

HANDLING THE SYRIAN REFUGEE CRISIS:
TURKEY AND THE EU

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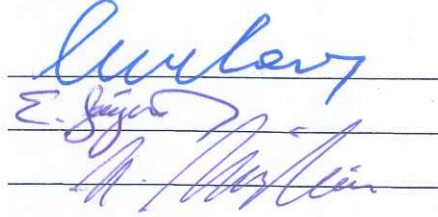
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Abstract

The Syrian refugee crisis constitutes the leading problem that the world is facing today. For five years now, since the beginning of the conflict in Syria, the number of people who forcibly displaced is enormous. Turkey all of these years was one of the countries which accepted and hosted most of these vulnerable people. On the other hand, the European Union contrary to Turkey, instead of being hospitable, tried to find solutions to prevent the flows in its territory. At that point, the European Union-Turkey Readmission Agreement plays a very important role, as this agreement constitute the basis of the refugee returns from EU back to Turkey. However, it is not possible to say that the Readmission Agreement will be able to resolve the social, political and economic implications that the refugee crisis created in the European Union.

Özet

Suriyeli mülteci krizi bugün dünyanın karşı karşıya kaldığı en önemli sorunların başında gelmektedir. Savaşın başlamasından bugüne geçen 5 yıl içerisinde, zorunlu göç eden insan sayısı büyük rakamlara ulaşmıştır. Türkiye, bütün bu zaman zarfında, söz konusu savunmasız insan kitlelerini en çok kabul eden ve ev sahipliği yapan ülke olmuştur. Öte yandan, Avrupa Birliği Türkiye'nin aksine, mültecilere misafirperver olmak yerine kendi bölgelerine yönelen bu akını durdurmak için çözüm yolları aramaktadır. Bu noktada, Avrupa Birliği ve Türkiye arasında mutabakatı sağlanan Geri Kabul Antlaşması önemli rol oynamaktadır. Bu antlaşma, mültecilerin Avrupa'dan Türkiye'ye geri gönderilme konusunda temel oluşturmaktadır. Geri Kabul Antlaşması'nın, mülteci krizinin Avrupa Birliği'nde neden olduğu sosyal, politik ve ekonomik sorunları çözümünde nasıl bir rol oynayacağı soru işaretidir.

Abbreviations

AFAD – Prime Ministry Disaster and Emergency Management Authority

CEAS – Common European Asylum System

ECHR – European Convention on Human Rights

EU – European Union

GDMM – General Directorate of Migration Management

IRO – International Refugee Organization

ISIS – Islamic States of Iraq and the Levant

LFIP – Law on Foreigners and International Protection

NGO – Non-Governmental Organization

OSCE – Organization for Security and Cooperation in Europe

TP – Temporary Protection

UN – United Nations

UNHCR – United Nations High Commissioner for Refugees

UNRRA – United Nations Relief and Rehabilitations Administration

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CHAPTER 1

INTRODUCTION

It was the spring of 2011 when a conflict came into existence in Syria, which led to the biggest refugee crisis in history after the Second World War. It began with the protests to Bashar al-Assad's government, and very soon turned into a civil war that is ongoing for five years now. People in order to escape from the chaos that their country was facing started to migrate. At that point the Turkish government declared its open door policy to the Syrian people who were fleeing from the war, based on the assumption that one day, when the war comes to an end, those who migrate would go back to their country. However, the war did not end as it was expected to, and the migration flow that started in April of 2011 to Turkey increased more and more every year. During this period, it can be said that international support was missing towards Turkey. The time when the world, especially the European Union, started to give more emphasis on this significant issue was the beginning of the summer of 2015, when refugees started to migrate to the European Union; and, most specifically, right after the shock that faced the international media upon publication of the photograph of Aylan Kurdi. This meant that from now on the crisis was knocking at the door of the borders of the European Union, as Aylan was in a boat trying to reach Greece from Turkey illegally. After that, several meetings were held in the European Union itself, and the leaders of the Union offered Turkey an action plan in order to induce her to keep the refugees inside her borders, and thus prevent them from passing to Europe. It is very clear that the nationalism that has framed the member states while were trying to keep the refugees fleeing the war zone and the violence for the hope of a better life out of the European territory.

Turkey, for a lot of reasons, such as its geography, politics and its economy, had been seen as a potential and attractive country to migrate. It is also one of the signatories of the 1951 Geneva Convention of the United Nations relating to the status of refugees, albeit with a geographical limitation. That is why nowadays the refugees in Turkey are facing a serious problem related to their status. They are seen as guests and not as refugees. The Turkish government by establishing the Law on Foreigners and International Protection in 2013 was trying to make things easier for them; and, most importantly, it is in the process of renewing the whole asylum system. However, this situation is continuing to be seen as an obstacle for the refugees, and that is the reason why they are in search of other, more hospitable destinations.

The refugee crisis has been highly controversial all of these years. Turkey has played an important role by taking side against the Syrian government in their civil war and by letting the Syrians come to Turkey. Initially, it was seen as a humanitarian obligation to help those people, as it was thought that the conflict in Syria would be resolved soon, and the war would end. However, the European Union did not show as much sympathy as it could have shown, and the implemented policies showed the apathy of the member states against the difficult situation the vulnerable people were facing. The refugee crisis is worth to be resolved as there are so many people desperately trying to find some help in order to survive. It is a humanitarian obligation for everyone to come up with a plausible solution. Especially the countries being affected by the migration flow must act so as not to hear anymore sentences like; *we will reach to the point that the deaths of the refugees, in the Aegean Sea, will not surprise us anymore...*

The purpose of this research is to analyse the Syrian refugee crisis with respect to the ways in which it has been handled by Turkey and the EU. The main research question to be posed in this dissertation is if the deal made between Turkey and the EU will be sufficient to

resolve the social, political and economic implications of the refugee crisis on the European Union.

When we are talking about refugees, the first thing that comes to mind is people who have fled from their country for reasons like war, political oppression etc. This is almost the same with what is written in the Convention relating to the Status of Refugees of 1951. However there is a very important point that has been mentioned by Bakırcıoğlu about the concept of refugees that “underlines the notion of respect for State sovereignty, implies the territorial nature of the protection regime, and emphasizes the inability of an international organization to provide in-country protection” (Bakırcıoğlu 2008, p. 102). So how and when the international organizations began to provide assistance and protection to the refugees while they failed to promote in country protection? According to Jaeger (2001) the protection has started with the International Committee of the Red Cross which was led by the League of Nations and during its period there were established various institutions related to the protection of refugees all of them functioned within the framework of the League. As Feller (2001) argued before the establishment of UNHCR the International Refugee Organization (IRO) was created in order to provide assistance to the refugees that came into existence after the Second World War, however soon it was understood that it prevented the international attempt to provide protection due to its many obligations. So in 1949 the General Assembly of the United Nations established the UNHCR “to provide ‘international protection’ for refugees and ‘to seek permanent solutions to the problem of refugees by assisting governments, in cooperation with NGOs and other international organizations, to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities’.” (Bakırcıoğlu 2008, p. 103). The 1951 Convention is the document to which the UNHCR is binding on which is mainly about the status

of the refugees, their rights and the responsibilities of the states of which have accepted it. At that point where we are facing the most important refugee crisis of this century, what Düvell has argued make a lot of sense now; “the problem lies in systems and institutions that are unable to adequately cope and respond to migration needs” (Düvell 2003, p. 206). That should be taken into consideration seriously as there is a need with this crisis now to act efficiently for the behalf of everyone.

Turkey had been many times a destination country for migration throughout the years because of the attraction that it possess either by its geography or its culture. In the last 25 years it is possible to observe, as a massive migrant flow, first the migrants that came from Bulgaria to Turkey after the communist dissolutions, secondly in 1991 the migrants from Iraq, thirdly the Bosnian asylum seekers, the Kosovar refugees and lastly the Syrians nowadays. As noted by Kirişçi and Karaca (2015) the Turkish government has handled the different migration flows differently by giving priority mainly to the political and pragmatic situation of Turkey at that periods of times rather than to base on the Geneva Convention.

Turkey is one of the signatories of the 1951 Convention and its 1967 Protocol, albeit with a geographical limitation. “This means that ‘asylum-seekers coming from Europe’ are granted the status of ‘refugee’, while asylum-seekers coming out of Europe are not granted this status, but granted right of asylum till they pass to a third country. Asylum-seekers coming from outside of Europe are evaluated in cooperation with UNHCR and are given temporary protection until a settlement is attained. Those asylum-seekers who are recognized as refugees are then resettled in a third country with the help of UNHCR.” (Kurtuluş 2015, p. 4). This limitation has created several problems and difficulties in the country itself regarding the refugees who are seeking protection from the Turkish government. It is also for this reason that the Syrian refugees who

came to Turkey after the Syrian Civil War, are not able to register as refugees in Turkey (İçduygu 2015). So what did Turkey do to cope with this situation, as there was an acknowledgement by the state that something needed to be done? In 2013 The Law on Foreigners and International Protection was adopted regarding the asylum matters. According to İçduygu (2015) with this law, new reforms were introduced with basis on international and European standards in order to integrate the refugees who are seeking asylum to the country. As Kurtuluş (2015) stated; the Article 91 of this law also provide 'temporary protection' to the mass movements of migration. So all the Syrian refugees are under the temporary protection of Turkey. In a situation like that, where from the beginning of their migration movement towards Turkey Syrians are called as 'guests' (Öner and Genç 2015) it is possible to say that, an emergent need was created for the refugees to start looking for new destinations to migrate where there will be a clear definition of their status that can live easily.

Turkey's role in this crisis should not be ignored. As Erdoğan (2015) argues; there were created a lot of criticisms in Turkey that did not receive much support from the international institutions regarding the economic challenges that posed the huge number of Syrian refugees. Now Europe is facing the most serious refugee crisis in its history as hundreds of people are trying to reach its borders that is why the attention has turned towards Turkey and recently they reached a deal on migration.

The refugee crisis contrary to the expectations, has caught the European Union unprepared to respond as it should be. First of all, since 2008, the financial and economic crisis that was prevailing in the European Union created an atmosphere where the member states showed mainly instability and inconsistency with each other. Behind the situation that have been created could be many reasons like; as Novotný (2015) argues that the EU member states

preferred not to cooperate with one another in the resolution of the refugee crisis but also that this crisis has showed the problems that exists in the EU institutions in the terms of governing the asylum and migration.

As it is stated “EU leaders agreed to give “political support” for an action plan for Turkey said to offer Ankara up to €3bn (£2.2bn), visa-free travel to Europe for 75 million Turks, the resumption of frozen negotiations on Turkey’s EU membership bid, and other sweeteners in what appeared to be a desperate attempt to gain Turkish cooperation.” (Traynor 2015). European Union at that point needs desperately the cooperation of Turkey in order to keep the refugees outside its territory. However the situation that was created, the conditions that dominate the agenda about the refugees as it is argued by Traynor (2015) have created divisiveness in the member states. The divisiveness that was created in the Agenda on Migration led to the search for other possible scenarios. This is the point which the agreement with Turkey came into consideration.

A very important thing that was reported by the Malik (2015) is the issue of how the European Union would accept as a member Turkey, as its main concern is to push the refugees beyond its borders while Turkey would had already hosted too many refugees living inside its border. The opening of some chapters for the accession negotiations that was being proposed in exchange of the receiving back the refugees; creates an inconsistency between what is to be done and what is really wanted to be done. It is questionable if there will be a membership in the short term despite the agreement for the readmission of the refugees that had been done with the European Union.

There are questions that needed to be answered related to the refugee crisis, especially those evolving the challenge that has posed to Turkey, to the European Union and also to the bilateral relations between them. Because of the fact that the situation is very current, by doing my research I will try to find answers to the ongoing crisis which has been very significant for the political and also economic environment of the involved sides. So that at the end of my research, it will have been done a contribution to the related topic by analysing the facts that the Syrian refugee crisis have created.

Regarding the methodology, the primary source in this research as it is characterized will “involve the oral or written testimony of eyewitnesses...documents and items related to the direct outcome of an event or experience” (Berg, 2001, p. 214) that is why I thought it will be beneficial to use official documents of United Nations and European Union, international agreements and also useful information from the official websites of the international organizations. A part of the secondary sources that I am going to use in this thesis is already demonstrated in the literature review which are mainly “documents written or objects created by others that relate to a specific research question or area of research interest” (Berg 2001, p. 214) which in this study the research interest is the Syrian refugee crisis. The thesis will be based on primarily, on content analysis but also on discourse analysis as there will be analysis on statements and speeches of statesmen and official representatives of international organisations. The thesis will be a descriptive research which is associated with “making careful observation and detailed documentation of a phenomenon of interest” (Bhattacharjee 2012, p. 6) and also it is important to achieve what it is stated, that “the researcher begins with a well-defined subject and conducts research to describe it accurately.” (Creswell 2003, p. 35).

