türkiye, the migrants were free to travel within the province they were registered. But they soon found registered or unregistered jobs and made their way to larger cities in the more prosperous west of the country. In time many of them rented houses and blended into society. It is a fact that Syrians and Turks are quite alike in many ways and that their presence was not very obvious in the crowded big cities. They could integrate easily, especially if they learned Turkish.

This perception changed in time however because the migrants would work for lower wages, poorer conditions, and not pay taxes, thus undercutting the wages and retirement funds for

¹² Deputy Prime Minister Recep Akdağ, on state news agency, Anatolian Agency, 5 December 2017. <https://www.aa.com.tr/tr/ekonomi/basbakan-yardimcisi-akdag-suriyeliler-icin-harcanan-toplam-maliyet-84-milyar-880-milyon-lira/990509>

¹³ President Erdoğan, Turkish Parliament speech, 2024. <https://www.youtube.com/watch?v=GtCzFWuiQbk>.

¹⁴ Erdogan Toprak, CHP member of parliament, 21 April 2022, Sözcü newspaper, <https://www.sozcu.com.tr/suriyelilerin-turkiyeye-faturasi-50-degil-250-milyar-wp7087192> ; Ümit Özdağ, Zafer Party Chairperson, Sözcü newspaper, 5 March 2024.

regular Turkish citizens and competing with them for scarce jobs. Organized crime and prostitution were also a problem. However, it is worth noting that these negative examples were blown out of proportion by the press and thus drew more criticism than they normally would, had they been committed by Turkish citizens. Overall figures of wrongdoing are not high, compared to the numbers of migrants in the country. One can say that Syrian and other migrants that resided in Türkiye were largely law-abiding, working, decent people.

Having said that, the numbers and their effect on society were significant. The number of migrants in Türkiye was more than the whole population of many small European countries. In Türkiye, with a joblessness rate hovering around 15 per cent, the presence of migrants continues to draw widespread criticism. Only in Istanbul, a city of 16 million inhabitants, as of 2024 the migrants are around 2.5 million. In other words, close to 20% (or 1/5) of the residents of the Greater Municipality of Istanbul are migrants.¹⁵

These sheer numbers were also a security concern for Türkiye. Especially speculation that they would not go back even if Syria returned to normal was a source of contention among Turkish citizens. This is a persistent topic of discussion in 2024, thirteen years after the troubles of Syria began and eight years after the Agreement came into force.

Some polls taken in June 2024 suggest that one-quarter of the Turkish public sees the migrants, with the Syrians and Afghanis in the forefront, as a security threat.¹⁶ According to these polls, the answer to the question "Do you think the Syrian migrants are a security threat to the country?" 62 per cent answered "yes" in 2023; while this figure rose to 73,4 per cent in 2024. To the question "Do you think Syrian migrants are a contribution or a burden to the economy?" 80 percent answered "burden" in 2024. These high figures show the general public sentiment in Türkiye in 2024. The sentiment was echoed by main opposition figures like the Republican People's Party (CHP) member Mayor Zeydan Karalar of Adana, a main town close to the Syrian border.¹⁷

The Turkish Minister of Foreign Affairs Hakan Fidan stated in an interview on 24 June 2024 that the security situation in the region is complicated and volatile, this situation constitutes a security threat for Türkiye and the fact that Syria is partially stabilizing due to the effectiveness of high-level diplomacy between Türkiye and Russia. He stated that for its own good Syria should have used this lull in the fighting to take back the millions of migrants who

¹⁵ Istanbul Greater Municipality Mayor Ekrem Imamoglu in a statement to European Turkish Businessmen and Industrialists Association (ATIAD) in Dusseldorf, Germany, Anka News Agency and Sözcü newspaper, 20 June 2024.

¹⁶ Journalist Abdulkadir Selvi, Hurriyet newspaper, 24 June 2024, page 9.

¹⁷ Adana Mayor Zeydan Karalar, İsmail Küçükkaya interview, Halk TV, 25 June 2024.

are abroad voluntarily, but that they have not made use of this opportunity¹⁸ These comments show that the Turkish State would want the migrants to leave on a voluntary basis and that it would be a contribution to Turkey's stability and security. These sentiments have been echoed by other Turkish officials on various occasions.

According to the United Nations High Commissioner for Refugees (UNHCR), Türkiye as of 2024 continues to host the largest number of refugees worldwide, as the number of people forcibly displaced across the world due to conflict, violence and persecution hit record levels. In 2024 Türkiye hosts some 3.6 million registered Syrian migrants, along with close to 320,000 persons from other nationalities. Many other Turkish sources place these figures higher, in some cases reaching up to 8-10 million migrants.

The Republic of Türkiye is a party to the 1951 Refugee Convention and 1967 Protocol, maintaining the geographical limitation to the 1951 Convention, thus retaining resettlement to a third country as the most preferred durable solution for refugees arrived due to the events which occurred outside of Europe. Türkiye has been undertaking legislative and institutional reforms to build an effective national asylum system in compliance with international standards. In April 2013, Türkiye's first ever asylum law, the Law on Foreigners, and International Protection, was endorsed by the Parliament and entered into force on 11 April 2014. The Law sets out the main pillars of Türkiye's national asylum system and established the Presidency of Migration Management (PMM) as the main entity in charge of policymaking and proceedings for all foreigners in Türkiye. Türkiye also adopted the Temporary Protection Regulation on 22 October 2014, which sets out the rights and obligations along with procedures for those who are granted temporary protection in Türkiye.¹⁹

Camp Conditions and the European Response

Returning to the year 2015-2016 when the Türkiye-EU Agreement of March 2016 was being formulated, it is worth taking a closer look at the camp conditions along the routes of irregular migrants.

