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Turkey's Evolving Migration Policies: A Mediterranean Transit Stop at the Doors of the EU

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ABSTRACT

Particularly in Europe, there is a common misconception that Turkey is primarily a country of emigration (or migrant-sending country) and a source country for asylum seekers. However, reality is that Turkey has morphed into a country of immigration, and more prominently a transit country, as a result of intense migratory movements over the last two decades. This paper analyses the evolution of Turkey's migration policies and the way in which EU-Turkey relations have affected Turkey's migration laws and practices.

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Introduction

As a well-documented fact, every year thousands of men, women and children take their chances travelling irregularly on fishing boats, dinghies and canoes across the Mediterranean in a desperate attempt to reach Europe. They cross from West Africa to the Spanish Canary Islands, from Morocco to southern Spain, from Libya to Malta and the Italian islands of Sicily and Lampedusa, and from Turkey to Greece and Bulgaria.[1] People entering the EU irregularly, without passports or visas, do so for a variety of reasons. In some cases, they are fleeing persecution, human rights violations and armed conflict and can, therefore, be considered as refugees who need special protection. More often, they are migrants trying to escape poverty and unemployment. Turkey over the past three decades has played a crucial role as a stepping-stone, emerging as a transit country (or transit zone) for irregular migrants seeking to reach Europe, their final destination. 2015 started off no differently. On 19 January, the Turkish Coast Guard intercepted a merchant ship carrying 333 migrants – the majority of whom were later identified as Syrian refugees – travelling from the Turkish seaport of Mersin en route to Greece.[2] In fact, in 2014 alone, the Turkish Cost Guards intercepted some 12,872 migrants in the Aegean Sea.[3] A more disturbing figure is the recent capsising in late 2014 of a smuggler's boat carrying Afghan migrants off the northern coast of Istanbul, which was attempting to sail to the Romanian coast only to sink minutes after departure,

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[1] Michael Collyer, Franck Düvell and Hein de Haas, "Critical Approaches to Transit Migration", in *Population, Space and Place*, Vol. 18, No. 4 (July/August 2012), p. 407-415.

[2] "333 immigrants captured en route from Turkey to Italy", in *Hurriyet Daily News*, 19 January 2015, http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nID=77134&NewsCatID=341.

[3] "Turkey captures over 12,000 migrants on Aegean Sea in 2014", in *Hurriyet Daily News*, 1 January 2015, http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nID=76371&NewsCatID=341.

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leaving 25 dead.[4]

The Mediterranean as a geopolitical region can, in many essential respects, be defined by successive migrations.[5] With Turkey's geographical proximity to conflict-ridden states on one side (mainly Syria, Iraq and Afghanistan) and the gates of Europe to the other (through Greece and Bulgaria), Turkish migration policy in this "Mediterranean geopolitical region" deserves special attention. Although the country's migration landscape can be characterised by flows of regular migrants, irregular labour migrants, and asylum seekers and refugees patterns, it is the objective of this study to highlight the emergence of Turkey as a "transit country" over the last two decades and the corresponding evolution of its migration policy with a special focus on EU-Turkish relations. Existing statistics on irregular migrants confirms Turkey's transition from a country of emigration to immigration, and increasingly, as a transit country. What is also noteworthy is that over the past two decades Turkey's migration policies and practices have undergone a fascinating process of Europeanisation, an evolution that that goes hand in hand with not only the prominence of Turkey's transit role but also with the rising attention it garners in the context of Turkey-EU migratory system. It is within this dual context of EU-Turkish accession talks and existing realities of mixed migration movements across the Mediterranean that Turkey has taken steps to completely overhaul its migration and asylum policy, most notably by passing the Law on Foreigners and International Protection through parliament in 2013.

1. The evolution of Turkey as a transit country

Although a common misconception still persists, particularly in Europe, that Turkey is primarily a country of emigration (or migrant-sending country) and a source country for asylum seekers, the reality is that it has morphed into a country of immigration, and more prominently as a transit country, as a result of intense migratory movements over the last two decades.[6] The fallacy that Turkey is solely a country of emigration has been perpetuated by memories of mass labour emigration of Turkish nationals to Western Europe in the 1960s and 1970s in the context of bilateral labour recruitment agreements in the post-Second World War era. However, what is less well known is that from the 1980s Turkey has also witnessed flows of migrants into Turkey from diverse backgrounds. For instance,

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[4] Thomas Seibert, "Turkish boat disaster reveals new route for migrants", in *Al-Monitor*, 6 November 2014, http://almon.co/29kc.