Marfleet (2007) regarding the refugee studies mentioned the importance to know of how institutional actors coped with the migration crises in the past years and how the discourses for those crises has come into existence and how the policies for the refugees and asylum have been created. That is why this thesis will consist of three main sections where in the first section there will be a historical overview of how the world has responded to the refugees throughout the years after the First World War, which is seen as an important analysis that should be taken into consideration. The second section will be about Turkey's refugee history and the current Syrian refugee crisis that is facing, and in the last section by taking into consideration the asylum system of Europe and its recent developments what will be elaborated is how the European Union handled the refugee crisis. The main reason for choosing to proceed with descriptive analysis is to be able to observe the current situation by analysing all the above concepts and to collect the evidence that led the refugee crisis to reach the dimension that had reached today. All of these cannot be done with a clear description of the facts.

CHAPTER 2

THE HISTORY OF INTERNATIONAL PROTECTION OF REFUGEES

It is not possible to understand the current refugee protection system without first taking into consideration the historical background of the creation of the legal framework of this protection. The international community in the 20th century, beginning right after the First World War felt the responsibility to create the necessary conditions to provide protection and create solutions to the undefended displaced people, to the refugees. Those people “constitute a population whose origins are vitally connected to many of the most pressing issues confronting our world: the protection of human rights; the resolution of conflicts; the promotion of economic and institutional development; the conservations of the environment; and the management of the international migration” (Donkoh 2000, p. 263). The refugees throughout the years influence the world order and given this fact it became apparent that it was an international obligation to ensure the protection goals to millions of displaced people after both World Wars.

As a consequence of the goals for the protection that created, the international refugee protection began, when the League of Nations established the High Commissioner for Refugees in 1921. There was a short period of time, when the United Nations Relief and Rehabilitation Administration (UNRRA) functioned for humanitarian purposes regarding the refugees and in 1947 the International Refugee Organization (IRO) was created. The General Assembly established the United Nations High Commission for Refugees (UNHCR) in 1949 in order to replace the IRO. It was after that when the 1951 Geneva Convention and then the 1967 Protocol were established regarding the Status of Refugees. This is how the international protection for the refugees was shaped throughout the years and created a legal framework to establish

permanent solutions and to protect the rights of those people who did not have the protection of their government. Regional human right organizations like the Organization and Security for Cooperation in Europe, the Council of Europe and European Union's migration regime support the international refugee protection framework by following the 1951 Geneva Convention and its 1967 Protocol.

In the first part of this chapter all of the above will be explained separately by taking into consideration the reasons that led the international community undertake those actions for the behalf of the refugees. The conditions that shaped the international era in the interwar period but also those ones in the afterwards of the Second World War have played an important role in the shaping of the international protection and to its development which continues to prevail even today. However, in the second part of the chapter, I will discuss the regulations of the Organization of Security and Cooperation in Europe (OSCE) and of the European Union for the protection of refugees in Europe.

2.1 THE LEAGUE OF NATIONS PERIOD

The history of the international assistance of the refugees starts with the League of Nations. A large number of refugees came into existence with the end of the First World War and it was "the first time that refugees were conceptualized as being a shared state responsibility" (Davies 2002, p. 37). This led to the creation of an awareness in order a responsibility to be taken by the international community and as a consequence Fridtjof Nansen became the first High Commissioner in the League of Nations for the refugees.

According to Gilbert (2009), the High Commissioner during this period concentrated in helping the groups like; the White Russians, Armenians and Jews in Eastern Europe. The

primary reason of the focus to those specific groups is related to the fact that “millions of people become stateless because of the devastation of war and the disintegration of multi-ethnic empires” (Islam 2013, p. 14). So the League of Nations categorize the refugees in accordance with their country of origin (Feller 2001). It is important to note that “the first generation of refugee accords (1920-1938), consisting of pacts designed by European states for the protection of European refugees, was more regional than universal in scope” (Hathaway 1990, p. 175). As a consequence, because of the large numbers of refugees in the European territory, after the First World War, the refugees were seen as a European problem only, and therefore the international protection that was achieved was formed and implemented mostly in Europe (Davies 2002).

During this period, a very important Convention was ratified by nine states, the 1933 Convention, and it was accepted as a model for the 1951 Convention that followed afterwards. The Article 3 of that Convention, indicates the responsibilities of the refugee receiving countries. According to that article;

Each of the Contracting Parties undertakes not to remove or keep from its territory by application of police measures, such as expulsions or non-admittance at the frontier (refoulement), refugees who have been authorised to reside there regularly, unless the said measures are dictated by reasons of national security or public order.

It undertakes in any case not to refuse entry to refugees at the frontiers of their countries of origin.

It reserves the right to apply such internal measures as it may deem necessary to refugees who, having been expelled for reasons of national security or public order, are unable to leave its territory because they have not received, at their request or through the intervention of institutions dealing with them, the necessary authorisations and visas permitting them to proceed to another country. (Convention Relating to the International Status of Refugees).

Within the framework of League of Nations, there were created several institutions which also provided protection to refugees. Those were; “the Nansen International Office for Refugees

(1931-1938), the Office of the High Commissioner for Refugees coming from Germany (1933-1938), the Office of the High Commissioner of the League of Nations for Refugees (1939-1946) and the Intergovernmental Committee on Refugees (1938-1947)” (Jaeger 2001, p. 729).

Up until to 1947, international aid, political and material support for refugees was achieved through the institutions named above. Given the fact that, the establishment of those institutions during all of these years, before the Second World War, constitutes a transition point to the assisting of refugees and of the inter-state cooperation, the institutions that followed for the same purposes reached the peak in the 20th century.

2.2 UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION

As it should be expected, after the end of the Second World War; a huge number of refugees came again into existence. Before the formal formation of the United Nations, there was an urge to handle the devastating refugee crisis and this generated the creation of United Nations Relief and Rehabilitation Administration (UNRRA) back in 1943, by some Western States (Davies 2002).

Due to the fact that, UNRRA was an international relief agency, the main purpose of the establishment was primarily to administer the victims of war in the refugee camps, but also to provide and arrange them the basic necessities that they could need (Islam 2016), like food, clothing and medical services...

UNRRA did not last too long, as it was exclusively created for humanitarian purposes in order to provide assistance and to manage the victims of war (Davies 2002). That is why, the International Refugee Organisation created, in order to find permanent solutions for the assistance of the refugees.

2.3 THE ESTABLISHMENT OF INTERNATIONAL REFUGEE ORGANISATION

The International Refugee Organisation was established in 1947; by the United Nations General Assembly which was created in 1945 right after the end of the Second World War, and lasted until 1952.

According to Jaeger (2001); the International Refugee Organization was an agency which the primary aim was to rearrange the placement of the 1.049 refugees who were come from Central Europe, Western Europe and several other places. In contrast with the institutions that were succeeded by the International Refugee Organisation, IRO was characterized as a supranational agency rather than an international one (Jaeger 2001).

In 1947 International Refugee Organisation took some responsibilities in order to deal with refugee concerns however its duties lasted until 1951, when it was replaced by a new framework to provide aid to refugees, which was then seen necessary (Cunliffe 1995).

The succession of International Refugee Organisation followed after some observations made by the international community for the resolution of the refugee problem, and it was concluded about its functions that; “the comprehensive nature of the task it had been assigned-to address every aspect of the refugee problem from registration and determination of status, to repatriation, resettlement, and ‘legal and political protection’-precluded winding up of that international effort.” (Feller 2001, p. 130).

Thus, countries which had an influence on the international refugee regime, supported the creation of another refugee agency and demanded the establishment of another framework the so called United Nations High Commission for Refugees (UNHCR) in 14 December 1950 (Islam 2013).

2.4 UNITED NATIONS HIGH COMMISSION OF REFUGEES AND THE '1951 CONVENTION'

The UNHCR started to protect the refugees internationally actually since January 1, 1951 when it began its work. The office came into existence after the decision taken by the UN General Assembly to adopt in 14 December 1950 the Statute of the Office of the UNHCR. The main purpose of the establishment of this new commission for refugees, was primarily the desire of the US and of other Western states in the General Assembly to create a new organisation which could act independently in the administrative and financial bodies of the UN itself (Cunliffe 1995). Additionally, the UNHCR advocates the refugee agreements and supervises the member states' conformity with the international refugee law (Jastram and Achiron 2001). It is important to note that, the UNHCR is created by the governments and its budget is created by the support and donation of these governments (Cunliffe 1995). So it can function solely by the voluntary contribution made by the governments and other organisations to which depend on.

When UNHCR was established, the main problem that prevailed at that time was to assist refugee groups who had to flee from Nazism and then from communism in Europe (Feller 2001). After some time, it is possible to say that, it showed further assistance for the safeguarding of the refugees and for everyone who need asylum in another country, and this is referred as; "Although the principal mandate of the UNHCR is to provide international protection, it can expand to in-country protection as well. This is particularly true when the UNHCR becomes involved in the voluntarily repatriation of refugees or when it assists refugee groups, where there are also mixed populations or people who are in refugee-like condition" (Bakırcıoğlu 2008, p. 103). This is also stated by Bakırcıoğlu, where he remarks that "today, the UNHCR's role has been expanded so that it covers both the victims of the war and gross human right violations, as

well as people who have not crossed an international border” (Bakircioğlu 2008, p. 105). It is easy to say that the UNHCR is protecting also those ones who are not displaced and are in need of aid and assistance.

It was in 1951 when the “UN also moved to establish an international agreement for defining, processing and resettling refugees-the 1951 Convention Relating to the Status of Refugees” (Davies 2002, p. 38). The importance of this Convention is that it is the first step towards creating a wide, international and legal structure for the assistance of refugees (Islam 2013). The Convention has a universal character regarding the refugee protection and it is giving itself an extra importance, due to the fact that it still exists as it is the only binding refugee protection today and it constitutes the base of the refugee law.

According to Feller; “the 1951 Convention has a legal, political and ethnical significance that goes well beyond its specific terms: legal in that it provides the basic standards on which principled action can be based; political in that it provides a truly universal framework within which states can cooperate and share responsibility resulting from forced displacement, and ethical in that it is a unique declaration by the 141 State Parties of their commitment to uphold and protect the rights of some of the world’s most vulnerable and disadvantaged people” (Feller 2001, p. 582). Thus the Convention, shows the importance of the international cooperation and of the burden-sharing among states which is highly relevant with the international acceptance that the refugee crises are actually human rights problem and the solution for that is to show an international solidarity, the presence of assistance and to respect those forced displaced people. Because everyone has the right to be protected and seek asylum, without any discrimination.

The 1951 Convention entered into force in 1954. Until now, it had only one revision which was implemented with an independent instrument, the so called 1967 Protocol. One important thing that the 1951 Convention has succeeded is to create a definition for of the refugee, which accepted worldwide (Feller 2001) which definition, is stated in the Article 1 of the Convention. The reason of the amendment was seen necessarily because of the fact that, as Jastram and Achiron (2001) argues; the Convention was first prepared after the end of the Second World War and its definition of the refugees back then covered only those people who were outside their countries that they lived, and resulted to be refugees because of the events that took place in Europe before 1 January 1951. So with the enabling of this Protocol, the time and geographical limitations removed from the definition of the refugees of the Convention. It was also a mutual decision taken by many developing and developed states (Davies 2002) and it gained to be a document of a universal character, so that the international refugee law remained stable since then.

The 1951 Geneva Convention Relating to the Status of Refugees defines also some of the fundamental principles of refugee rights and one the most important is its Article 33, the principle of non-refoulment and it is stated as;

1. No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country. (Convention and Protocol Relating to the Status of Refugees).

According to the Article 33, the law prohibits the return of a refugee back to his persecutor. States are responsible to obey to this principle.

The UNHCR has the obligation to direct the implementation of the 1951 Convention and 1967 Protocol with the contracting states, and those states reciprocally have the duty to collaborate with the UNHCR for the exercise of its obligation (Alexander 1999). The UNHCR is the only body which can observe the national authorities and also the refugee and asylum policies (Balogh 2015). At the same time, “in recent years, UN members, through their actions in the UN General Assembly, have authorised the extension of the mandate of UNHCR for refugee protection” (Islam 2013, p. 30), to find permanent solutions for the protection so that to implement the notion that the assistance of the refugees and the protection goals are seen as an international obligation.

UNHCR back in 2001 in the 50th anniversary of the 1951 Convention, established the Global Consultations on International Protection which was basically a process of two years and were held several meetings in order to find the deficiencies in the structure of the international refugee protection and additionally to discuss about the possible development outcomes for the protection regime (Kelley and Durieux 2004).

It is important to be able to deal with the current global challenges of the world order that we are living in, as we are facing the most important refugee crisis after the Second World War and large number of refugees cross the borders at once, while there is a running conflict back in their country. Given the fact that, the UNHCR is the leading global humanitarian organisation, it has the duty to protect them and by doing it so, will enhance the encouragement of international cooperation but also will adequately share the responsibilities between the States for the foundation of the best durable solution. In the following section the cooperation of the international community and the international organisations will be discussed by explaining their main policies towards the refugees.