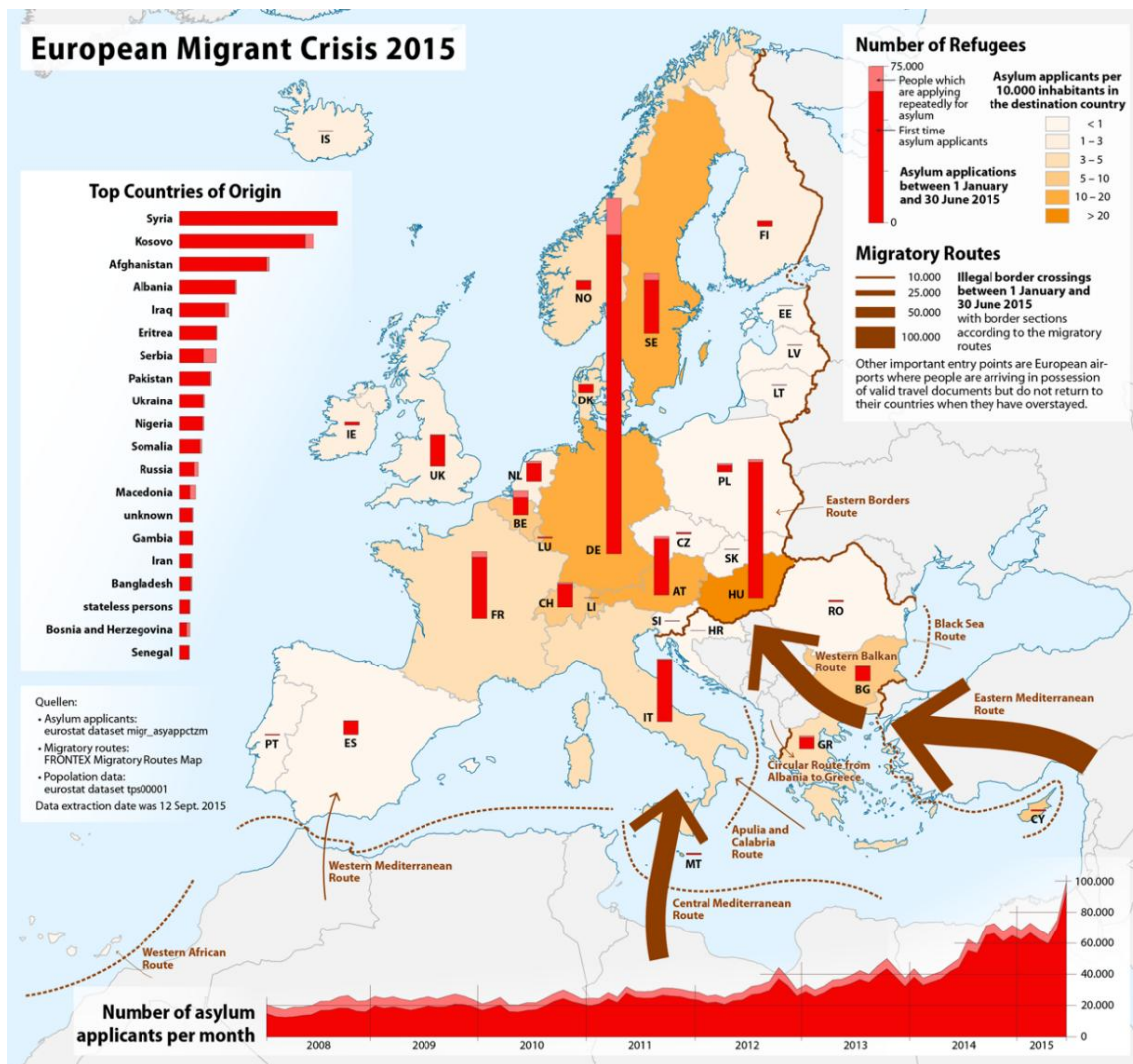
¹⁸ H.E. Hakan Fidan, Minister of Foreign Affairs of Türkiye, Haber Türk, Özel Röportaj, 24 June 2024, https://youtu.be/-7Mp-Vmhl_k?si=vjqS4rSkjDhpWCzi on You Tube.

¹⁹ UNHCR Türkiye web site. <https://www.unhcr.org/tr/en/refugees-and-asylum-seekers-in-turkey>

At the time, there were 26 camps in Türkiye for irregular migrants. They were in good condition, with containers or adequate lodging, paved roads, kindergartens, primary and middle schools, health care facilities and supermarkets. The migrants would be registered, give their biometrics, obtain a card with a chip that allowed them to find jobs in some sectors, reach the free and universal healthcare system and through the credit uploaded to the cards purchase their daily needs from supermarkets in the camps or those which registered to the program. These camps became crowded in time and many families moved on to rent houses in cities thus achieving a more permanent presence as the Syrian war dragged on.

The situation on the Greek Islands was slightly different at the time. The islands did not have the same absorption capacity as mainland Türkiye. In a short time, the massive influx of migrants overwhelmed the capacity of Greek islands to accommodate them. Camps in Greece, such as those on Lesbos and Kos, soon became severely overcrowded, with inadequate sanitation, shelter, and medical care. The dire conditions in these camps drew international criticism and highlighted the urgent need for a coordinated response to the crisis.

Faced with mounting pressure, European leaders sought to find solutions. As described above, German Chancellor Angela Merkel took a bold step by temporarily suspending the Dublin Regulation, which required asylum seekers to apply for asylum in the first EU country they entered. This move allowed many refugees to travel onwards to Germany and other EU states, alleviating some pressure on Greece but also creating political friction within the EU.



(Asylum applicants in Europe between 1 January and 30 June 2015. Maximilian Dörrbecker, from :Chumwa, https://en.wikipedia.org/wiki/Timeline_of_the_2015_European_migrant_crisis)

To summarize the situation, the background to the Turkey-EU Agreement of March 2016 was marked by urgent and complex challenges. Key developments leading up to the agreement included:

1. Humanitarian Crisis:

The escalating humanitarian crisis, symbolized by the tragic death of Aylan Kurdi and hundreds of others, galvanized public opinion and increased pressure on policymakers to find solutions. The situation in camps and along the routes in Europe were dire. There was urgent need to address the issue and find a solution to this mass influx of people across Europe.

2. Migration Pressure:

The sheer number of people crossing from Türkiye to Greece and beyond highlighted the need for a comprehensive strategy to manage migration flows and support both refugees and host countries. The situation was beyond the capacity of the Greek Islands to handle the complex situation. It became obvious very soon that the solution could not be found by keeping the irregular migrants on the islands. The solution had to come from the center of the EU and had to involve the capitals of the larger economies of the Bloc.

3. European Divisions:

The refugee crisis exposed deep divisions within the EU regarding how to handle asylum seekers, with some countries like Hungary or Poland closing their borders and others, like Germany, advocating for a more open approach.

4. Türkiye's Role:

Recognizing Türkiye's crucial role as both a transit and host country, European leaders responded to Türkiye's calls and engaged in intensive negotiations with Turkish officials to develop a cooperative framework.

The Türkiye-EU Agreement: Objectives and Provisions

The Türkiye-EU Agreement took shape after a lot of internal deliberation and accepting tough trade-offs for both sides. It was completed in March 2016, aimed to stem the flow of irregular migrants, and improve the management of migration routes.

The following European Parliament document describes the fundamentals of the Agreement.²⁰

"On 18 March 2016, the European Council and Turkey reached an agreement aimed at stopping the flow of irregular migration via Turkey to Europe. According to the EU-Turkey Statement, all new irregular migrants and asylum seekers arriving from Turkey to the Greek islands and whose applications for asylum have been declared inadmissible should be returned to Turkey.

²⁰ EU-Turkey Statement and Action Plan, European Parliament, Legislative Train Schedule, <https://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-eu-turkey-statement-action-plan>.