[5] Michael Collyer, "Migrants, Migration and the Security Paradigm: Constraints and Opportunities", in *Mediterranean Politics*, Vol. 11, No. 2 (July 2006), p. 255-270.

[6] Ahmet İçduygu, "Irregular Migration in Turkey", in *IOM Migration Research Series*, No. 12 (February 2003), http://publications.iom.int/bookstore/index.php?main_page=product_info&products_id=1307; Ahmet İçduygu, "A Panorama of the International Migration Regime in Turkey", in *Revue européenne des migrations internationales*, Vol. 22, No. 3 (2006), p. 11-21, http://remi.revues.org/3221; Ahmet İçduygu and Kemal Kirişçi (eds.), *Land of Diverse Migrations. Challenges of Emigration and Immigration in Turkey*, Istanbul, Bilgi University Press, 2009.

it is estimated that between 1980 and 2010 more than half a million transit *irregular migrants* were apprehended in the country – primarily from Middle Eastern, Asian and African countries – as they tried to make their way to Europe.[7] This was in part due to political issues and security concerns arising in neighbouring countries such as the Soviet invasion of Afghanistan, regime change in Iran in the late 1970s, the legal turmoil and wars in the Middle East caused by Saddam Hussein's regime in Iraq in the late 1980s and early 1990s, the fall of communist regimes in Eastern Europe and the Soviet Union in the late 1980s and early 1990s,[8] and most recently the Syrian crisis which has seen nearly 2 million refugees enter Turkey. In addition to the increasing intensity of the globalisation process that has led to mobility, the economic collapse in the country of origin (e.g. the poorer republics of the Commonwealth of Independent States) and the close cultural affinity with Turkey (as in the case of Turkish-speaking or Muslim groups) are also important factors behind the migrants' choice of Turkey.[9] Taking into consideration the different characteristics of migratory patterns into Turkey, it is clear that the notion of Turkey being primarily a country of emigration is not only outdated but also inaccurate. As a result, these mixed migratory flows have created a complex migration system involving irregular migrants, transit migrants, asylum seekers, refugees and regular migrants.

However, amidst these multi-faceted migratory flows, Turkey's role as a "transit country" for irregular migrants seeking to reach Europe is not only expanding in terms of volume but is also becoming a highly politicised issue.[10] These irregular transit migration flows predominantly occur in instances where migrants are not able to conform to prescribed, or "legal," orderly border-crossing channels in their attempt to reach their final destination; instead they choose a disorderly and step-by-step movement through various countries.[11] It should be noted that although a commonly used, the term "transit migration" is manifestly political in origin and fundamentally Eurocentric,[12] and whilst the exact definition is contested, scholars point to the unjust association with illegality and criminal networks. This

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is in part due to the common classification of countries as "transit zones" simply because they are situated at the periphery of the EU, the importance placed on migration policies in the context of EU accession talks, and the perpetuation of this perception by evocative images of transit migrants crammed in a boat or scaling a fence in an attempt to circumvent heavily patrolled borders.[13] This observation by no means entails discarding empirical and analytical frameworks such as the category of "transit migrants." It only means that we should be mindful of the socially constructed reality of transit countries and the politically charged nature of the issue.

In order to identify the trends and volume of transit migrants crossing through Turkey it is essential to analyse irregular migration statistics in their totality. Of course, it is a formidable task to obtain reliable and adequate data on irregular migration as the absence of reliable data is inextricably related to the challenges and difficulties of conducting research on irregular migration, not only in Turkey but also across the world. In reality therefore, all irregular migration research begins with a handicap of trying to shed light on a group of people who operate – at times quite literally – in the dark. Nevertheless, there are some indicative estimates available by evaluating figures on persons apprehended by Turkish security authorities on charges of irregular migration. Whilst these figures do not in any way represent the full picture, they do highlight the potential for irregular flows and present a useful tool as a proxy measure of irregular migration, and one that is widely used as a recognised method for academics and practitioners in the field of irregular migration research.[14]

Using the apprehension figures, we see that irregular migration has substantially accelerated from the mid-1990s to the early 2000s. Of course, it is likely that this increase is partly due to the increase in number of migrants but also as a result of improvements in law enforcement. Whereas in 1995, just over 11,000 irregular migrants were apprehended, this figure reached 47,000 in 1999 and over 94,000 in 2001.[15] From 2001 onwards a declining trend was observed, dropping to 50,000 in 2006 before rising to 66,000 in 2008 and once again declining between 2009 and 2010 to 33,000 before a slight increase to 40,000 in 2013. On average over 56,232 irregular migrants were annually apprehended between 2001 and 2013, totalling approximately 731,024 apprehended irregular migrants during these years.[16] However, if we consider that these figures represent only apprehended migrants, it is likely that the scale of irregular migration into and through Turkey is in fact much higher.