2.5 REGIONAL HANDLING OF THE REFUGEE PROTECTION

Protecting the refugees is one of the most important responsibilities of the states. Cooperation on the protection of the refugees is also an important aspect, as sharing the responsibility to tackle the refugee issues is efficient and is showing solidarity. Additional to the UNHCR, there are also other organizations that contribute to the burden-sharing of the refugees, like the OSCE and the European Union. However it is worth to say that, the burden-sharing issue is not fair, that some countries are giving their protection to an extremely number of refugees while others do not (Thielemann and Dewan 2006). The absence of support in the sharing of responsibility has created difficulties and also exhaustion to the refugees (Kelley and Durieux 2004). The equitability that exists is creating an atmosphere where some states feel that there is only the notion of burden-sharing in principle and the rest of them do not show the necessary effort that should have shown and carry the burden by themselves.

According to Talal (2016) the main reason of the refugees' desire to risk their lives in order to go to Europe in times of displacement, is mainly related by the fact that there is an absence of enough support from the international community in the places that the conflicts take place. On the other side, there are important reasons for accepting the refugees. Reasons which seen as both socially and politically necessary in order to create a peaceful environment to the people who are in urgent need for help and flee persecution (Stalker 2002). So there is a need to create an international refugee protection regime that will assist the displaced people wherever there are so that with the strategies that will be produced no more lives will be endangered.

2.5.1 ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

The Organization for Security and Co-operation in Europe (OSCE) has many approaches which is dealing with, like aspects in political and military issues, economic aspects, environmental issues and human right aspects. In the human rights aspect, is giving an extra importance to the refugees and forced displaced people.

It traces its origins back in the 1970s, and at the beginning it was not an organization as it is now but a period of 'conference diplomacy' (Møller 2008) and it began with the so called Conference on Security and Co-operation in Europe. After the end of the Cold War, it changed into a stable formation (Møller 2008) and is compromised by 57 participating states from Europe, North America and Asia.

As it is stated by Türk; "the OSCE-as an institution and regional cooperation framework- has injected into the global debate various security and human rights dimensions that are highly relevant in the forced displacement context. The linkages between security and forced displacement are multifaceted. The concept of security permeates the entire refugee protection framework and two aspects of security- that of the displaced and that of the state- are intrinsically interlinked." (Türk 2011, p.120). As to safeguard the basic human rights for the refugees is one of the significant objectives of the organization the security related concept of the OSCE is automatically highly relevant with the international refugee protection system for all of the sides who are taking a part in the resolution of it.

The OSCE's attention to the refugees and displaced people while is seen as an important progress it also gives rise to the collaboration with the UNHCR (Türk 2011). However unfortunately, although the attempts that had been done by both the OSCE and the UNCHR for

the protection of refugees, there are still a lot of that should be done in order to cover the sufficient protection of them (Türk 2011).

2.5.2 EUROPEAN UNION AND THE COUNCIL OF EUROPE

European Union by its nature affects the international relations and domestic affairs of the states. Given the fact that, refugees constitute a significant part of the world politics for many years now, European Union as an international actor among its policies generated its migration policy by which it promotes integration and cooperation between its member countries and non-EU countries by conducting good neighbouring relations in order to protect the refugees.

Notwithstanding, it is stated that; when the refugees reach the European territory, they are facing a lacking asylum system, which do not protect their principle rights and create conflicts between the European member states (Langford 2013). The European Union has some regulations regarding the refugees and the asylum seekers that implement when it is needed. The tasks regarding the implementation of the protection policies have been divided between the treaties, laws and instruments of the EU.

In the European Union there are two main instruments which are based on the human rights protection and are highly related with the rights of refugees also. The first one is the European Convention on Human Rights (ECHR) and the second one is the European Union Charter of Fundamental Rights. The ECHR was signed back in the 1950 and lays emphasis on that the refugees should not be sent back to the place where they face persecution and brutal behaviour (Balogh 2015) given the fact that the Convention's one of the primary conditions is to support the rights of those who seek asylum in Europe (Langford 2013). The ECHR belongs to the Council of Europe system and it is also approved by the whole member states of the Council

of Europe (Guild and Morono-Lax 2013). However, according to the Court established by the Convention and which also supervises the Convention, the member states of the European Union concentrate more to intensify the borders rather to consider the notion of non-refoulment (Balogh 2015) the main principle of the 1951 Convention.

The second instrument the European Union Charter of Fundamental Rights deals with the refugee protection and it is mentioned in some of its articles. It is stated that the EU should provide protection to the refugees in accordance to the Refugee Convention and of its 1967 Protocol (Balogh 2015). More explicitly “Article 4 prohibits ill-treatment in absolute terms, Article 18 provides a right to asylum and Article 19 contains a prohibition an return to a country where there is substantial risks of the death penalty, torture, inhuman or degrading treatment or punishment” (Guild and Moreno-Lax 2013, p.8). In contrast to 1951 Refugee Convention and the European Convention on Human Rights, the Charter specifically ensures the asylum right so that it puts under bigger responsibility the EU member states than the above two instruments (Langford 2013) because the Charter itself is guarantees the human rights under the law of EU, and both the national and Union action are made under of its command (Langford 2013).

It is worth to note that the European Union Charter of Fundamental Rights as the ECHR mention about the terms of the refugee and of the refoulment only as a subchapter of one of its chapters and in comparison with the ECHR the Charter declares that the member states of the European Union should exercise the rules according to the UNHCR instruments (Balogh 2013).

The Council of Europe by being one of the most important human rights organization in the world, is protecting the refugees, tries to find out political solutions to the refugee crises and also is handling their conditions in the European Union. The Common European Asylum System

(CEAS) in the European Union began in the 1990 and it includes the policy directives as well as the Dublin Regulation.

The European Council between the years 2003 and 2005 adopted some directives in order to establish the basic standards for the asylum seekers and to which the member states must comply with (Langford 2013). Those are the Procedure Directive, the Reception Conditions Directive and the Qualification Directive. “Together, these instruments establish baseline guarantees regarding the examination of asylum claims, the treatment that individual asylum seekers are granted while they await a determination of their status, and standardized requirements for determining refugee status, that must be provided by national-level governments” (Langford 2013, p.231). The Directives are accepted to be European Union’s secondary law and are counselling the member states of the EU of how the asylum seekers are going to be accepted and managed (Langford 2013).

According to the Article 78 of the Treaty of the Functioning of the European Union, the European Union’s policy on asylum must be suitable with the 1951 Refugee Convention and other appropriate treaties (Guild and Moreno-Lax 2012). So the European Union adopted the Qualification Directive, for the Article 78, which includes the principle of non-refoulement and concentrates on persecution (Balogh 2015). The main purpose of the Directive is firstly to establish the criteria for the eligibility of the nationals from the third countries or stateless people who are seen as refugees and who need international assistance and secondly for the capacity of the protection that will be given to them (Lavrysen 2012). Additionally the Directive do not prohibit the member states to provide protection to those people with more advantageous for them criteria as long as those criteria are in harmony with the Directive itself (Lavrysen 2012).

On the other hand, the Dublin Regulation which is also called Dublin II Regulation or Dublin III Regulation, as the above mentioned ones, is one of the parts of the Common European Asylum System. “The so-called Dublin II Regulation, named after the preceding Dublin Convention, contains a hierarchical list of criteria to determine which EU Member State is responsible for the examination of an asylum application lodged in one of the Member States by a third-country national” (Lavrysen 2012, p.238). In essence, the Dublin Regulation was meant to increase the unity and harmony between the relationship of the member states of the European Union (Langford 2013). However, the Regulation is criticized because of the fact that it does not provide protection to the principal rights of those who seek asylum (Lavrysen 2012).

The main aims of the Dublin Regulation is “1) to ensure access to effective, time-efficient procedure for determining refugee status; 2) to prevent exploitation of the asylum system by parties attempting to make multiple claims in different EU member states; and 3) to identify in the shortest possible time a single member state responsible for examining a claim” (Langford 2013, p.223).

As it is stated; there must be undertaken a reform process in the CEAS in order to be able to create a good European asylum system, which will be in accordance with the international law and value the human rights and most importantly will bring unity between the member states (Langford 2013). In order to follow the international model of protection more easily, the European Union should give a priority to the necessity of protection and to the humanitarian aspect of the asylum (Balogh 2015).

Given all the above mentioned, the Dublin Regulation together with all the above instruments of the European Union regarding the asylum system, call into question whether they

create a consistency between international human rights guarantees (Bačić 2012). That is why, what is actually needed in Europe is “immigrant integration strategies with a focus on anti-discrimination measures, promoting interaction between newcomers and the host society, and promoting participation” (Muižnieks 2013, p. 47).

In the 4th chapter the European Union and its migration regime will be elaborated more precisely, while discussing the current refugee crisis and the European Union’s response to it.

Despite the best willing of the international organizations throughout the years, there is still an insufficient in-country protection provided by the international organizations for the displaced people. The best thing that could be done is to achieve to develop policies that could succeed to ensure the protection of these vulnerable people who face persecution before it is too late, based on the 1951 Geneva Convention for their safety.

CHAPTER 3

TURKEY AS A COUNTRY OF IMMIGRATION

Both the Ottoman Empire and the Turkish Republic have accepted many immigrants in their land throughout the years. One of the most important reasons for being an attractive country; is its geographical location, as the bridging position of Turkey between European Union, Middle East and Asia has always made Turkey highly attractive to migrate and to seek asylum but also to transit to other countries. Turkey, at the beginning was aimed only to be a country of origin and afterwards it became a country of destination and of transit (İçduygu 2004). In other words, the country profile has changed in many ways due to different reasons, as the country which was seen to be a country of emigration gave a shape to become a country attractive to migrate.

Before starting to explain the policies of the Turkish state and its immigration history it is necessary to mention that there were some differences between the Ottoman Empire's policies towards the refugees in comparison to the ones of the Turkish state. According to the Ottoman government, the prerequisite for an economically and in defence strong state was the large population; that is why the government supported very much the immigration (Latif 2002). A good example between the migrating groups in the Ottoman Empire is the Circassians who were arrived as forced migrants to the Ottoman territory. One important reason for the acceptance of the Circassian refugees in the Ottoman territory is the belief that they could become "a kind of balancing instrument and a new stock of military potential for the future of the empire" (Kaya 2004, p. 223).

The Circassians constitute between many others, a group that was moving at the end of the 19th century (Chatty 2013). The reason for that move was because of the oppression and

torture that were faced by the Russians when Caucasia was occupied by them (Latif 2002). The Circassian refugee flows began in the second half of the nineteenth century when a massive flow started to arrive in the Ottoman Empire either by boats and carts or on foot (Kaya 2004). The number of the Circassians that were deported from their homelands due to the Russian expansionism and seek refuge in the Ottoman Empire is estimated to be over one million (Kaya 2015). As in this case but also in many others the Ottomans offered the refugees the chance to unite and become members of the Ottoman Empire (Kirişçi 2000). The Ottoman Empire had implemented the Millet system which played a leading role in the integration of the refugees in the Empire. According to this system all the Muslims notwithstanding the differences that they have are relating to the same nation, and so the Circassians did not face any discrimination (Kaya 2004).

Another refugee group in the Ottoman Empire that should be good to mention is a non-Muslim group, the Jews. After 1492 Spain was invaded by the Christians and the Jews in order to flee from the persecution were protected by the Ottomans (Ekinci 2015). According to many books which explain the Jewish history, the Ottoman Empire was explained as the land where the persecuted Jews were accepted as refugees and where they lived peacefully (Ekinci 2015).

As will be explained below, the Turkish government's policies towards the refugees in comparison with its predecessor has been more limited and controlled (Latif 2002). That is why it would be good in this chapter, firstly to analyse the legal framework regarding the refugees in Turkey in order to understand the controls and the limitations. Secondly, there will be an analysis of the immigrant flows that occurred to Turkey in the end of 1980s and in the 1990s. Turkey had handled those refugee crises apparently very differently. Especially the reasons behind the differences in the policies that the Turkish government applied will be analysed. And finally, the

current Syrian refugee crisis will be analysed by taking into consideration the role that Turkey had played in all those years since the conflict in Syria started. Due to the failure of “the international community to demonstrate solidarity in burden-sharing with the neighbouring countries hosting the bulk of Syrian refugee” (Kirişçi and Ferris 2015, p.1) Turkey undergone serious policy changes both in its foreign policy but also in its refugee regime and also faced challenges in many issues as the costs of the crisis both financially and ethically has been very high for the country itself.

3.1 LEGAL FRAMEWORK OF MIGRATION IN TURKEY

Turkey by being a bridge country between European Union, Asia and Middle East should be accepted that it stands at the heart of the international migration regime. However, it was largely criticized that “it is surprising that Turkey does not have a comprehensive migration and asylum law” (Vukašinović 2011, p. 155). Given the fact that until the 1980s Turkey was mainly a country of emigration rather than immigration, Turkey was not in need to create immediately an asylum law. However after the 1990s we can observe an improvement in the legal structure of the migration policies firstly with the sudden rise of the refugees coming to Turkey, secondly during the EU harmonization process some changes have been made, and afterwards in 2013, Turkey finally welcomed its new law on asylum after the beginning of the current Syrian refugee crisis.