The agreement followed a series of meetings with Turkey since November 2015 dedicated to deepening Turkey-EU relations as well as to strengthening their cooperation on the migration crisis, with notably the EU-Turkey Joint Action Plan activated on 29 November 2015 and the 7 March 2016 EU-Turkey statement. In addition, on 15 December 2015, the Commission proposed a voluntary humanitarian admission scheme for Syrian Refugees in Turkey.

In order to break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk, the EU and Turkey decided in March 2016 to work together to end the irregular migration from Turkey to the EU. For that purpose, the EU and Turkey agreed that,

- 1.** All new irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey;
- 2.** For every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU;
- 3.** Turkey will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU;
- 4.** Once irregular crossings between Turkey and the EU are ending or have been substantially reduced, a Voluntary Humanitarian Admission Scheme will be activated;
- 5.** The fulfilment of the visa liberalization roadmap will be accelerated with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016. Turkey will take all the necessary steps to fulfil the remaining requirements;
- 6.** The EU will, in close cooperation with Turkey, further speed up the disbursement of the initially allocated €3 billion under the Facility for Refugees in Turkey. Once these resources are about to be used in full, the EU will mobilize additional funding for the Facility up to an additional €3 billion by the end of 2018;
- 7.** The EU and Turkey welcomed the ongoing work on the upgrading of the Customs Union;
- 8.** The accession process will be re-energized, with Chapter 33 of the Turkish accession negotiations to the EU, opened during the Dutch Presidency of the Council of the European Union and preparatory work on the opening of other chapters to continue at an accelerated pace;
- 9.** The EU and Turkey will work to improve humanitarian conditions inside Syria.

Turkey furthermore agreed to accept the rapid return of all migrants not in need of international protection crossing from Turkey into Greece, and to take back all irregular migrants intercepted in Turkish waters. Turkey and the EU decided to continue stepping up

measures against migrant smugglers and welcomed the establishment of the NATO activity on the Aegean Sea.

Moreover, the European Union began disbursing the 3 billion Euro of the Facility for Refugees in Turkey for concrete projects; work was advanced on visa liberalization and in the accession talks, including the opening of Chapter 17 in December 2015. In September 2016, the European Commission announced the creation of an 'Emergency Social Safety Net' of €348 million starting from October 2016. Up to one million of the most vulnerable refugees would be able to meet their basic needs by receiving monthly cash transfers via an electronic card.

In its evaluation of the 2015 Report on Turkey, the European Parliament took a special interest in the EU-Turkey cooperation on migrations. It welcomed the statement but recalled that outsourcing was not a credible long-term solution and called EU Members States for more solidarity in welcoming refugees.

It also stressed that:

- the EUR 3 billion funds of 'Refugee Facility for Refugees in Turkey' would have to be used to relieve refugees and that the Commission has to make sure the funds are properly used and report regularly to the European Parliament on this matter.
- special attention was to be paid to vulnerable groups such as women and children, particularly orphans, and religious minorities such as Christians and Yazidis; there was an urgent need to address gender-related violence and abuse against women and girls on the migrant routes crossing Turkey;
- the European Commission was to make sure that the rule of non-refoulement was duly respected.

This detailed statement clearly lays out the fundamentals of the Türkiye-EU Agreement which would soon have a profound effect and continue to determine the outcome of the matter for many years to come.

The Immediate Impact of the Agreement on Irregular Migration and the logic behind it

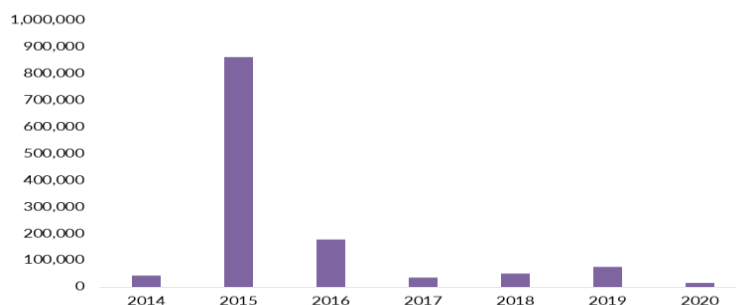
The immediate impact of the Türkiye-European Union Agreement was profound.

As soon as it became clear that this Agreement had been reached and the provisions were discussed in the news, crossings from Türkiye to the Greek Islands **of 7000 a day at its peak, plunged down to only a few, within days.**

Stakeholders and commentators could not believe what was happening. For those involved, it was like a miracle. The Greek Authorities only had to return a few boat loads of migrants that had crossed over to Lesbos, Chios, and Samos back to Türkiye for the message to get through.

It was a very convincing message. The Agreement was working and every single one who managed to cross to the Greek islands was returned the next day. The irregular migrants stopped in their tracks and started waiting until the situation became clear.

Migrant Arrivals in Greece, 2014-20²¹



On the other hand, there was a big effort to make the Agreement work smoothly. For the officials there was some confusion in the background, and it was not just plain sailing. To start with, there was deep rooted mistrust between the Turkish and Greek officials on the ground. The fact that it also took a few days for the message to get through to the migrant community added to the confusion.

²¹ Source: United Nations High Commissioner for Refugees, “Operational Portal: Refugee Situations, Mediterranean Situation, Greece,” last updated March 14, 2021.

Expecting the Turkish and Greek officials to cast aside their deeply entrenched habits and to suddenly decide to trust the "other side" was not that easy on the ground. From the outset it became a problem how the migrants that were to be returned should be listed and checked. Should Turkish officials go to the islands and take charge of them over there? or should the Greek officials come to Türkiye and hand them over at the port? The Greek side claimed that it was a breach of their sovereignty to let Turkish officials come and scrutinize them in Greece. The Turkish officials on the other hand were claiming that it would be too late if they came over and something went wrong. Turks were not sure that the Greek side would send back the last arriving migrants. They were concerned that the Greeks would take the opportunity to also offload those that were in the camps for a longer time.

Such squabbling at the lower bureaucratic level, far from the Capitals Ankara and Athens, threatened to delay the process and spoil the magic of the moment. After coordination at various levels, the two sides managed to overcome the difficulties and calmed suspicions with a leap of good faith. The Turks would go to the islands and see with their own eyes what was happening, but the official transfer would take place at the Turkish ports. This satisfied both sides and it worked smoothly. Similar glitches were settled with a practical and professional approach, contributing to Turkish-Greek relations.

Looking back at those days, it is worth analyzing how this sudden change in the migrants' attitude happened? Why did the irregular migration stop so suddenly? Was it that the Turkish authorities now took security measures that they did not take before? Or did the human smugglers suddenly repent and give up their opportunistic trade? Or was it something the Greek authorities did differently?