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13 Michael Collyer and Hein de Haas, "Developing Dynamic Categorisations of Transit Migration", in *Population, Space and Place*, Vol. 18, No. 4 (July/August 2012), p. 468-481.

14 Ahmet İçduygu, "The Irregular Migration Corridor between the EU and Turkey", cit.

15 Ibid.

16 Ahmet İçduygu, *International Migration and Turkey, 2013-2014*, OECD SOPEMI Country Report for Turkey, Istanbul, MiReKoc, Koç University, 2014.

It is widely known that there are three main groups of people among the migrants who have been apprehended: irregulars who intend to use Turkey as a transit country to migrate to the West, particularly Europe; those who opt to live and work in the country without any valid documentation; and rejected asylum seekers who are formally required to the leave the country but who do not do so. Whilst the apprehension statistics do not differentiate between the three types of irregular migrant, it is possible to create an informed assumption on the volume of transit migration by analysing the country of origin. Considering the countries of origin of irregular migrants (mainly Iraq, Pakistan, Afghanistan, Iran and Bangladesh), it has been argued that migrants apprehended on the eastern and southern borders of Turkey intended to use Turkey as a bridge to reach their destination countries in the West and North, and therefore, are probably transit migrants. Of course, not all these migrants have the intention of using Turkey as a transit zone; however, it would not be overtly misleading to assume they are – as scholars and previous published articles have done – potential transit migrants. Following the same time-frame provided above, with the exception of 2013 because no reliable data is available which differentiates transit migrants from the rest, it is estimated that from 2001 to 2012, of the 691,136 apprehended irregular migrants approximately 56 percent, or 384,138 were considered to be potential transit migrants, implying that, annually, Turkey has apprehended 32,011 transit-assumed migrants.[17]

In another attempt to highlight the transit nature of Turkey's migratory patterns, it is useful to analyse the location of apprehension. Apprehension statistics indicate that nearly four-fifths of irregular migrants were caught on the borders of Greece and Bulgaria, while the remaining one-fifth were apprehended on the eastern borders of Turkey while they were entering. The fact that the majority of irregular migrants were apprehended at the borders of Greece and Bulgaria confirm the notion that these irregular migrants were on their way out of thus were using Turkey as a transit stop.[18]

Another important question that has been alluded to in this study and which further complicates the identification of transit migrants is the issue of asylum seekers and refugees. Although Turkey is signatory to the 1951 Geneva Convention Relating to the Status of Refugees and its associated 1967 Protocol, it still maintains the geographical limitation clause which only allows it to consider asylum applications of persons from European countries. Therefore, Turkey's insistence on maintaining the limitation clause not only makes the asylum regime inconvenient for asylum seekers, but also continues to draw serious criticism from the international community. Nevertheless, in practice this limitation is only 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

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[17] Ibid.

[18] Ahmet İçduygu and Deniz Yükseker, "Rethinking Transit Migration in Turkey", cit.

resettle in a third country. Considering its geographical proximity to conflict-ridden states, Turkey's geographical limitation disqualifies a vast number of asylum seekers and refugees seeking permanent protection from the Turkish state. Although not a substantial number, according to the UNHCR, more than 100,000 asylum applications – the majority originating from Iran (45 percent) and Iraq (41 percent) – were received, of which over 46,000 were granted refugee status and resettled to a third country, mainly the US and Canada. In a sense, people who have been granted refugee status and have resettled in a third country essentially entered Turkey illegally but eventually left legally, constituting a sort of "legalised" transit. This asylum procedure essentially makes Turkey a *de facto* transit country for all non-European asylum seekers who have been granted refugee status and have been resettled, or are currently waiting to be resettled.[19]

Although asylum seekers claim to have a legitimate fear of persecution back in their country of origin, it is also accurate to say, based on empirical evidence, that the movements of asylum seekers and transit migrants are often intermingled and blurred. For example, asylum seekers who have been rejected refugee status remain in Turkey until they can attempt to illegally cross into the EU, primarily through Greek borders. In essence, when a rejection notification is received, an asylum seeker turns into a transit migrant. Moreover, the blurred boundaries between the asylum system and transit migration is partly related to the increasing securitisation of migration regimes in Europe.[20] As highlighted in an earlier survey for example, Somali and Mauritanian migrants claimed that they had paid human smugglers to illegally enter Europe from North Africa by boat but were unintentionally left on the Turkish coast. They had not therefore intended to come to Turkey nor apply for asylum; in reality, they became involuntary transit migrants.[21] In contrast, some transit migrants who intended to use Turkey as a stepping stone to enter Europe, applied for asylum and decided to stay on in Turkey.[22]