The first legal document that adopted by the Turkish government and shaped the immigration policy of Turkey is the 1934 Settlement Law. The law advocated the immigration of people to Turkey of Turkish descent and culture (İçduygu 2015). Except from the provision that the law had on the culture and origin of the migrants, additionally it determined the rights of the

immigrants that they would have once they located in Turkey (Tolay 2012). Having the same descent and culture were the conditions for the attempt to seek asylum in Turkey. The law renewed in 2006 however the desire of the immigrants to be of 'Turkish descent' became for decades the needed principle in the legal framework and indeed it is interesting that this principle still settles the rules regarding the issue who can migrate to Turkey (Vukašinovič 2011). As it is argued the Law on Settlement encouraged migrations based on the same culture and origin and most of them are lasted till the end of the Cold War but the law covers also around 1.6 million people who have Turkish ethnicity and at the same time people who have various ethnicity backgrounds (Kirişçi and Karaca 2015).

Turkey is also a signatory state to the United Nations Convention Relating to the Status of Refugees, the 1951 Geneva Convention and to its 1967 Protocol. However Turkey has pursued the geographical limitation that gives asylum only to those who migrate from Europe (İçduygu 2015). That is somehow determined the basis of the refugee protection in Turkey (Şirin,-Öner and Genç 2015). The 'geographical limitation' that Turkey applies creates an environment improper for those who seek asylum outside the European territory but also makes Turkey to face serious judgments from the international community (İçduygu 2015). Accordingly, Turkey instead of giving the status of the refugees to the people coming outside Europe, it provides 'temporarily protection' to those asylum seekers (Kirişçi and Karaca 2015). It is worth to note that the geographical limitation is "partially implemented as Turkey allows the United Nations High Commissioner for Refugees (UNHCR) to operate and conduct refugee status determination procedures whereby refugee status is jointly granted by the UNHCR and the Ministry of Interior with the underlying condition that accepted refugees do not locally integrate but instead resettle in a third country" (İçduygu 2015, p. 6). That is why, the asylum seekers

whose applications do not accepted, are anticipated to return to their countries (Kirişçi and Karaca 2015).

Turkey due to the mass inflow of refugees that came outside of Europe in the beginning of the 1990s, which will be explained in the following section, and the conflict that had with the UNHCR, regarding who should be accepted as an asylum seeker and who not (Kirişçi 1996), created an environment where the Turkish government felt the responsibility to reevaluate its legal structure for the asylum seekers. That is why in 1994 ‘The Regulation on the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum From Another Country’ was adopted. With other words, the 1994 Regulation, “aimed at bring status determination under the control of the Turkish government” (Kirişçi 2010, p. 95). Additionally, the conditions for applying for an asylum were formulated but still remained the geographical limitation of the 1951 Geneva Convention (İçduygu 2015). It is also argued that it was designed due to the national security concerns that arose with the influx of refugees, is the reason why the Turkish government by this law introduced tough measures for approaching to the asylum practices and not focusing enough on the implementation of the refugee rights (Kirişçi 2010). Furthermore, the law provided them temporary protection in the time when their application were measured by Turkey’s Ministry of Interior and the UNHCR (İçduygu 2015) as explained above.

Turkey faced a lot if critiques during this period. One of them is that although the Regulation introduced the necessary conditions for submitting an asylum claim to the country, due to the geographical limitation there was a minimal possibility to be recognised as refugee legally (İçduygu and Aksel 2013). Another one was that Turkey was underestimating the

principal rights of asylum seekers and refugees by not allowing them to reach the asylum procedures or lacking to provide them protection by disobeying the notion of non-refoulement (Kirişçi 2010). At the same time, throughout the status determination of the asylum claim process, the applicant could only benefit limited from what the welfare state could provide and also from the labor market (İçduygu 2015).

The situation of the refugee policies by the second half of the 1990s began to show signs of improvements when the good cooperation with the UNHCR revived, in contrast to the previous years (Kirişçi 2010). The improvement of relations came right after the period of dispute that Turkey and UNHCR had when the non-conventional refugees threatened the then current policies of the Turkish government towards the asylum seekers (Latif 2002). In order to reform the relations, the Turkish government played an important role by introducing “amendments to the asylum regulation to prevent deportation in violation of the 1951 Convention. Most importantly, in 1997 judicial appeal was allowed against deportation orders” (Kirişçi 2010, p. 95).

In the late 1990s is possible to observe first the encouragement of the UNHCR and then the support of the European Union regarding the reform process of Turkey (Kirişçi and Karaca 2015), because the migration structure of the Turkish government was durable before the Helsinki European Council in 1999, at the time when Turkey gained the candidate status to the European Union (Vukašinović 2011). In the beginning of the 2000s, with the so called EU-ization process Turkey made some important improvements in its migration and asylum legislation (İçduygu 2015). Turkey in order to successfully meet the pre-accession requirements had to coordinate the legal framework of its migration and asylum policies in accordance to the EU ‘Accession Partnership’ document (İçduygu 2015). This actually was led also due to the

“increasing pressure to reform its legislative system and control illegal migration flows” (Vukašinović 2011, p. 156). The first important step regarding the migration policies came in March of 2005 when the government adopted “The Action Plan on Asylum and Migration” which is the significant document in which “lays out the tasks and the timetable Turkey intends to follow in order to prepare for the development of a fully fledged national status determination system, lift the geographical limitation and adopt EU directives on asylum and migration in general” (İçduygu and Aksel 2013, p. 180).

Finally the most comprehensive law, which is also the first law for refugees and asylum seekers in Turkey, the so called ‘Law on Foreigners and International Protection’ proclaimed by the Turkish government in 2013 and it entered into force in 2014. With this law Turkey would be able to integrate the immigrants to the country and also to deal with them in pursuance of the international standards (İçduygu 2015). Most importantly; “the law suggests a comprehensive framework for protecting and assisting all asylum-seekers and refugees regardless of their country of origins; while maintaining the geographical limitation to the 1951 Convention relating to the Status of Refugees” (Kurtuluş 2015, p. 49-50). It is a major step the change of the rule of being of the ‘Turkish origin and culture’ is no more restricting the desires of people to migrate to Turkey, as it was since the 1934 Settlement. Additionally, the Article 91 of the law, in a situation of a mass influx of people coming to the country, it provides the temporary protection (Kurtuluş 2015) and that means that it has an immediate answer to deal with them, which is also called 2014 Regulation. It should be noted that the 2013 Law and the Regulation that came in 2014 defining the temporary protection present the lawful principles of this protection, by promising non-refoulement and other rights, however, there are still some deficiencies that should be cleared and developed (Ineli-Ciger 2014).

Given all the above it can be said that, Turkey until the Law on Foreigners and International Protection primarily preferred those people who had the same origin with the Turkish people in order to migrate to Turkey, secondly only allowed the people coming from the European territory to gain the status of the refugees and finally provided temporarily protection to the ones coming from non-European countries (Şirin Öner and Genç 2015).

3.2 THE MASS MOVEMENTS TO TURKEY IN THE 1990S

In the 1980s Turkey's migration regime changed significantly. While with the end of the Second World War Turkey was accepted to be a country of emigration, the changes that occurred in the social, political and cultural spheres of its surrounding countries resulted to change its migration patterns and became a country of immigration (İçduygu and Aksel 2013). The sharp increase of the migration flows of irregular immigrants coming collectively in the second half of the 1980s to Turkey back then, was accepted that it was a huge change for Turkey's migration regime in the post-1945 era (İçduygu 2004).

There are four mass inflows of immigrants that will be taken into consideration in this section. Firstly, the Bulgarian Turkish migrants will be mentioned that fled from the oppressive regime of Bulgaria in 1989 and sought asylum in Turkey, secondly the Iraqi Kurds who escaped from the conflict in Iraq in 1991, the Bosnian Muslims who came to Turkey between the years 1992-1995 and finally the refugees from Kosovo in 1999. The differences in the treatment of those different groups of refugees was because of political considerations that created in the country and not solely because of judicial or humanitarian ones (Kirişçi 1991). Additionally it can be said that, the menace of refolement had been confronted while they did not accept the chance to merge with the host state (Kirişçi 1991).

The differences of the policies implemented will be seen separately below. We will also have the chance to compare the policies used to the mass immigration movements of the 1990s and the manner in which the Syrian refugee crisis was handled and is still being handled by the Turkish government. Having in mind this, is better first to look at the past experience in order to understand better the conditions which are shaping the politics and policies of today.

3.2.1 BULGARIAN TURKISH MIGRANTS

1989 marked the year when, more than 310.000 refugees from Bulgaria came to Turkey. As it is stated; the migration that occurred in 1989 was accepted to be a political migration (Vasileva 1992). The main reason of the fleeing was to escape the repressive regime that prevailed at that time towards the Turkish minority of Bulgaria and to Pomaks. This crisis was accepted then back to be the biggest mass inflow of refugees that happened in the aftermath of the Second World War (Kirişçi and Karaca 2015).

The Turkish minority of Bulgaria met a good treatment from the Turkish government as they accepted them to be of the Turkish origin and culture. The border opened without any second thought, the government provided them legal arrangements in order to help them to exchange their money, to bring their cars, to find jobs and so forth (Sert 2014). That is why the government showed a great hospitality in order to make possible the integration of those vulnerable people with the Turkish community. The reason for that can be seen to be that Turkey felt an obligation towards the ethnic Turks which were led behind in the Balkans when the Ottomans were withdrawn (Kirişçi 1991). So in 1989, the Turkish government's response towards the ethnic Turks for Bulgaria was very rapid and this led to the opening of the borders without a second thought (Kirişçi 2000). The process of the expel from Bulgaria begin during the

last years of the regime in Bulgaria, which was communist and when the leader of the party, named Thodor Shirkov declared that if 200-300.000 Turkish people do not leave the county, Bulgaria will disappear in 15 years (Kirişçi and Karaca 2015).

It is worth to say that, more than 240.000 Bulgarian Turkish after the move gained Turkish citizenship (Kirişçi and Karaca 2015). The government decided that those people have the possibility to obtain the citizenship as they were accepted to be from the same heritage. By having the double citizenship, the Bulgarian migrants, constituted a transnational community where they were able to improve and share double notion of faithfulness, rights and responsibilities (Özgür-Baklacioğlu 2006). But later on when the regime change in Bulgaria to democracy, a big proportion of refugees return to their country of origin while a small number of refugees went to other countries (İçduygu 2000).

3.2.2 MASSIVE MIGRATION OF THE KURDS FROM IRAQ

One of the most important mass flows that should be taken into consideration regarding the Turkish government's policies towards the asylum seekers, is the one that took place in April 1991 from Iraq of around half a million Kurds escaping from the military of Iraq and flowed to the mountains that divide Turkey from Iraq (İçduygu 2000). Actually this was not the first attempt of the Kurdish people to migrate to Turkey. Previously there were two more flows in 1988 and in 1990-91 respectively. However as it is stated Turkey "was much more successful in the case of the 1991 influx than the one in 1988 in terms of repatriation" (Latif 2002, p. 14).

Literally, the Turkish government was sharp for not to open the borders at that time because they did not have a good experience with the inflow of 1988 (İçduygu 2000). There were also other considerations playing an important role in the Turkish government's decision.

“On the one hand, Turkey wanted to project a very generous and humanitarian image to the Western Europeans at a time when the European Community was considering Turkey’s application for membership. On the other hand, stood traditional governmental security considerations, characterized by the fear that the arrival of the Kurd refugees could bring an added burden to the task of maintaining law and order in the region...” (Kirişçi 1991, p. 517). Turkey was reluctant to respond to this crisis of the mass inflow of people from Iraq because it had national security concerns and also political considerations due to the fear of the possibility of the rise Kurdish nationalist movements in the country that began in the 1980s. The government as a result firstly tried to mobilize the United Nations Security Council in order to respond as international community to Saddam Huseyin who was the one triggering the military attack to the Kurds and secondly decided to keep its borders close in order to prevent the refugees to pass to the Turkish territory (Kirişçi and Karaca 2015). Hopefully there was a quick answer from the international community after Turkey’s intervention in order to provide food and shelter needs for the people coming (İçduygu 2000). However, when the decision to keep close the borders was adopted the refugees had been already started to pass over (Kirişçi and Karaca 2015). As a result, the government “advocating the idea of creating a safe zone in Northern Iraq, Turkey initiated a voluntary and safe repatriation programme. Consequently, half a million Kurdish refugees were brought down from mountain tops in Turkey to the plains on the Iraqi side of border” (İçduygu 2000, p. 362). This time was characterized by the exposition of criticism that Turkey faced due to the lack of a national asylum system. It also marks the time when the dispute between the UNHCR and Turkey reached peak regarding the asylum policy of Turkey (Latif 2002).