It was neither of those. What did happen was that the Agreement was able to take all the wind out of the sails of the smugglers. It put a sudden end to the demand. Knowing that they would be returned the next day even if they managed to cross over to the islands, the irregular migrants changed their minds and simply decided not to go. The smugglers were there at the coffee houses, bored stiff, without any "customers".

Of course, while designing the system, we always relied on the fact that the migrants were rational people, trying to maximize their gains. They were regular, clever human beings and in constant contact with each other. Although desperate and unfortunate, many times quite scruffy and uneducated looking, they were no different from all of us, simple people, who could judge what is the best for them. They immediately realized that the rules of the game had changed for good and adjusted accordingly.

In the run up to the deal, what struck me most when I was looking at videos of migrants landing in Greece, or being returned to Türkiye, was that the first thing they did was to dry up

and reach for their phones, sometimes even before eating or drinking. This indicated that they were in constant contact with others. I wondered, who were these others? Probably loved ones at home, or good friends watching out for them. They were obviously informing concerned people some place, that they were still alive and had landed safely. This brought us to the conclusion that we could use this active grapevine to our advantage. If we did the right thing and gave a convincing message, it would spread in no time, having a decisive effect.

Therefore, the basic idea behind the Agreement was remarkably simple and effective: "deterrence".

It was based purely on the psychology of the would-be migrant. The logic was that when the migrants learned that they would be returned to Türkiye even if they succeeded to cross to the European Union, they would refrain from taking the risk and wasting their limited resources in the first place.^{22 23}

As time has proven, this assumption was correct. Indeed, the Agreement brings a simple, yet effective and durable solution to prevent large waves of irregular migration. This was something that had not happened before and for good reason. It is exceedingly difficult to convince the previous country to take the migrants back. Once they cross the border, the migrants are the problem of the other country. Refoulement is contrary to international law, so the source country is legally covered.

What was the motivation to come to this Agreement?

An important question we must shed light on in this context is, "why would the host country agree to take migrants back, once they had successfully left the country?" On the face of

²² There is a similar situation today between the UK and France. The United Kingdom's attempts to stop irregular migration failed to grasp this fundamental point. To be an effective deterrent and stop the waves of irregular migrants in their tracks, the system must return ALL irregular migrants that cross the Channel. Indeed, as soon as he was elected in the landslide victory, Labour Leader and the new Prime Minister of the United Kingdom Sir Keir Starmer made an accurate analysis in one of his first statements. He declared the "Rwanda Deal" as "dead and buried". He stated that it was a "gimmick" that had acted "almost to the opposite" to a deterrent because it would send back a very low percentage of the migrants. (The Sunday Telegraph, 7 July 2024, By Genevieve Holl-Allen, Political, "Rwanda plan is 'dead and buried' says Starmer, page 4).

²³ The Türkiye-EU Agreement is a good blueprint for what could be done between the United Kingdom and the EU (in this case France in the forefront) to stop irregular migration across the Channel.

things, it is in the host countries - in this case Türkiye's - interest to see the migrants depart to another country and solve the issue by transferring it elsewhere.

Then why did Türkiye take the lead in designing this agreement and agree to take the migrants back in the first place? The reason to accept a deal that at first glance so obviously ran counter to its interests was four-fold:

1. More would come if the flood continued

The more migrants that crossed, the more millions of others would be encouraged to come from the East in their track. Indeed, migration that begun as a trickle, soon turned into a flood until the Agreement. So, it WAS in Türkiye's interest to put an end to the irregular crossings and curtail the pull factor. If they knew that they would be stuck in Türkiye, they would think twice before coming in the first place and perhaps try other routes or give up for good. Indeed, 4 million Syrians did not cross the border and chose to remain in Syria as IDP's. Türkiye also built a wall along its Syrian border to further strengthen its position.

2. The "one for one" deal meant that actually in the long run very few were taken back

The EU accepted to take one regular migrant for every irregular migrant returned from Greece. So, in the long run Türkiye was not actually taking them back. It was only acting as a holding ground until matters were under control and the migrant was checked if they genuinely had a case or not. Of course another deterrent was that the returned migrant would go to the end of the queue. In other words, the one that did not abuse the law would be rewarded.

3. Visa free travel and reactivation of the EU membership process was an important benefit

Türkiye extracted other concessions from the EU, such as visa free travel and a revival of the frozen accession process. These were two important concessions for Türkiye. Especially visa free travel was enticing for Turkish businesspeople, students, and tourists. In the year 2024, Turkish citizens are the second most rejected applicants in the world for EU visas. This has become a major problem between the block and Türkiye. The Agreement would have solved this issue, had it been properly managed at the time, or pursued ever since.

4. The EU aid to the migrants remaining in Türkiye was a good compensation measure

With the agreement, the EU undertook to contribute six billion Euros to the migrants remaining in Türkiye. This was an important contribution to alleviate the heavy burden Türkiye was under. This aspect of the Agreement worked well.

Adding all this together, this Agreement was clearly in Türkiye's national interest, contrary to the widespread belief in the Turkish public opinion.

On the other side of the coin, what the EU gained from the Agreement is quite obvious: In exchange for a few concessions to Türkiye, they managed to stop the endless and unprecedented wave of irregular migration, threatening their economy, politics and perhaps even very way of life.

The bloc was struggling to process large numbers of asylum seekers and was finding burden-sharing among Member States far more difficult to achieve than the Common European Asylum System imagined, when it began in 1999.²⁴

The EU also realized that agreeing to take one migrant from regular channels for one returned to Türkiye was not as bad as it sounds. Simply because if the agreement had the effect that we expected it to have, since there would be no more crossings, there would be no ground for implementing the one for one clause too much. This also proved to be the situation. This means that both Türkiye and the EU took a leap of faith and both won at the end of the day.

The Agreement would solve the problem of masses hitting the roads and also give the EU much needed breathing space in order to take other measures such as strengthening the borders and changing regulations. This was an important gain for the EU at the time. Indeed the Agreement did deliver in this respect.

From the EU angle, the rest of the Agreement was a fair and a reasonable price to pay for the solution of a complex problem shaking its very foundations and internal politics.

At the end of the day, a very low number, only just over two thousand people have been returned from Greece to Türkiye under the deal.²⁵ This shows how effective a deterrent it has proven to be.

²⁴ migrationpolicy.org.

²⁵ Rescue.org, "A Europe that protects What is the EU-Turkey deal?" 18 March 2022, Last updated: 16 March 2023, page 3, <https://www.rescue.org/eu>

The impact on Türkiye's Migration Policy and the situation since 2016

The Türkiye-EU Agreement significantly influenced Türkiye's migration policy in several ways:

1. Enhanced Border Control:

Türkiye intensified its efforts to secure its borders, reducing the number of migrants crossing into Europe. This involved increasing patrols, building physical barriers, and enhancing surveillance technologies.

