EU-Turkey Agreement

18. March 2016
in effect since 20. March 2016
Facts: EU and Turkey agreed that...

new irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey

for every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU (1:1 scheme beginning in April)

Turkey will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU

Once irregular crossings between Turkey and the EU are ending a Voluntary Humanitarian Admission Scheme will be activated

The EU and Turkey will work to improve humanitarian conditions inside Syria
What does Turkey get?

lifting visa requirements for Turkish citizens by June 2016

disbursement of the initially allocated €3 billion under the Facility for Refugees in Turkey - when used then additional funding an additional €3 billion to the end of 2018 (for the purposes of providing access to food, shelter, education and healthcare)

work on the upgrading of the Customs Union

the accession process of Turkey will be re-energised
Who will be returned?

People who do not have a right to international protection will be immediately returned to Turkey

Accordingly to the bilateral readmission agreement between Greece and Turkey

From 1 June 2016:

this will be succeeded by the EU-Turkey Readmission Agreement

following the entry into force of the provisions on readmission of third country nationals of this agreement
Legal basis

in line with EU and international law requirements and the principle of non-refoulement

asylum seekers applying in Greece will have their applications treated on a case by case basis

individual interviews, individual assessments and rights of appeal

no blanket and no automatic returns

Possibility of declaring an application “inadmissible”, that is to say, to reject the application without examining the substance

**DIRECTIVE 2013/32/EU** - on common procedures for granting and withdrawing international protection
Possibilities for declaring asylum applications inadmissible

1. first country of asylum

(Article 35 of the Asylum Procedures Directive): where the person has been already recognised as a refugee in that country or otherwise enjoys sufficient protection there;

1. safe third country

(Article 38 of the Asylum Procedures Directive): where the person has not already received protection in the third country but the third country can guarantee effective access to protection to the re-admitted person
Safeguards

applications need to be treated individually

due account must be paid to the situation of vulnerable groups (in particular unaccompanied minors)

specific attention should be given to persons who have close family in other Member States and for whom the Dublin rules should be applied

applicants will also be able to appeal their decision

return decision is suspended automatically while the appeal is being treated
Coordination of support

the Commission will coordinate and organise together with Member States and Agencies the necessary support structures to implement it effectively

European Asylum Support Office (EASO), FRONTEX in cooperations with NATO, and Europol

migrants who might consider travelling irregularly to Greece are informed by EASO workers about relocations

The UNHCR will be a key actor in the resettlement process to provide additional support and supervision.
How many have been returned so far?

The return of irregular migrants started on 4 April by 20. April 2016 - 325 persons who entered irregularly after 20 March and did not apply for asylum after 20 March have been returned from Greece to Turkey.

In total, 1,292 migrants have been returned under the bilateral readmission agreement between Greece and Turkey in 2016, with most of return operations taking place in March 5.
Further legal steps in Greece and Turkey

Greece adopted on 3. April a law setting out the necessary legal provisions to apply, in full, the concepts of **safe third country** and **safe first country of asylum**, as well as ensuring **fast-track procedures** for the examination of asylum applications, including appeal procedures.

20 Appeal Committees currently

future establishment of additional Committees

use of teleconference and videoconference during the asylum procedure at all instances is provided for in the national legislation.
Further legal steps in Greece and Turkey

Turkey adopted a law to clarify that Syrian nationals returning under the new arrangements may request and be granted temporary protection, covering both previously registered and non-registered Syrians in Turkey.

In addition to the legislative changes, Turkey has, by letter of 12 April 2016, provided assurances that all returned Syrians will be granted temporary protection upon return.

According to the EU First Report on the progress made in the implementation of the EU-Turkey Statement - discussions are advancing on providing assurances for non-Syrians.
Challenges

Political Deal
Primary objective: substantial decrease in refugee flows rather than protection for asylum seekers
Trade-offs

Political Expediency vs. Legal Obligations
Domestic politics – rise of support for right-wing groups/parties
Cut legal corners violating EU / international standards despite stated commitment to assess cases individually
Challenges

§ Right to fair process – expedite handling of cases

EC fact sheet: ‘Those who claim asylum will have their application processed, in an expedited fashion, with a view to their immediate return to Turkey if the claim is declared inadmissible’

§ Right to appeal

§ Right to legal aid
Challenges

Building the Bureaucracy
Systems necessary to register, process applications for asylum, handle appeals and return operations take time
   4,000 staff – case workers, judges, interpreters, police officers, security staff/army, return experts, etc.
Competing need for experts – individual EU Member States / Greece
Hotspots in Greece – more than 6 months to build

Tolerance for Turkey’s human rights violations
Need to portray Turkey as a country where refugees right to protection and other rights are guaranteed
Challenges

Potential collapse of agreement

Turkey’s implementation of its part of the bargain is dependent on EU fulfilling its commitments

§ Visa liberalisation roadmap – lifting visa requirements for Turkish citizens
§ Re-energisation of process for Turkey’s accession to EU
Questions:

Will this end all migration to Europe? ... *when one route closes, another one opens*

Is Turkey safe for refugees?

In logistical terms, can the deal work?

What about the refugees currently “stuck” in Greece?

How can vulnerable groups be protected?