The management that faced the Iraqi refugees from the Turkish government in contrast to the others coming from Eastern Europe and the ethnic Turkish people, was mainly a result decided because of the political concerns rather than humanitarian or judicial reasons (Kirişçi 1991). Turkey became a country of immigration however it did not have a comprehensive migration policy. It was after all of the above mentioned situations that in 1994 decided to adopt the 1994 Regulation regarding the asylum seekers' rights in the country.

3.2.3 BOSNIAN ASYLUM SEEKERS

Another large movement of asylum seekers towards Turkey was that of the Bosnians from Yugoslavia in the 1992 which lasted until 1996. The number of the Bosnian who arrived to Turkey can be said that it was around 20.000-25.000 (İçduygu 2000). The policy response of the Turkish government towards the Bosnian asylum seekers does not look like the 'welcoming' response that has been showed to the Bulgarian asylum seekers but also was not the same as the undecided attitude that assumed with the Iraqi refugees (Sert 2014).

It is stated that some of those people entered to Turkey with passports, accepted as tourists, and the rest of them without any valid document (İçduygu 2000). However, the Turkish government avoided to apply what the 1951 Convention implies and the government just provided them temporarily protection (Kirişçi 1996). When the situation in their country stabilized, the most of them who migrate to Turkey returned back to their country while a small number stayed to Turkey and the rest decided to migrate to Europe in order to gain the status of refugees according to the 1951 Convention (İçduygu 2000).

3.2.4 KOSOVAR REFUGEES

Following the Kosovo War that took place between the years 1998-1999 and especially after the intervention of NATO with airstrikes on Yugoslavia, an enormous number of people were forced to leave their territories. Since the beginning of the war, the displacements began in which there were also Kosovars who escaped in order to seek protection from neighbouring countries.

One of the countries which accepted to take the refugees inside its borders was Turkey. The acceptance of 20.000 Kosovar refugees was decided in a Cabinet meeting, where there was also decided to begin emergently the preparations for the settlement of the refugees (Turkey readies to receive 1999). One of the primarily reasons that Turkey came forward to receive that much refugees could be resulted by the fact that it had strong ties with the ethnic Albanian majority in Kosovo and also with the Turkish minority, both historically and religiously from the Ottoman Empire period onwards (More Kosovo refugees 1999).

As it will be seen below, the Syrian refugee crisis is totally different from the previous refugee flows that Turkey experienced, both in its nature and the reasons that caused it but also in the style that it has been handled by the Turkish government. Even though the time when it occurred there was a better migration regime in Turkey than the previous years, it can be easily said that the crisis itself helped also to the implementation of the current migration policies in the country.

3.3 SYRIAN REFUGEE CRISIS AND TURKEY

2011 marks the year when a conflict started in Syria and turned into a civil war. At the beginning of the conflict the consequences of the crisis would not be expected to reach the dimension that has resulted today, after five years. The whole country profile has changed and too many people were forced to leave their country in order to flee death, escape from persecution and bad living conditions which prevailed and is still prevailing in Syria due to inadequate in-country protection from the international community. It is remarkable that the “widespread displacement and the sheer scale of human need inside Syria is also a sign of the breakdown of international humanitarian governance” (Kirişçi and Ferris 2015, p. 2). Those victims of the war constitute the longest refugee crisis but also the most serious humanitarian crisis in the history. As it is stated, the crisis in Syria had created serious problems to the countries next to the Syrian territory by creating insecurities in their borders (Kaya 2014). For this reason it should be looked firstly at the reasons behind the crisis and to the role that Turkey has played during all of these years by being one of the first countries receiving the Syrian refugees and most importantly by being the only country accepted a very big number of refugees in its territory.

Turkey, through its foreign policy ‘zero-problems with the neighbours’ that had formulated in the recent years tried to had good relations with its neighbours. One of those countries is Syria with which Turkey, when the Justice and Development Party came to power tried to improve the bilateral relations both politically and economically in order to overcome the problems that had in terror and water issues (Kurtuluş 2015).

The conflict in Syria broke out on 15 March 2011, when citizens of the city of Daraa in Syria protested for the imprisonment and persecution of the students who painted graffiti with

slogans against the government (Robin et al. 2012). The whole situation that is prevailing today in Syria “started as protests against Bashar al Assad’s government, yet it turned out to be a more complex war as the opposition diversified in many different groups and the radical Sunni jihadist group ISIS...” (Kurtuluş 2015, p. 45). From the first days of the upheaval, Turkey tried to convince the regime of Assad to give up the violence (Kaya 2014). Turkey truly believed that it would be easy to convert the stance of the Syrian government by a possible transition in power due to the ‘brotherly relations’ that they developed with each other (Gokalp Aras and Sahin Mencutek 2015). However as the use of force towards the Syrian citizens continued, Turkey switched its attitude in contrast to Assad government and criticizing him in order to leave the office and this is how Turkey became a part of the internal conflict of Syria (Kaya 2014). The stance of Turkey in a domestic problem of another country, by taking a side in the civil war against the government of Assad, became an important aim for the Justice and Development Party to show its authority and policy desires in the Middle East (Korkut 2016). From the first days of the conflict the government in Turkey announced that Turkey assists the vulnerable people of Syria and at the same time censured the Syrian government for the violations against its people (Kurtuluş 2015). As a result, the first arrival of refugees in Turkey occurred after a month of the beginning of the conflict back in Syria, in the end of April in 2011. It is noteworthy to mention that Turkey has undertaken the necessary measures for the refugees who are escaping from their country in the hope to find a safe place to live (Çakmak 2016, p. 9). According to Kirişçi Turkey thought that receiving the people who had fled from the conflict to save their lives, was a moral issue and it was anticipated that once the war would be over Turkey would automatically secure good relations with the new government that it would be founded in Syria (Kirişçi 2014). However, as the civil war continued, the Syrian government did not show any

signs of instability and the strengthening of the ISIS in Iraq and Syria concluded to be very difficult for many Syrian refugees to return to their homes (Gümüş and Eroğlu 2015).

From the first day of the arrival of refugees, Turkey declared its 'open-door' policy to the vulnerable people fleeing persecution and the people coming as a mass to seek asylum in Turkey were called as guests rather than refugees (Şirin Öner and Genç 2015). In contrast to the previous refugee flows that occurred in Turkey, it can be accepted to be the first time that Turkey has used that kind of a decisive policy towards to the people running away from the conflict (Ahmandoun 2014) however there is a similarity with the acceptance of the Bulgarian migrants in 1989. It is also visible that Turkey has changed significantly its policy in comparison with the Iraqi flows back in the 1990s (Gokalp Aras and Sahin Mencutek 2015). The 'open-door' policy of Turkey also it is associated with other policies regarding the refugees; firstly Turkey guarantees temporary protection, secondly maintains the principle of non-refoulment and thirdly supplies humanitarian assistance (İçduygu 2015).

The reason for calling them guests is highly related with the belief that those people were temporary in Turkey and they will go back when the war in Syria would be over which was expected to be very soon. "Almost immediately after the first Syrian refugees entered Turkey in April 2011, the government designated the Prime Minister's Disaster and Emergency Management Presidency (AFAD) as the lead agency responsible for Syrian refugees, and by October 2011 eight camps had been built" (Amnesty International 2014, p. 6). The reason for assigning to the AFAD the central position regarding the management of refugees could be accepted to be for the convincement of the Turkish people that the Syrians' presence in Turkey would be temporarily, by having in mind that AFAD is an institution which mainly deals with disasters and disasters are usually temporary (Korkut 2016).

Although the growing number of criticism both from the inside of Turkey and from the international environment “the government officials and agencies have continued to use the term as ‘guests’...” (Şirin Öner and Genç 2015, p. 257). Given the fact that the term ‘guest’ is not referred in any international law and for that reason Turkey faced serious criticisms so the Migration and Asylum Bureau (the now called General Directorate of Migration and Management) designed a temporary protection regime (TP) and announced its protection policy in the Conference of UNHCR which was held in Geneva in November 2011 (Gokalp Aras and Sahin Mencutek 2015). According to this temporary protection regime the Syrians are not accepted as refugees and this regime provides them the right to remain in the country but it is not providing them the right to change it to long term residence permit and also it does not allow them to apply for a citizenship (Şirin Öner and Genç 2015). It should be noted that, the temporary protection regime, does not function for the formal rights of the refugees but firstly in order to show the hospitality of the Turkish people and secondly there was a desire to prove to the citizens of Turkey the temporariness of the Syrians in the country (Korkut 2016). It is seen that, from the first time of the Syrians arrival in Turkey there was a tendency in the Turkish government to show their temporariness.

The sudden flow of Syrians in Turkey was a good experience in order to apply the Law on Foreigners and International Protection which was an outline when the civil war broke out in Syria, and also a good opportunity to close the gaps that Turkey had in its migration management infrastructure (Gümüş and Eroğlu 2015). Since April 2014, “a new migration law entered into force granting them “conditional refugee status”, or temporary asylum, under the newly established General Directorate of Migration Management (GDMM)” (Ahmanodun 2014, p. 1-2). With this legislation the legal status of the Syrians was identified under the Turkish

government. However, as the Association for Human Rights and Solidarity for the Oppressed reported in 2014, although this law draws a legal framework for the difficulties that the refugees were facing, the result of the law regarding originating permanent solutions for the integration and the social adoption of the refugees, mainly of those who are not living in the camps are not very clear (The Association for Human Rights and Solidarity for the Oppressed 2014).

Beside the Law on Foreigners and International Protection a new Temporarily Protection Regulation was established. The protection “guarantees legal presence in Turkey, temporary residence permits to settle in most of the country, access (with an identity card) to basic services, and universal access to health care” (Ahmadoun 2014, p. 44). Consequently, the Regulation provides to these people to have the right of a legal stay in Turkey until the time Syria will be a safe place again to return (İçduygu 2015). Although the 2013 Law and the 2014 Regulation had done many clarifications and had given rights to the Syrians there is still place for further progress (Ineli-Ciger 2014).

The Syrian refugees constitute an important part for the formulation of Turkey’s legal infrastructure, by being citizens of a country which is in a civil war, which also make a contribution to the transformation of the asylum and of the foreign policy of Turkey (Gokalp Aras and Sahin Mencutek 2015). It should also be noted that, the Syrian problem evolved to be Turkey’s internal problem rather than foreign policy issue, because of the fact that Turkey influenced by the crisis immediately (Kurtuluş 2015).

The Turkish government had shown a great hospitality towards the Syrian refugees during all of these years however Turkey met with some problems and disputes. For instance it faced social and economic challenges for the organisation of the Syrian refugees in the country

and also in the registration of them, likewise in the accommodation of them but also in the organisation for achieving some basic rights like healthcare and education (Kurtuluş 2015). That is mainly why it is argued that despite Turkey's all the best efforts, the dedication and establishment of the new policies, there are still many restrictions (Amnesty International 2014). The Syrian refugee crisis has a very huge dimension and is creating difficult conditions for Turkey in order to manage it both legally and financially while at the same time it does not have an inclusive national law which could be governed under the international legal framework (İçduygu 2015).

Because of the growing number of refugees in the country, the government implemented some steps in order to prevent new arrivals of asylum seekers. Starting from the 2014, a new policy called 'close door' was adopted because Turkey first of all decided to change its foreign regarding the crisis and did not have any more the potential to respond to the requirements of the refugees as the number of them were rising unceasingly (Gokalp Aras and Sahin Mencutek 2015). Furthermore "the government has provided support to NGOs that manage camps for internally displaced Syrians within Syria, near the Turkish border, where they provide humanitarian assistance such as clean water, sanitation, education, and emergency kits to tens of thousands of Syrians in need" (İçduygu 2015, p. 7).

It is considerable the decision of Turkey in comparison with other countries who accepted refugees, for political and security concerns to act alone in matters for financial support and the management of the refugee camps instead of asking for support from the international organizations such as the UNHCR (İçduygu 2015). However, as the number of refugees increased "it sought support for burden-sharing from the international community in the form of financial assistance as well as help with the resettlement of especially vulnerable refugees"

(Kirişçi and Ferris 2015, p. 3). Notwithstanding the hope for the burden-sharing caused disappointment, as it was very minimal (Kirişçi and Ferris 2015).

From the summer 2015 onwards, there was an increase in the refugees risking their lives to go to European Union through the Mediterranean or Aegean Sea. Also there was a big wave of refugees who were leaving Turkey for Greece in order to make their way to the European Union. There are several reasons that led the refugees to decide to leave for Europe. Between them, the most important ones that also are relating with the situation in Turkey could be that with the unexpected increase of the refugees in the country there were not sufficient chances for the Syrian children's education (Fleming 2016). The conditions that are prevailing Turkey, regarding the education showed that is not enough and the families prefer to make the dangerous trip to Europe hoping for a better future for their children. It was that time, when the international community panicked and realized that it had to give its support for the handling of the crisis as the countries left alone could not overcome the burden all alone, without the necessary sources.