2. Legal and Institutional Reforms:

To align with EU standards, Türkiye implemented numerous legal and institutional reforms. This included strengthening its asylum system and improving conditions in refugee camps and urban areas.

3. Humanitarian Response:

The financial aid provided by the EU enabled Türkiye to enhance its humanitarian response. Funds were allocated to improve healthcare, education, and social services for migrants, as well as support local communities hosting large numbers.

The EU Commission has provided approximately ten billion Euros in aid to refugees in Turkey since the humanitarian crisis in Syria began in 2011. Of this amount, 6.2 billion euros was transferred within the scope of the Agreement signed between Türkiye and the EU in 2016. Nearly two million migrants in Turkey received cash aid to meet their basic needs. According to EU data, approximately 33.4 million primary health care services have been provided to migrants in Turkey since 2016. In the health sector, four thousand medical personnel and 548 health facilities were put into service for Syrian migrants. More than 800 thousand migrant children in Turkey were provided access to formal education. For this purpose, 155 new schools were built.²⁶

4. Public Perception and Diplomacy:

The agreement positioned Türkiye as a key player in managing the migration crisis, enhancing its diplomatic leverage with the EU. However, it also sparked debates within Türkiye, regarding national sovereignty, security, and the integration of migrants.

²⁶ BBC News Turkish, Yusuf Özkan, Lahey, 28 May 2024.

This is still an important topic in Turkish internal politics in the year 2024. Following the general discussions however, one gets the impression that the Agreement is not fully understood by the public opinion in Türkiye. One of the aims of this article is to shed some light on the discussion and hopefully have a positive effect on the treatment and perception regarding the migrants living in Türkiye today.

To understand the situation today we have to take a closer look at developments after the Agreement came into force. Soon after it was completed, there were two important developments in Türkiye which had an immediate bearing on the Agreement:

Firstly, the Prime Minister changed. Prime Minister Ahmet Davutoglu was removed from office on 24 May 2016 and replaced with his successor, Prime Minister Binali Yıldırım. This change stalled the implementation of the Agreement, as Prime Minister Davutoğlu was the one who conducted the negotiations of the deal and was actively pursuing that the EU side lived up to its end of the bargain. PM Davutoğlu was fully aware that the EU's undertakings were important for re-energising Türkiye's EU membership drive and any politician who succeeded in cracking this tough nut would surely reap the political benefits.

Visa liberalization was the most crucial element of the deal in this respect, and it was closely followed by public opinion. However, with the change of office this drive lost considerable steam. It was no longer the priority of the new cabinet.

Prime Minister Davutoğlu later stated that one of the main reasons he was removed from office in the first place was because he was about to pass the Political Ethics Law in Parliament, in line with the Agreement and EU norms.²⁷ This would have paved the way for visa liberalization for Turkish citizens and was given even more importance than amending the counter terrorism laws.²⁸ After the change of the Prime Minister this draft law was shelved. The Ethics law has still not passed as of the year 2025.

Secondly, the Agreement was soon followed by an attempted *coup d'état* in Türkiye, on 15 July 2016. Apart from its profound negative effects in Türkiye, this development also adversely affected the implementation of the Agreement. The EU immediately suspended the visa liberalization aspect. Turkish authorities were overwhelmed with developments but were not too vocal when it came to visa free travel, perhaps because it would give more freedom of movement to the coup plotters and their sympathisers. Following the attempted coup, indeed there was a brief period when foreign travel was limited and freedom of travel restricted.

²⁷ Former Prime Minister Prof. Ahmet Davutoğlu, İsmail Küçükkaya interview, Halk TV, 27 June 2024.

²⁸ Oda TV, "Prime Minister decried for the first time the law he failed to pass", 20 September 2022.

The EU could easily afford the lull in the implementation of the Agreement because it had already got what it wanted, and the large numbers of irregular migrants had come down to nil. The EU continued with its financial obligations, but conveniently forgot the rest, such as visa liberalization or re-energizing of negotiations with Türkiye.

Despite its challenges, the EU-Turkey statement has gone on to become a blueprint for Europe's strategy of externalizing migration management to its neighbors.

The promise of one-to-one resettlements has appeared smaller than one might have expected; from March 2016 to March 2021, slightly more than 28,000 Syrian migrants were resettled in the European Union from Turkey, far short of the maximum 72,000 outlined in the deal. The general perception is that this was a selective process and most of these regular migrants are not a burden to the EU, but rather an asset.

The migrants remaining in Türkiye were a different story. Even today Türkiye is trying to grapple with the migrants living in their midst.

The Turkish Minister of Interior Yerlikaya summarized the situation of the remaining migrants at an internal training program of the ruling AK Party, on 4 August 2024.²⁹ The Minister emphasized that they were working to "avoid babies washing up on the shore..." a clear reference to Aylan Kurdi. He added, "There are 300 million immigrants in the world, a large number. The United Nations High Commissioner for Refugees says that among those 300 million, those who were forcibly displaced from their homes are 123 million. Again, 47 million are under protection. As of today, the number of regular immigrants in our country (Türkiye) is 4,437,000, 3,103,000 Syrians under temporary protection, 1,109,000 with residence permit, 224,000 under international protection". Stating that they are investigating whether foreigners live in their address declarations, Minister Yerlikaya said, "We found that 729,000 of 3,103,000 Syrians are not to be found at their declared address. We sent warnings in Turkish, English, and Arabic. We said, 'Since you live in our country, update your address.' After 90 days, we give 2 more months. 'Then we suspend all the services we provide. When we suspend them, they cannot benefit from school or health care in any way". During this discussion, it was reported that even at Minister Yerlikaya's official residence there were two refugees falsely registered and that the Minister chose to clarify the figures when this became public. This example clearly displays that even the Minister in charge of migration does not have a clear picture of the whereabouts of the migrants in Türkiye today. This situation fans speculation and unease in the Turkish public opinion.

²⁹ "Social Policies and Human Rights" presentation by Turkish Minister of Internal Affairs, Ali Yerlikaya. "Human Rights Training Program", AK Party Headquarters, 4 August 2024. Turkish press, 5-6 August 2024.

Challenges and Criticisms regarding the Agreement

Despite its achievements, the Türkiye-EU Agreement faced several challenges and criticisms:

1. Human Rights Concerns in Türkiye and Greece

NGOs and human rights organizations criticized the agreement for potentially violating the rights of refugees, particularly regarding the conditions of return and the safety of returned individuals.

The international community's reaction was mixed. While governments and anti-migration circles were happy with the Agreement, human rights and pro-migration circles were adamantly against it. There is also a large section of the international community that have remained skeptical of the arrangement.