Undoubtedly, the Syrian refugees in Turkey impacted the policies in Turkey in the last five years and it is sure that they will influence more the policies in the near future (İçduygu 2015). As long as there is the awareness that the presence of Syrians in Turkey is going to be permanent, there are matters that come to light such as; their status and their integration into the Turkish society (Kirişçi and Karaca 2015). In relation to their integration providing entry to the education and employment are between the basic necessities (Ferris and Kirişçi 2015). It is possible to say that solely when it was understood that the Syrians will not return back to Syria where the conflict continued, did the Turkish government determined to find solutions in order to integrate them to the Turkish society (Gümüş and Eroğlu 2015). In this regard Turkey is granting work permits to the Syrian refugees which was announced in the January of 2016 and it is

expected to “allow Syrians to build more prosperous and stable lives in the country” (Turkey’s granting work permits 2016). It should also be noted that Turkey with that move gain the appreciation of the UNHCR High Commissioner Filippo Grandi who “hailed the decision as courageous and a major step forward for refugees” and “hinted strongly that other countries should follow Turkey's lead” (Murray 2016). The “Turkish society is showing an incredible social and political resilience towards the issue, which would normally cause a moral panic in the most European countries” (Sert 2014, p. 164). The High Commissioner’s reference should be highly related with the apathy that persisted in the European countries. It is impossible not to show sympathy to what have done the Turkish government until now for the refugees “at a time when European governments are doing everything they can to prevent Syrian refugees from reaching their territories...” (Ferris and Kirişçi 2015). However it should be noted that it is not visible for how long Turkey could be able to afford the burden of the refugees, as already hosting the biggest number and are expecting to receive even more both from the European Union and from the Syria...

At this point there must be some policy changes for Turkey in regard the refugee regime. First of all the clause of geographical limitation of the 1951 Convention which Turkey still maintains should be cancelled as it is ineffective by the fact that there are many non-Europeans who are residing in the country (İçduygu 2015). The LFIP is providing protection to asylum seekers by not taking into consideration the country of their origin so the geographical limitation is unnecessary in that case, as the exclusion of non-Europeans is unquestionable with the Syrian refugee crisis. Secondly; the policy makers should eliminate or edit the express of the ‘Turkish descent and culture’ which still exists in the Settlement Law that encourage people that conform with the phrase to come to Turkey (İçduygu 2015) as again it does not reflect the reality.

There are two possible scenarios for the impacts of the Syrian refugee crisis for Turkey. Firstly, if the civil war in Syria would come to an end, the refugees can return to their country where they could encourage Turkey's leadership role in the region; and on the other hand the second scenario could be that if the conflict continue to prevail, the Syrians in Turkey should integrate themselves in the Turkish society (Sert 2014) there is no other way.

As the Syrian refugee crisis has reached its fifth year, it should be accepted that the civil war in Syria is not going to end in the very near future and the refugees would not be able to return to their country immediately. Both the international community and Turkey should come up with possible scenarios that would help to pass this period with the easiest way for everyone's behalf.

The Syrian refugee crisis changed Turkey's policy. The crisis could be accepted to be seen as a motive for Turkey in order to reshape its immigration and asylum policy with the Law on Foreigners and International Protection and the 2014 Regulation that followed. The difference of the Syrian refugee flow with the previous refugee flows that Turkey experienced is that in all the previous cases Turkey had as a priority the 1934 Settlement Law and acted in accordance to that, however in the current crisis Turkey developed its asylum policy so that to be able to deal with the Syrian refugees that came from the time that the conflict took place in Syria. In comparison with previous refugee flows the Syrian refugee crisis is the biggest and the most important one that Turkey is facing and this is very clear from the number of the refugees that arrived in the country.

To summarize, Turkey's legal framework regarding the asylum seekers and refugees changed throughout the years. For this the refugee flows and the policies of the government

played an important play. The Bulgarian migrants, the Iraqi Kurds, the Bosnian asylum seekers and the Kosovar refugees constitute the flows that Turkey faced in the 1990s, following the political conflicts that took place in their countries. Finally Turkey is playing an important role in the Syrian refugee crisis, which is accepted to be the biggest one after the Second World War, by hosting the biggest number of refugees.

CHAPTER 4

SYRIAN REFUGEE CRISIS IN THE EUROPEAN UNION

Europe is facing one of its biggest challenges in its history, the Syrian refugee crisis. Starting from the summer of 2015, a massive flow of refugees started to arrive to the European territory. Until that time, the European Union did not understand the seriousness of the situation that was taking place in its neighbouring countries. While the neighbour countries were struggling with the crisis, Europe had the Euro crisis to solve firstly and the refugees were not between its primarily concerns. One of the reasons that the European Union could not succeed to constitute an effective response to the Syrian refugee crisis can be accepted to be that the “member states face a number of genuine challenges –in policy and practical terms–” (Metcalf 2015, p. 4).

As the crisis deteriorated in the European Union and the migrants kept coming through illegal ways and in very dangerous conditions, European Union initiated a process in order to find solutions to stop the immigrant flows to Europe. It is characterized as self-obsession the attitude of the European Union, when its primarily concern was the refugees in its borders, rather than the refugees in the neighbouring countries who are driven into disputes (Gilbert 2015). Due to the fact that the European Union does not provide protection in the country of origin the refugees are left to travel with the human traffickers, which is too dangerous, in order to reach the destination that they want (Novotný 2015). There were serious concerns regarding the refugees, who fled to Europe to escape from persecution and to find better living conditions. This crisis should not be accepted as a European crisis but as a crisis mainly dealing with the European member states themselves, as they have disagreements with each other regarding the subject if the refugees should have status determination or not (Gilbert 2015). It was seen that as

the refugee crisis worsened there is not enough support and most states and refugees are left to struggle on alone (Talal 2016). Following the concerns that member states had, the situation led to the creation of a crisis inside the Union among the member states, resulting from the conflicts about which is the best way to handle those ones who were coming to their territories. It was surprising that we could not see an integrated Europe, in a time of crisis as it should be, as the Union itself representing a unity among 28 member states. The disagreement originated problems in the political, economic as well as social levels of the member states but also between the relationships with each other. The question that arises is if the agreement that decided to be made with Turkey would be helpful for European Union to resolve that problems.

As this chapter will be the last one, it will be good to see the full picture of the refugee crisis in the European Union. Afterwards the middle of 2015, resulting from the unusual media and political attention to the saddening experiences that the refugees were facing in their attempt to reach Europe, pressed the European institutions and the member states to prove that they are able to respond to the crisis (Carrera et al. 2015). However the crisis lead the way to show how ineffective is the immigration and asylum policy of the European Union and how the European institutions failed to respond to the crisis. There are many deficiencies in the regime that made impossible the member states to follow the rules and also to make possible the resolution of the refugee crisis following the policy.

In this chapter, it would be beneficial first to analyse the refugee crisis and the problems that came into existence from the inadequate asylum policy of the European Union, secondly the problems that were faced during the endeavour to handle the flow of refugees in the member states will be analysed, and lastly the agreement of Turkey with the 28 member states will be taken into consideration. This agreement was seen as the only chance for the European Union to

end the undesirable refugee flows that caused controversy and affected the integration of the member states.

4.1 A CRITICAL REVIEW OF THE CEAS AND THE EUROPEAN AGENDA ON MIGRATION

The primary aim of the immigration and asylum policies should be to ensure the rights of the refugees and the migrants who migrate to the territory of a country in order to find better living conditions in their attempt to flee persecution and death from their country of origin. European Union when it comes to its asylum policy, should have an effective response to give when it is needed, in terms of to protect the ones who migrate to their territory but also to be able to show the unity and cooperation that the 28 member states have with each other. However, it is a little bit difficult to be succeed; as the member states collaborate with each other when they believe it is appropriate to do so (Novotný 2015). In fact, the member states should observe the asylum policy of the European Union as it is the only and common policy for all the states in order to be able to achieve common objectives (Stavropoulou 2016).

The time when the refugee crisis occurred, the European Union struggled with the economic and financial crisis. This had serious impacts upon the refugees as they tried to obtain the rights that are defined in international and European law (Trauner 2016) due to the fact that the economic crisis created obstacles in the implementation of the policy-making process of the European asylum policy (Trauner 2016).

As it is already stated, the European Union's member states are signatory states of the 1951 Geneva Convention and of its 1967 Protocol. In addition to them, European Union has created its own asylum policy which is comprised of the European Convention of Human Rights

(ECHR), the European Charter of Fundamental Rights and the Common European Asylum Policy which is formed by the Directives and the Dublin Regulation. The ongoing asylum policy “attempts to harmonise the rules and conditions that apply to asylum seekers across all EU member states” (Metcalf-Hough 2015, p. 4). However, there are some problems in the implementation of the policy that made difficult to manage properly the refugee crisis in the European Union.

The basis of all of them is the Dublin Regulation which rules are difficult to be imposed to the people fleeing from the Syrian war. The Dublin System began its journey as Dublin Convention back in the 1990 when it “superseded the seventh Schengen Chapter on this issue, and thus became the first instrument of the European Community actually dealing with asylum policy and creating an ‘effective system’ for allocation of the responsibilities of Member States in examining claims for refugee status” (Bačić 2012, p. 46). There was an urgent need to create that kind of a system as after the border controls liberalisation that occurred in the beginning of the 1990s in the European Union many disputes came into existence regarding the asylum field, that needed to be harmonised (Stubberfield 2012). The primary aim of the Dublin Convention was to foreclose the refugees to go from one member state country to another when their asylum applications are denied (Gilbert 2015). In 2003, the Dublin II Regulation was adopted. The Dublin II determines which member state has the responsibility to analyse an asylum claim (Stubberfield 2012). With this new Regulation, the burden-sharing of the member states did not transformed to something different from what it was in the Dublin Convention (Bačić 2012). It is worth to note that “the EU adopted a series of laws defining minimum standards in areas such as the reception and qualification of asylum seekers in order to reduce differences between member states’ asylum systems” (Trauner 2016, p. 313). It was 2008 when the European Commission

proposed for the replacement of the Dublin II and in 2013 the Dublin III came into force. According to the Dublin III “the most important criteria for the allocation of the responsibility to examine an asylum claim are the country where asylum was first sought and the country where the asylum seekers first set foot in the EU” (Stavropoulou 2016, p. 8). Therefore, the member state which the refugees first enter and seek for asylum, is responsible to deal with the claim (Novotný 2015). Additionally, with the last regulation of the Dublin System the asylum seekers are awaited to stay where the European Union tells them to (Stavropoulou 2016). Asylum seekers but also the ones who are waiting to be granted with asylum are expected to stay in the country on which they are dependable on as they do not have the right to change location inside the European Union (Bačić 2012). The Dublin Convention and the Regulations that came afterwards are encouraged exactly the same thing in order to prevent the refugees to make a second application for asylum in another member state country if their applications were not accepted in the first country that they set foot. It is totally different from what the 1951 Convention is imposing to its signatory states. The Convention “does not require persons fleeing to seek status in the first safe country, whatever that might mean, to which they come” (Gilbert 2015, p. 532). The rule of seeking status determination only from the country of first entry both for the receiving state but also for the refugees create serious problems and do not let the refugee protection to function properly. The main reason for this dysfunction is caused mainly by the member states which are avoiding to share responsibility when it comes to refugee protection and let alone the states who are at the external borders of the European Union, which logically are the ones who receive the mass flows of refugees (Selanec 2015). Actually, what is more important to be done especially nowadays in the biggest refugee crisis since the Second World War that Europe is facing, is to make the member states to unify with each other but also with

the countries which bring the first asylum in the country of origin (Stavropoulou 2016). In order this to be succeed what politicians should done is “to engage in a protection-oriented narrative that explains Europe’s obligations towards refugees and the necessity for all countries to participate equally in refugee protection efforts” (Stavropoulou 2016, p. 9).

The Lisbon Treaty, on the other hand, by being the Treaty on the Functioning of the European Union (TFEU); moved a little bit forward in order to make the CEAS to be a part of the constitutional level of the European Union (Bačić 2012). CEAS for the European Union is a very important policy that not only the member states contribute to its process, additionally “many competences shared between member states and the EU, involving interests not only of interest groups in the member states, the national governments and the societies but also the EU institutions” (Sommer 2013, p. 46).

With the arrival of Syrian refugees in Europe from the last year onwards, the CEAS as it can be noted faced serious challenges due to all the above listed rules which resulted to weaken its hegemony. However, critical times can also be beneficial; this is the reason why the European institutions are now developing their mechanisms in order to be able to respond efficiently having in mind the future of the Union (Collet 2015). And that is why almost one year ago, the European Commission proposed to activate the European Agenda on Migration which was supported by the European Council and the European Parliament as well, in order to give the emphasis of the needed solidarity and the responsibility that should be shared between the member states, to tackle the refugee crisis.

The European Agenda on Migration which adopted in May of 2015, is a document related to the immigration and asylum and also for the border security of the Union (Carrera et

al. 2015). With the activation of the European Agenda on Migration the European Union enforced lawful, operative and economic measures to confront the problems of the refugee crisis (Selanec 2015). The Agenda actually had three main priorities. First of all is to save lives at the sea, to prevent more people to die in their attempt to reach Europe, secondly; to secure the borders of the European Union by not ignoring the international obligations and lastly; to find out solution for the improvement of the European asylum system which showed how deficient was to respond to the refugee crisis (Selanec 2015). As the main problem of the CEAS is the Dublin Regulation, it was accepted to be the initial point for the administration of the refugee crisis in the European Union (Selanec 2015). It is stated by the Commission that; “It is clear that we need a new, more European approach. This requires using all policies and tools at our disposal – combining internal and external policies to best effect. All actors: Member States, EU institutions, International Organisations, civil society, local authorities and third countries need to work together to make a common European migration policy a reality” (European Agenda on Migration 2015). As there is a persistent gap that exists between the asylum policy of the European Union and the policy implementations of the member states, the European Union was forced to undertake the policy reforms (Trauner 2016).

Furthermore, the Agenda on Migration highlights how important it is to collaborate with the countries of origin and the countries of transit (Selanec 2015). In this regard; the strongest collaboration made with Turkey “as the country hosting the greatest number of refugees worldwide....the joint EU-Turkey action aimed to support Syrian refugees and their hosting communities in Turkey, discouraging them from reaching the Union’s borders and reducing their incentive to move towards the EU” (Selanec 2015, p. 81) which cooperation will be elaborated below later on.

It was also agreed upon an emergency relocation plan which is stated by the Commission that “will include a temporary distribution scheme for persons in clear need of international protection to ensure a fair and balanced participation of all Member States to this common effort” (European Agenda on Migration 2015), so that to make fair the distribution of the burden-sharing between the member states, for 160.000 migrants from the countries of the external border of the EU; Greece, Hungary and Italy (Trauner 2016). Without this relocation plan it was anticipated that the disputes between the member states will aggravated as they will impose new controls in their borders which will damage the Schengen widely (Hampshire 2015).

Even though the efforts of the European Union to harmonise and bring unity in the CEAS, the asylum systems of the member states continue to present considerable inconsistencies with each other (Trauner 2016). Despite the fact that the political leaders support the idea that a border free Europe and immigration issues are totally European issues; the policies and the implementation of them still persisting to be based on national interests (van Selm 2016).

4.2 SYRIAN REFUGEE CRISIS IN THE EUROPEAN UNION

The Syrian refugee crisis came into existence in a period that at the same time the member states of the European Union were facing the financial and economic crisis that started in 2008 which was not succeeded to be overcome. But it was not just this that prevailed in the European atmosphere. More specifically; the refugee crisis occurred while there was an important struggle in the Greek economy, there was a considerable rise in the populist anti-EU parties in many member countries of both the left and the right wing, there were serious concerns regarding the United Kingdom while there was also breakaway behaviours of some members states as well as the problem with Russia and the menace from the ISIS (Heisbourg 2015). All of them as a result

had some impacts upon the treatment of the refugees by the Europeans as the “increasing level of unemployment and a decrease in the standard of living in certain member states have led to rise in xenophobia, racism and violence against third-country nationals” (Trauner 2016, p. 313). All of the above mentioned have also to do especially with the rise of the extreme right wing political parties in several member states. More specifically the economic crisis, the migration crisis and the terror attacks that took place in the Paris and Brussels triggered their rise (Henley et al. 2016). The euro crisis together with the refugee crisis that showed to be difficult to be handled, originated the necessary ground that the right wing parties needed in order to challenge the existing political system (The rise of the far right in Europe 2016).

Martin Schulz in a speech that made in early 2016, emphasized the importance of the collaboration between the member states. He stated that; “a crisis of this magnitude cannot be solved by nation-states single-handedly. But it can be solved through cooperation. And it can be managed if we start managing it together” (Trubulent Times 2016). However, most of all the efforts that have been done was mainly ad hoc solutions for the difficulties created in EU territory and basically the aim was to restrain the refugees to come to the European Union (Selanec 2015). Furthermore, instead of cooperation there prevailed lack of agreement between the member states and this had as a result to be divided into groups (Lehne 2016). This is one of the primary reasons that the refugee crisis is exacerbating the economic, social and political problems of Europe, so that it becomes unable to deal effectively with the problems of this period (Heisbourg 2015).

Despite the fact that, it is not the first time that Europe is facing that kind of a refugee crisis it happened to create serious political problems originated from debates both in political and public arena, which showed even more the weak point of the immigration system of the

Union (Metcalf-Hough 2015). The unexpected refugee flow had also significant effect on the politics of the member states; which produced new disputes between the states and aggravated pre-existing conflicts (Heisbourg 2015). One of the most important problems is the issue that the member states who are in the northern part of the European Union tried to guarantee that the refugees are persisting in the southern and eastern member states, by not being concerned that the economic crisis of 2008 had hit mostly those countries and they do not have the necessary means to manage those people (Gilbert 2015). Greece, is the one, which left all alone to struggle with thousands of refugees, while it had an economic crisis to overcome.

Notwithstanding, it is worth to note the changes that had made some member states in their asylum system for the behalf of the Syrian refugees. Germany, back in August of 2015 declared that it will postpone the deportation of refugees from Syria allowing them to seek for asylum (Achieme 2015). There are some arguments also of the German Chancellor Angela Merkel who stated that “the immigrants bring prosperity...” (Refugees in Europe 2015, p. 7) and this encouraged the refugees to seek asylum in Europe. Against this stance which is also supported by Sweden, there were the opposed ones like the Czech Republic, Poland and Hungary which implemented some policies by their ruling parties and are definitely in opposition with the previous two (Pătraşcu 2015). This opposition derives also from the decision of relocation of refugees accepted by the European Agenda on Migration. It is highly surprising the respond of the Hungarian Prime Minister, Viktor Orban, “whose government had responded to the influx by building a razor-wire fence at its border with Serbia, insisted that the Dublin system should be upheld” (Hampshire 2015, p. 10). Although the system showed its inefficiency, the main reason for that kind of a support comes along with the hope that the country would not have to deal with the Syrian refugees, as the entry to the first country rule applies widely. Hungary was highly

criticized for building the fences, as it was the first country to do so; but as the situation worsened other countries adopted the same tactic (Lehne 2016). However, by closing the borders and using razor was is something unacceptable as it is a prevention of the main rights of the refugees, with violence, to seek for asylum (Gilbert 2015). It is worth to note that Denmark also put border controls in its border with Germany (Bal 2016). Additionally, there were seen country examples for not taking advices of a neighbour country either for putting fence of borders or barriers or sending the refugees to the neighbouring countries without informed them first and done all of the above with or without applying the rule of the first entry country as the Dublin requires (Novotný 2015). Those countries can be accepted to be transit countries which tried to deflect the mass of refugees to other states by closing their borders or if that could not be done let the refugees to leave their country to the next one as fast as they could to do so (Lehne 2016). As a consequence of all these occurrences, the former President of France Nicholas Sarkozy has declared Schengen to be dead (Bal 2016). The Schengen is one of the biggest accomplishments of the European Union, in case of a damage that it could take, the single market can be harmed very critically (Bal 2016).

While some politicians of some European states “consider that this is a humanitarian crisis and the member states should act accordingly, other believed that these people are migrants and not refugees, since they want to go to the most developed EU countries, where they could have the best opportunities” (Diaconu 2015, p. 882). It is clear the division of opinions between the Western European states and the Central and Eastern European states. In the most cases, the negative opinions belongs to the second group.

European Union’s member states also faced some challenges in their economies. Those states can be listed as the member states which influenced most from the financial and economic

crisis of 2008 and also the ones that can be characterized as post-communist states. It was the time when the refugee flows began to Greece in order to move from there towards the other countries the post-communist member states of the European Union declared that it would not possible for them to accept an enormous number of refugees inside their borders (Heisbourg 2015). Those countries had also lived in isolation for many years that they were not ready to accept a mass inflow of refugees (Lehne 2016). For the other countries like Greece, Italy, Croatia and Hungary, which are also at the external borders of the European Union, the unstoppable move of the refugees towards them ruined their asylum system at the time when they were totally weak economically (Metcalf-Hough 2015). For instance; due to this weakness, Greece and Italy could not keep the refugees inside their borders and permit them to leave wherever they desired which led to the creation of unbearable burden to Germany, Sweden, Austria, the Benelux countries as well as to Finland (Lehne 2016). Because of the fact that “there is a substantial financial cost to countries receiving large-scale influxes of refugees and others granted international protection in terms of integration support (e.g. housing, educations, health and other welfare services)” (Metcalf-Hough 2015, p. 4) it is a difficult cost for many European states which still have financial troubles and could not get any better with their economies to handle it. Actually in that case they are not the ones which create the unfair burden by could not handling economically so many people as there are many needs that should be meet, but the asylum system itself. Due to the fact that it is accepted that the refugees influenced negatively the economies of host communities reciprocally the citizens of the host states unfairly blaming the refugees for the worsening of the situation (Tan 2015). The economic implications that the refugees had caused in the European Union led to the creation of diverse perspectives inside the union. An interesting point is that some economists believed that, the Syrian refugees are

affecting the welfare level of the European citizens by originating diseases, inadequacy of food and land, wage rivalry so on and so forth (Diaconu 2015). Beliefs like this, originates conflicts between the citizens of the member states and the refugees and creates dissatisfaction and conflicts for both parts.

It is important for European states to make the refugees' arrival in the host countries safely and also to make easy their integration to their societies as those people are vulnerable, faced persecution and fled war. However, despite the efforts that Germany and Sweden had showed this period for the behalf of the refugees, the other countries also should show more hospitality in order to develop a better relationship among the refugees and their host member states (Pierini). Because of "the growing numbers of refugees and their actual and perceived and negative impacts on the host countries, the initial warmth and generosity that locals had extended to refugees is declining" (Tan 2015, p. 2). There are clearly social differences between the refugee communities and the host communities. This encourages to the strengthening of the fear of the Europeans by the Islamization of Europe. The refugees are accepted to be the terrorists they are fleeing of (Žižek 2016). This fear is the main reason of their treatment once they step in the European Union. As Dearden mentioned in his article; there are some steps that follow after the entry in the Union; firstly as the law requires all the refugees must be fingerprinted, secondly all of them are numbered and are detained if necessarily and lastly the police force is the first thing that they see when they first arrive (Dearden 2015). Those people travel in very difficult conditions in order to be welcomed under these circumstances. What should be done in the social level is "a re-orientation from depicting the refugees as a security threat to Europe, as a flood or as a plague" (Kratochvil 2015, p. 3) because they are war refugees whose main consideration is

to survive. All of these tensions in the social level are creating an environment which affecting negatively the situation of tomorrow (Tan 2015).

All of the above, draw a picture of the member states of the European Union which are unstable and incompatible with each other. The unprecedented mass of refugees are accepted to be not only a threat to the integration of the union but also the Schengen. In order to protect what has been achieved many years ago, it is time for member states to show their solidarity instead of challenging and conflicting each other. The primary aim of the readmission agreement that made with Turkey for the prevention of the refugees to reach the European territory was an attempt to stop the illegal migration and then bring prosperity in the inter-state relations of the member states.

4.3 EU-TURKEY READMISSION AGREEMENT

As the numbers of the refugees arrived and those who drowned in the Aegean in their attempt to reach Greece from Turkey increased day by day after the summer of 2015, the leaders of the member states saw it inevitable to stay apathetic to the crisis which deteriorated as the time passed. According to Bal; European Union in order to prevent the illegal migration is applying the readmission agreements (Bal 2016). That is why “the EU had been bending over backwards to engage with Turkey, in the hope that the country will cooperate in stemming the flow of refugees” (Carrera et al. 2015, p. 8). After the decision of cooperation there were held two summits with Turkey, the first one in October and the other one in November. This is how the bilateral relations between European Union and Turkey increased, at the time when the member state of the European Union found themselves unready to react to the refugee crisis (Müftüleri-Baç 2015). While until the summer of 2015 the European Union did not come up with an

effective solution in order to prevent the refugee flows, Turkey on the other hand was feeling all alone as there was no help from outside in its policies to deal with the flows, which were failing (Duvell 2016).

The parties accepted “to activate the Joint Action Plan to step up cooperation for support of Syrians under temporary protection and migration management for the purposes, according to the statement, to address the crisis created by the situation in Syria” (Carrera et al. 2015, p. 8). As the EU needed desperately Turkey in order to prevent the refugee flows, Turkey on the other hand; wanted to regenerate the accession negotiations with the union (Bal 2016). They showed each other mutual dependency in order both of the desires to be fulfilled, but also it was a motive to help the parties to compromise easier (Bal 2016). The Council approved the plan and in the summit held in 29 November 2015 the Action Plan came into force (Bal 2016).