Most criticisms stem from whether Türkiye meets the standard for effective protection of asylum seekers. The 2016 deal promised the creation of an EU Facility for Refugees in Türkiye, which is a joint coordination mechanism that provided modest financial and other support for around 2 million refugees at the time.

Many Syrians remain in difficult conditions, often relying on low wages in the informal sector, lacking social support, and in some cases with Syrian children not enrolled in school. Although schools are universal and free in Türkiye, non enrolment of minors has its roots in economic difficulties and is coupled with complaints of child labour by families. In Türkiye it is obligatory for Turkish citizens to send children to primary education, however enforcement in the case of migrants is not tough, which leads to complaints in this area.

Some advocacy organizations doubt that Türkiye can be considered a safe country in which refugees and asylum seekers are given adequate care and protection from being sent back to Syria, as the deal contends. Among other issues, rights groups and journalists have documented cases in which people were forced to return to Syria, but these are not widespread.

On the other hand, there are thousands of voluntary returns. In Türkiye there is criticism in the public opinion that Syrian migrants can go back to their hometowns for the religious holidays and come back to Türkiye after spending a week in Syria. This leads to claims that if it is safe enough to return for holidays, it should be safe enough to stay for good.

Human rights circles complain that Syrians work for low wages, long hours and are exploited. Trade unions in Türkiye and the high number of jobless Turkish citizens are not happy either

and add that Syrian and other migrants create a formidable force of "dark labour", do not pay taxes or contributions to the pension funds, thus further destabilize the already problematic Turkish labour scene. There is a widespread belief in the Turkish public opinion that Syrian and other migrants take Turkish workers' jobs, lower the wages, and contribute to the burning high joblessness rate hovering around 15 percent.

On the other hand, after a decade of migrants in Türkiye, there are widespread claims from business owners that migrants are too deeply integrated into the economy to solve this issue overnight and that many sectors would be adversely affected if migrants were to leave. Business circles add that migrant workers are one of the reasons behind Turkish economic competitiveness and counterbalance the negative effects of the Covid pandemic upon the economy. It is a fact that migrants are working undocumented and in large numbers in the Turkish industry today.

Migrants are quite visible in Türkiye and draw criticism from citizens, leading to claims of a rise in xenophobia. Syrian and other migrants tend to stick together, leading to claims of ghettoization. There are claims that Turkish citizens throughout the country stay away from some parks or venues because they do not feel comfortable with Arabic widely spoken and the visible presence of unfamiliar cultures and behaviour. Many municipalities have taken measures to prevent signposts in Arabic and enforced Turkish, in the Latin script. This presence is more visible in cities bordering Syria but is also present in less well-off quarters of large cities all across the country.

In big cities in Türkiye, it is largely migrants who collect garbage to make a living and because of their efforts waste is more effectively recycled. Throughout Anatolia it is Afghan migrants that are shepherds and if it were not for them, the livestock sector would be hampered. There are other sectors in which migrants are prominent.

The Turkish authorities largely reject human rights criticisms. They claim that Türkiye is a safe country for migrants. The country has a high joblessness rate among its own citizens and general economic difficulties. This atmosphere naturally adversely affects the migrants, like all other Turkish citizens, but that there is no discrimination just because they are migrants.

The government must lead a balancing act when it comes to this topic. Turkish voters find their government "too soft and tolerant" towards migrants. They criticize the fact that they must wait in lines to be treated because of the added strain millions of migrants bring to the health care system. There are also widespread complaints when Turkish citizens who are high school graduates cannot go to university because of the tough university exam, while the migrants' children can enter using quotas for migrants. These and similar complaints lead to friction within society and an erosion of votes for the government. President Erdoğan

and his government have consistently stood up for migrants and have not given in to pressure from the public opinion to send them out of the country to help solve Türkiye's economic difficulties.

There are rare outbursts of public frustration towards migrants as was seen when a Syrian migrant abused a minor in Kayseri province that led to attacks and burning of some Syrian owned shops, thankfully without the loss of life, on 1-2 July 2024.

Another source of widespread criticism towards migrants is that they obtain Turkish citizenship in large numbers and "distort the democratic will of the Turkish people in elections". The official figures are not clear on this issue, leading to exaggerated claims.

Meanwhile, on the other side of the border, asylum seekers who reach Greece have often been kept in overcrowded camps. In March 2021, Amnesty International described the deal's history as being one of "failed policies which have resulted in tens of thousands of people being forced to stay in inhumane conditions on the Greek islands and put refugees at risk by forcing them to stay in Turkey."³⁰

Greek authorities waiver in describing Türkiye as a "safe third country" or a "safe first country of asylum." This is relevant because it is the Greek judicial system that takes the decision to return the migrants back to Türkiye. The Greek authorities generally accept that Türkiye is safe for migrants and that their human rights are not violated but are usually reluctant to voice this openly.³¹ There are claims that this is linked to the fact that describing Türkiye as a safe country by an EU member improves its credit rating, which the Greek side is usually reluctant to contribute to. When it comes to returning migrants, Greece is more vocal in defining Türkiye as a safe third country.³² Acknowledging Türkiye as a "safe third country" is critical for the continuation and success of the March 2016 Türkiye-EU Migration Agreement.

In June 2021, a Greek Joint Ministerial Decision (JMD) was taken, which designated Türkiye as a "safe third country" for people from Afghanistan, Bangladesh, Pakistan, Somalia, and Syria.

While the EU-Turkey Agreement impacted migrants seeking protection on the islands, this JMD applies to asylum seekers anywhere in Greece. Based on this new policy, asylum applications of migrants from these five nationalities are not examined based on their individual circumstances and the risks they face in their country of origin. Instead, they are

³⁰ Migration Policy Institute, "The EU-Turkey Deal, Five Years On: A Frayed and Controversial but Enduring Blueprint", By Kyilah Terry, 8 April 2021.

³¹ Human Rights Watch, Q&A: Why the EU-Turkey Migration Deal is No Blueprint, <https://www.hrw.org/>

³² Greek Minister of Migration Mr. Miterakis on international TV stations June 2024.

presumed to be safe in Türkiye, and only if Türkiye is proven not to be safe are these applications deemed "admissible", and Greece examines them.

The EU-Türkiye Agreement only impacted people on the Greek islands, while the JMD applies to asylum seekers anywhere in Greece.

Three out of the five nationalities mentioned in the JMD are those who are most often recognised as refugees in Greece. Following the JMD, however, rejections have risen sharply. In 2021, there were 6,424 rejections of applications as “inadmissible” – a 126% increase on 2020.³³

The camp conditions on the Greek Islands have improved in time. The situation in 2024 is much better than the times of the sudden large influx in 2015-16.