On 18 March 2016 the EU-Turkey Readmission Agreement was agreed to be activated in June 2016 in order to prevent the irregular migration. As the European Commission stated; the primary aims of the deal are “to replace disorganised, chaotic, irregular and dangerous migratory flows by organised, safe and legal pathways to Europe for those entitled to international protection in line with EU and international law” (Implementing the EU-Turkey Agreement 2016). Turkey and Greece are the two countries responsible for the implementation of the agreement. The political and economic developments that occurred recently, showed to both countries how much important are for each other (Bal 2016). With the agreement it is anticipated firstly that the refugees will be dissuaded to travel through the Aegean Sea from Turkey to Greece in dangerous conditions (Migrant crisis 2016) and secondly the business of the smugglers will come to an end (Desperate times 2016). According to the EU-Turkey Readmission Agreement;

- 1) All new irregular migrants whether persons not applying for asylum or asylum seekers whose applications have been declared inadmissible 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 from Turkey directly;
- 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 liberalisation 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 mobilise additional funding for the Facility up to an additional €3 billion to 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-energised, with Chapter 33 to be opened during the Dutch Presidency of the Council of the European Union and preparatory work on the opening of other chapters to continue at an accelerated pace;
- 9) The EU and Turkey will work to improve humanitarian conditions inside Syria (Implementing the EU-Turkey Agreement 2016).

This agreement constitutes an important place for the fate of Turkey. Turkey by being the main country of transit for refugees in their way to Europe is also hosting the biggest number of refugees since the beginning of the conflict in Syria. Despite this fact, Turkey will accept the refugees from Greece whose asylum application is kept out or whose application is inadmissible (Dimitriadi 2016) while it is maintained by the UNHCR Asylum Trends mid-term report for 2015, that Turkey is one of the biggest countries receiving refugees in the world (Kirisci 2016). Furthermore the asylum system in Turkey does not supply the same provisions that the European Union would provide to them (Dimitriadi 2016). That is the main reason of the desire of refugees

to leave Turkey as not all of them have the possibility to be provided with work, education and healthcare (Grammaticas 2016). While the aim of the deal is the close cooperation in order to stop the flows from Turkey to the Greek islands in exchange of the relocation of the Syrian refugees to the EU (Refugee crisis: EU and Turkey 2016), it is worth to note that the 72.000 places of relocation that is being provided to Turkey is not going to make a change as it is already hosting almost 3 million refugees, and the visa liberalisation that is being promised by the EU is not ensured while at the same time the €8 billion that EU agreed to give to Turkey in the belief that the arrivals will be decreased is not for sure that will be effective as the legal basis of the agreement is not stable (Dimitriadi 2016).

According to Franck Duvell; in order to make this agreement to reach its scope there are some measures that needed to be undertaken both from Turkey and the EU. Firstly Turkey must grant a refugee status to the refugees according to the EU and international law and secondly it should achieve an integration strategy in order to persuade them to stay in Turkey; on the other hand EU should convince some member states to dismiss the opposition that they have for the visa liberalisation for Turkey and also the ones who refused to accept refugees must change their stance (Duvell 2016). If all the above succeeded the agreement would function well and no problems will be arise in the implementation of it. It should be noted however, that the agreement of Turkey with the EU is not a European solution but a temporary one for EU and will be succeed if it going to be fully enforced, which is uncertain (Dimitriadi 2016).

Regarding the implementation of the deal, it is true that there are many doubts and critics and different arguments from many analysts. Some of them argues that; despite the fact that Turkey will receive the financial aid in order to prevent the refugees to reach Europe, it will not be able to prohibit the flows, until the civil war in Syria come to an end (Bajekal 2015). Then

again, critics have declared that this agreement could oblige the refugees to start trying new routes to reach Europe, which would be more dangerous, and as an example they gave the journey between North Africa and Italy (Migrant crisis 2016). Additionally it is stated that, the coercive deportation of thousand refugees from Greece can be resulted to be an irrational nightmare (Desperate times 2016). It is also highly criticized that the member states prefer not to take responsibility in order to manage the irregular migration within and beyond the EU, and they rely on partner countries for the resolutions (Dimitriadi 2016). This generates the notion of many critics together with the Amnesty International blaming the European Union that at a time of global crisis the EU is refusing to help the refugees (Migrant crisis 2016).

In the end what is supposed to be succeed with the EU's trust on Turkey is the resolution of the refugee crisis outside the borders of the European Union, in Turkey, but meanwhile with the financial and administrative support of the European Union (Müftüler-Baç 2015).

It is estimated that throughout the 2015 1,000,573 refugees had come to Europe, coming through the Mediterranean, especially from Greece and Italy (Over one million sea arrivals 2015). From the one million refugees the ones that came through the sea are 856.723 (Refugees/Migrants 2016), if we do not count the one who were missing who are probably drowned. The collaboration with Turkey in order to decrease these numbers written above were seen as the best scenario. However, if this collaboration will help the European Union to solve its problems on the political, economic and social grounds is still questionable. Probably it will lessen them but won't be able to make them disappear. On the political ground, first of all member states have to solve their domestic problems and then the problems and disputes that they have with each other regarding the asylum system. As some of them are not accepting Syrian refugees inside their borders it is an important question how they are going to accept to

relocation of the Syrian refugees from Turkey that will come to Europe, as it is agreed in the Readmission Agreement. They should cooperate in order not to lose their integrity. Economically speaking, this agreement will probably help to the distribution of burden that had been imposed to Greece for several months. And also it is an important step for the member states to be able to keep their unity in the Schengen, having in mind the importance of their single market. Lastly the social problems are arising from the last terror events that are taking place in Europe. The refugees are accepted to be the terrorist from whom they are running away. Feeling that, all of them will be staying in Turkey should probably ease the member states, however in order to solve the feeling of xenophobia that prevailing among them, the political leaders and the heads of the European Union have an important role to play.

To conclude, due to the many deficiencies of the CEAS and the insufficiency of the Dublin Regulation to deal with the Syrian refugee crisis, the European Union decided to establish the European Agenda on Migration for the border security of the Union and the prevention of deaths in the Aegean. Additionally, the Readmission Agreement with Turkey was seen the best solution for the resolution of the refugee crisis while the member states had disagreements and conflicts with each other regarding the best way to handle the crisis.

CHAPTER 5

CONCLUSION

International protection for refugees came into existence as a result of the movements of forced people who increased more and more every year after the First World War. It was seen as a very significant responsibility for the states, as the international protection of refugees were accepted to be firstly the laws for protecting the human rights and secondly for the handling of international migration.

The story of the international protection of refugees began with the League of Nations; which was followed by the UNRRA, IRO and then the UNHCR. The main purpose in all of them was to create a legal framework to tackle the refugee issues. Between all of them the UNHCR is the most important one, which started to protect the refugees officially in 1951. In the same year, UNHCR established the 1951 Convention Relating to the Status of Refugees which is the basis of the refugee law and it still exists today. The Convention entered into force in 1954 and had only one revision after 13 years the 1967 Protocol. With the protocol the Convention took a universal character by eliminating the time and geographical limitations. The UNHCR was accepted to be the leading humanitarian organisation and it is encouraging the states to cooperate so that to share responsibility in refugee related issues. However it has been seen that, the burden sharing issue is not fair. Additional to the UNHCR there are also other organisations that help to the protection of refugees like the OSCE and the European Union. There is a strong cooperation between OSCE and UNHCR, however it is argued that is not enough and there is a long way to go, as the needs of the refugees are adequately met. There is also a strong cooperation among European Union and UNHCR firstly with the member states of the EU which all of them are

signatory states to the 1951 Convention and to its Protocol. European Union besides the European Convention on Human Rights and the European Union Charter of Fundamental Rights which are the two basic instruments related to human and refugee rights, has the Council of Europe where tries to find plausible solutions for the refugee crises. The Common European Asylum System seemed to be a little bit problematic which derives mainly from the Dublin Regulation which showed its inefficiency with the first country of entry rule.

Given all the efforts that have been done for the international assistance of the refugees, it is seen that the practices are insufficient. Firstly because all the above institutions are inadequate to provide protection in the country of origin before many people to be displaced and secondly because there are still many countries that avoid to share the burden in refugee related issues, even though they are signatories of the 1951 Convention which is the binding refugee law for everyone. What should be done is to place importance on the international cooperation which can only be successful through the desire of the involvement of all the nations.

With the Syrian crisis that is ongoing for five years now, the institutions and organisations named above have a very big role to play in order to meet the requirements and the needs of the vulnerable people trying to flee persecution for a hope of a better life. However, the institutions in the resolution of the situation played a minimal role in comparison to Turkey. Turkey had the leading role all of these years, as it found itself in the middle of the conflict.

Turkey, back from the Ottoman Empire onwards had been a country of immigration and received many refugees and migrants in its territory. However while in the first decades of the Republic, Turkey was characterized to be a country of emigration afterwards it turned to be a country attractive to migrate. The primary reason for that can be accepted to be the geographical

location of the country by being a bridge country between European Union, Asia and Middle East. Turkey all of these years did not succeeded to formulate a comprehensive asylum law. For many years it functioned with accordance of the 1934 Settlement Law regarding the migration issues. Turkey is also one of the signatory states of the 1951 Convention albeit with the geographical limitation. At the beginning of the 1990s, the developments that took place such as; the sudden rise of the migration flows to Turkey and the period of the EU harmonization process forced Turkey to improve its migration policy. Lastly the Syrian refugee crisis led Turkey to welcome its new law on asylum, the so called Law on Foreigners and International Protection.

The Turkish government responded very differently in all the flows of refugees to Turkey in the beginning of the 1990s and in the following years. The Bulgarian Turkish, the Iraqi Kurds and the Bosnian Muslims constitute the migrant groups of that period of time. The political conditions of the times that the flows occurred, national security concerns, the ethnic background of the migrants and also the policies of the Turkish government led the refugees to be handled differently from each other.

Notwithstanding the Syrian refugee crisis is a very different case from the previous ones. From the beginning of the conflict in Syria, Turkey is hosting the biggest number of refugees in its territory in comparison to other countries, while the attitude of the international community towards this crisis was unacceptable. With the open-door policy, Turkey accepted those vulnerable people in its territory with the belief that one day the war will end and all of them would be able to return to their home and that is why the government provided them with temporary protection and humanitarian assistance. The Syrian refugees in Turkey, played a significant role for the country itself, as they made possible the change in the migration policy with a more comprehensive asylum law. As the numbers of the refugees deteriorated Turkey

sought support from the international community, as it was not a situation that could be handled all alone when it was affecting many balances in the world politics.

When the crisis hit the door of the European Union, in the summer of 2015, the European leaders decided to move a step forward to prevent the plausible expansion of the refugees in the European territory. During this period except from the Euro-crisis that the member states were facing, they have also serious disagreements about what is the best way to handle the refugee crisis. Those conflicts created problems, not only in the integration of the member states but also originated problems in many levels. As it is already stated the EU have a weak asylum and this played a critical leading role of how the crisis would be handled. The Dublin Regulation which advocates the rule to seek status determination from the country of first entry showed the insufficiency of the system to deal with the Syrian refugees because of the first country of entry rule that is being applied.

The Agenda on Migration that was adopted was a necessary move in order to enhance the asylum policy of the Union in regard to the refugee crisis. Even this attempt was faced with opposition between the member states. It was difficult to reach a common agreement and this difficulty and the disputes that they have with each other lead the way to the political, economic and social problems in the European Union. The only way out, an agreement with Turkey, anticipated to solve the above mentioned problems but also to stop the refugee flows.

The cooperation was ensured through the interest of both sides. As long as Turkey would be able to stop the flows through the Aegean Sea, with the fund that would be provided, the EU promised for the opening of some chapter for the accession negotiations and the visa liberalization process which are of high interest for Turkey. Additionally it was agreed the

resettlement of a Syrian refugee from Turkey after every refugee return from Greece. Turkey should not be underestimated with the almost three million refugees that is hosting. The agreement not only won't make a difference to Turkey's handling of the refugees but it will impose much more burden upon itself.

It is questionable whether the agreement will be able to achieve success, and to solve the problems of the European Union, as there are details that should not be connivance. Having in mind the challenges that the Southern member states faced with the refugee crisis, the return to Turkey of those who are being hosted by those states would probably ease the states such as Greece and Italy. On the other side, the relocation is not going to be accepted conveniently if we take into consideration the stance of some states towards the refugees. This problem will sharpen the pre-existing political disagreements between the member states. Furthermore, as there is the existent nationalism and the fear from Islam the rejectionist attitudes will persist both in the European public but also between the leaders of the European community. Turkey should not be forgotten in this case as it is visible that the refugees not only will come back through the EU but also the flows will continue from Syria as long as the war does not end soon.

Given the fact that the Syrian crisis of refugees is very current, there is a long way to go and many researches to be done as it is highly wide subject, and in which there are a lot of issues that needed to be analysed. Especially, starting from my research question a comprehensive research could be done in the near future, to see whether the Readmission Agreement will have succeeded to reach the dimensions that is expected to. In addition, another good study could be a research between the refugees who return from Greece to Turkey; to analyse their thoughts and perceptions for the asylum systems and the way in which they had been handled by European Union and Turkey.

It is difficult to be able to understand the difficulties and the experiences that the Syrian refugees have faced all of these years. Many people have lost their lives, tortured and lived in very difficult conditions. All the involved sides in the conflict but especially the ones who are hosting the refugees should come with valid solutions to make the lives of the refugees easier by providing them the basic necessities without trying to eliminate them.

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