Looking at the situation overall in 2024, Syrian and other migrants are well integrated into Turkish society and their human rights are respected. They use the universal health system and schools as they choose. The state does restrict movement of Syrians within the country from time to time and enforces living in the province that migrants are registered, in line with the level of sensitivity from the Turkish public. There is a general understanding in Türkiye that the migrants must not become citizens in large numbers and that they must return to their countries when the conditions permit.



Another criticism in the context of human rights is that “push-back” or refoulement has become a frequent practice while dealing with irregular migration. Such claims continue today, and they are well documented. This practice is indeed against international law and authorities must refrain from allowing it. Push-backs lead to the loss of life and the violation of refugee's rights, by preventing them from even being able to make an asylum claim.

2. Implementation Issues:

³³ Ibid, Rescue.org.

Both sides, Türkiye and the EU encountered difficulties in fully implementing the agreement. Bureaucratic hurdles, political disagreements, and varying interpretations of the provisions hindered smooth execution.

These criticisms came from the Turkish side. As explained above, the implementation of the Agreement soon hit main obstacles in Türkiye and the EU refrained from nearly half of its obligations like visa liberalization and re-energizing membership negotiations. This is still the situation in 2024.

On the EU side, the situation was more positive. The EU-Turkey Agreement was criticized for permitting Europe to shrug off its humanitarian protection responsibilities by having Turkey bottle up desperate migrants. Yet many in Europe and elsewhere consider it to have been successful on at least some measures. German Chancellor Angela Merkel, whose country received more than one million asylum seekers in 2015 and 2016, has praised the deal's effectiveness in stemming irregular arrivals and suggested it could be "a Model Pact".

Leaders on both sides have discussed renewing it, with EU top foreign policy official Josep Borrell in March 2021 claiming, "in the future, some kind of agreement of this type has to be done". The Turkish side is hesitant to renew this Agreement for varied reasons, with public sensitivity in the forefront.

3. Long-term Sustainability:

Critics argued that the agreement was a short-term solution that did not address the root causes of migration or provide sustainable, long-term strategies for integration and support.

This criticism is well founded. However better integration would lead to Syrians establishing themselves in Türkiye permanently, which according to the Turkish public and the political establishment, is not sustainable. It is also a fact that the EU has not shown solidarity in sharing the burden with Turkey or within the Bloc itself. Neither has the EU made sufficient financial contributions to the better integration of the migrants residing in Türkiye.

4. The EU has shifted its responsibilities elsewhere:

One of the main criticisms against the Agreement was that it enabled the EU to shift its responsibilities to another country, in this case Türkiye.

The EU-Türkiye deal was notable for the way that it shifted significant responsibility for European migration management to Türkiye. It was also one of the first instances of the European Union taking a stance on migration as a bloc. While Member States had disjointed responses to earlier influxes prompted by the Arab Spring, this deal was a comprehensive and uniform reaction in which its 28 Member States spoke as one.

In the process, the Agreement set the tone for future European migration diplomacy, even outside EU auspices. Since 2016, multiple bilateral migration agreements have been implemented to externalize aspects of European migration management, including the 2017 Italy-Libya Memorandum of Understanding. Italy in 2008 had signed a “friendship” agreement with the regime of leader Muammar Gaddafi to stem irregular migrant arrivals, and a second agreement in 2011 with Libya’s post-revolution National Transitional Council. The 2017 agreement proved different because, among other features, this time the Italian government and the European Union provided the Libyan coast guard with boats, equipment, and training to patrol Libya’s waters and deter smugglers from taking migrants across the Mediterranean. In 2017 alone, around 20,000 people were intercepted by the Libyan coast guard and taken back to detention centers in Libya. The situation there is much different from Türkiye. In Libya migrants are idle without adequate housing or jobs. In Türkiye however, although there are various complaints, they are much better integrated into society.

The EU-Turkey Agreement also served to reignite deals between Morocco and Spain, which had cooperated on migration issues in the past. Madrid convinced the European Union to provide 140 million Euros for measures such as speedboats and staff to enforce Morocco’s migration controls and offered up an additional 30 million Euros of its own. Subsequently, fewer than half as many people arrived in Spain via sea in 2019 compared to the previous year.

Like the EU-Türkiye Agreement, these deals have been criticized by human-rights groups, which consider them as ways to circumvent international humanitarian obligations. Advocates contend these types of arrangements make Europe complicit in the abuse of migrants in other countries. For instance, Human Rights Watch stated in 2019 that Italy “shares responsibility” for abuses committed against migrants in Libya.

On the Türkiye-EU front, criticism is far less and muted. The EU seems happy as long as the March 2016 Agreements holds.

5. EU-Turkey Relations:

The agreement's impact on EU-Turkey relations was mixed. While it facilitated cooperation on migration, it also highlighted existing tensions and disagreements, particularly regarding human rights and democratic values.

On the other hand, the Turkish government was not happy with the fact that this was not done directly. It complained that this was done through NGOs rather than the government, while Türkiye was spending billions of Dollars on the migrants from its own coffers. Indeed, four years after the implementation of the Agreement and before his meeting with high level

EU representatives, President Erdogan stated in his Parliamentary Group meeting that Türkiye had spent 40 billion USD for 4 million migrants in Türkiye and would spend another 40 billion if necessary.³⁴ These comments display the frustration on the Turkish side regarding the lack of cooperation with the EU and put the figures in context, rather than aiming at the high burden of migrants on the Turkish economy.

That year, in 2020 there was a surge in migrant crossings from Türkiye, especially from the land border with Greece. It came to a point where the border gates closed due to the clashes between migrants and the Greek security personnel. These events calmed down after weeks of futile efforts to break through and due to diplomatic negotiations behind the scenes between Türkiye on one hand and Greece and the EU on the other.

The Turkish side claims that Türkiye is carrying a heavy burden by looking after millions of migrants for more than a decade and is not seeing enough cooperation and good will from the EU in this process. On the other side EU officials at various levels state that official figures are inflated, there is a lack of transparency in using the funds and that disbursements must be made according to EU rules and regulations.

This lack of trust on both sides is one of the reasons that makes solutions to the migration issue precarious.

There are frequent claims that Türkiye “weaponized migrants” and uses them as a Damocles’ sword above the EU to extract concessions. The perception on the Turkish side, however, is quite different. It is widespread in the Turkish public opinion that Türkiye should not force migrants to stay and that this is self destructive. The public sentiment is that they can and should go if they are not happy in Türkiye, despite all the sacrifice and heavy burden the Turkish state shoulders.

6. The Agreement’s impact on the migration debate within the EU and the rise of the extreme right

Migration has been a highly contentious issue within the European Union in the last decades. Strong sentiments within the public opinion erodes fundamental principles of the Bloc and support for it at grass roots level and weakens integration and solidarity at government level. This has led to fragmentation within the EU, especially after the enlargement and the presence of lesser developed economies of former Eastern Bloc countries.

This debate was quite deep even before the unprecedented waves of 2015-2016 and the March 2016 Agreement came about. One must remember that the United Kingdom voted for

³⁴ President Erdogan of Türkiye, Sözcü TV, 4 March 2020, Link: <https://dai.ly/x7sh1pk>

Brexit only a few months after the Türkiye-EU Agreement was signed. During the campaign for the run up to the vote the unfounded claim of Polish and Turkish workers coming to the UK and taking jobs was one of the main topics in the "leave" camp. Eurosceptic movements were gaining ground in member countries like Poland, Hungary, Greece, the Netherlands, Denmark, and others, fanning the flames of discontent regarding migration.

The European Union responded by trying to first put a cap on irregular migration. The Türkiye-EU Agreement was an important milestone in this respect. After that was achieved and the situation gradually stabilized, the EU tried to change its rules and regulations, aspiring to manage migration on the continent and protect itself from eroding forces. The European Commissions Pact on Migration and Asylum of September 2020³⁵ was one of the results in this direction.

The Pact has four main pillars:

- 1) Strengthening external borders
- 2) Fast and efficient procedures
- 3) Effective systems of solidarity and responsibility
- 4) Embedding migration in international partnerships.

The pact also proposes to reform the Common European Asylum System and strengthen the European Asylum Support Office to increase Member States' cooperation. The European Border and Coast Guard Agency, Frontex, has also grown significantly since the 2015-16 surge in arrivals, showing the bloc's commitment to EU-wide border management.³⁶

The debate is ongoing nearly a decade after the Türkiye-EU Agreement. Migration is not only debated in a passive manner, but is also continuing to have profound effects on the political scene across the EU, in the form of radical swings towards the extreme right in main economies of the Union. This is an important trend that will have considerable effect in the decades to come.

As recently as 11 May 2024, the European Union members endorsed sweeping reforms to the bloc's asylum system as campaigning for Europe-wide elections gathered pace, with migration in the fore front. EU government ministers approved 10 legislative parts of The New Pact on Migration and Asylum. It lays out rules for the 27 member countries to manage

³⁵ European Migration Network Ireland (ESRI), "What is the EU Migration and Asylum Pact, available online: <https://emn.ie/what-is-the-eu-migration-and-asylum-pact/#:~:text=Proposed%20by%20the%20European%20Commission,to%20Europe%20in%202015%2F2016>

³⁶ *ibid.* Migration Policy Institute.

people trying to enter without authorization, from how to screen them to establish whether they qualify for protection to deporting them if they are not allowed to stay. Hungary and Poland, which have long opposed any obligation for countries to host migrants or pay for their upkeep, voted against the package but were unable to block it. Mainstream political parties believe the pact resolves the issues that have divided member nations since well over 1 million migrants swept into Europe in 2015, most fleeing war in Syria and Iraq.³⁷

The member States hoped that the new system would prevent the far right gaining unprecedented support in member states, with the largest economies Germany and France in the fore front.

However, this hope did not materialize and in both countries the far right increased their votes decisively. What affect this will have on the migration discussion and the EU in general is yet to be seen. The initial reaction in Germany and other EU countries was to re-introduce border controls. There are similar political trends in the UK.

Conclusion

The Türkiye-EU Agreement of March 2016 has proven to be a blueprint for dealing with irregular migration. Its success is based on deterrence and managing the psychology of the migrant, through returning everyone that manages to cross. In my view, this is one of the safest, most humane, and durable ways to deal with irregular migration. It is a model that can be replicated by irregular migrant target countries such as Germany, the United Kingdom, the USA, Canada, and Australia.

The Türkiye-EU Agreement of March 2016 was a landmark in the management of the migration crisis, significantly shaping Türkiye's migration policy and its relationship with the EU. While it achieved notable successes in reducing irregular migration and enhancing support for migrants, it also faced substantial challenges and criticisms. But this was to be expected in such a complex humanitarian deal.

As migration continues to be a critical issue globally, the lessons learned from this Agreement will be invaluable in developing more comprehensive, sustainable, and humane migration policies in the future.

³⁷ Associated Press report, " EU agrees on a new migration pact. Mainstream parties hope it will deprive the far right of votes", by Lorne Cook, 15 May 2024

A decade after the Agreement, the general picture regarding migration does not look bright. There have been plenty of migration-related challenges in the world for many decades now. The trend is, unfortunately, upwards. Challenges to peace and stability, wars, internal strife, climate change, droughts, famine, deep rooted economic difficulties, authoritarian governments, and simply bad governance are on the rise, and they encourage millions of people who cannot see a future for themselves or their children to seek a better future abroad. All this inevitably leads to an increase in mass and irregular migration. If it increases beyond a certain level, it becomes a self-enforcing trend. While countries discuss what to do and lengthy court cases are playing out, the smugglers act swiftly, organize, and enable those trends. Therefore, dealing with irregular migration is a dynamic process and the Türkiye-EU Agreement must be constantly monitored and adjusted.

For the developed countries to help manage irregular migration and decrease the pressure, they must not only focus on preventive policies but also invest more into improving the economic and administrative conditions in source countries. We must all recognize that one of the root causes of migration is a lack of jobs and opportunity. The international community must also join diplomatic talent to try to prevent strife, conflict, and solve current issues, being fully aware that there will surely be spill over effects.

The European response to all this instability and set of problems today is not the best one, in the form of becoming introvert, toughening rules, and with public opinions turning to the extreme right. One can cautiously predict that with the emergence of the far right in important European economies, the rules and regulations are going to further toughen against all forms of migration, especially irregular migration. The fact that the extreme right has once again managed to increase their votes in the large economies of Europe does not bode well for peace, stability, social cohesion, and the democratic standards of Europe.

The Türkiye-EU Agreement of March 2016 has been more durable than we all expected at the beginning, as the forces against it were so strong. Yet, it has managed to stabilize the situation along one of the major routes and continues to do so a decade later, in 2025. On the other hand, every such agreement has a shelf life. When conditions change agreements either start becoming irrelevant or are revised. We see the first signs of this trend in the German election results and the political rhetoric. Looking ahead, my assessment is that the Türkiye-EU Agreement will be further challenged. There is strong and increasing opposition to the presence of migrants in Türkiye and the Syrian conflict has reached a new phase with the fall of the Asad government. This leaves Europe as the obvious destination for millions of migrants, who do not want to return to Syria. If new waves of migration are to be prevented, the Turkish public opinion must be convinced that the deal is still relevant. The EU owes

Türkiye visa liberalization and re-energizing the accession process under the Agreement. Both sides must do what is necessary to achieve this goal.

This Agreement, despite its flaws in implementation, has not only put a sudden end to an unacceptable cycle of irregular migration, but has also saved many hundreds of lives in the process. For that at least, I think we can be proud of.

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