Due to Turkey's geographical limitation clause, the Syrian refugees in Turkey – who now total almost 1.7 million people – are not able to register as refugees with the Turkish government, and due to the enormity of the caseload they are not being registered and granted the option to go through a Refugee Status Determination (RSD) process with the UNHCR. Instead, Turkey has granted all Syrian refugees

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[19] Ahmet İçduygu, *Europe, Turkey, and International Migration: An Uneasy Negotiation*, Paper presented at the EUI Migration Working Group, 26 January 2011, http://www.eui.eu/Documents/RSCAS/Research/MWG/201011/01-26-Icduygu.pdf.

[20] Martin Baldwin-Edwards, "Between a Rock & a Hard Place: North Africa as a Region of Emigration, Immigration and Transit Migration", in *Review of African Political Economy*, Vol. 33, No. 108 (2006), p. 311-324.

[21] Kelly T. Brewer and Deniz Yükseker, "A Survey of African Migrants and Asylum Seekers in Istanbul", in Ahmet İçduygu and Kemal Kirişçi, (eds.), *Land of Diverse Migrations. Challenges of Emigration and Immigration in Turkey*, Istanbul, Bilgi University Press, 2009, p. 637-724.

[22] A. Didem Danış, Cherie Taraghi and Jean-François Pérouse, "Integration in Limbo. Iraqi, Afghan, Maghrebi and Iranian Migrants in Istanbul", in Ahmet İçduygu and Kemal Kirişçi, (eds.), *Land of Diverse Migrations. Challenges of Emigration and Immigration in Turkey*, Istanbul, Bilgi University Press, 2009, p. 443-636.

"temporary protection," which was formalised with the introduction of the newly accepted Law on Foreigners and International Protection. Whilst the Turkish state offers Syrians full basic services in the camps, there are limited services for those who choose to stay in urban areas. On the other hand, all Syrians are able to access healthcare across the country and new regulations, which are still not in effect, will allow Syrians the right to work in specified market sectors identified by government according to market demands. There is therefore a rising trend of Syrians who are braving the difficult journey over land and sea (through the Marmara and Black Sea region) in the hope of reaching Europe to claim asylum and a permanent solution. As of 2014, 150,000 Syrians have claimed asylum in the EU, the overwhelming majority in Germany (66,845) and Sweden (57,390), with Sweden also guaranteeing permanent residency for all Syrian asylum seekers.[23] With Syrian refugees finding it difficult to sustain a living in a "temporary" situation in Turkey – which is already stretched to its limits – more Syrians might be enticed to brave the journey to the EU by any means necessary in search of security and relatively generous refugee support services.

Within this backdrop of myriad migration movements and ongoing conflicts in Turkey's neighbouring countries, Turkey as a transit country in the Mediterranean region and on the periphery of EU has revealed that the issue of migration control and management is a highly politicised issue, especially with regard to EU-Turkish relations. Whilst it has played a prominent role in accession talks with the EU, the politicisation of migration management has also led Turkey to take substantial steps in reforming its own migration policies as will be discussed in the next section.

2. Turkey-EU relations: the evolution of Turkey's migration policies

Turkey's relationship with the EU is not by any means a new phenomenon but can be traced back to 1963 when Turkey became an associate member of the European Economic Community with the signing of the Ankara Agreement. It is precisely this inter-linked process of EU-Turkey relations since the early 1960s and the dynamics and changing mechanisms of the international migration system between Turkey and EU states since the 1990s that represents a turning point in the transformation and evolution of Turkey's migration policies. In stark contrast to the 1963 agreement where the gradual realisation of the free movement of workers among the parties was foreseen and regarded as extremely positive,[24] when accession negotiations between Turkey and the EU were finally launched on October 2005, the negotiating framework approached the free movement of people in a negative light, partly due

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[23] For the latest statistics of Syrian refugees in the EU, see http://syrianrefugees.eu.

[24] Article 12 of the *Agreement establishing an Association between the European Economic Community and Turkey*, signed at Ankara, 12 September 1963, http://ec.europa.eu/enlargement/pdf/turkey/association_agreement_1964_en.pdf.

to grave concerns about migration.[25]

Against the backdrop of the dual migration reality – Turkey's role in the international migration system as a country of emigration and more recently as a country of immigration and transit – it is not surprising that migration has shot to the forefront of issues regarding EU-Turkey relations in the context of accession talks. In fact, Turkey's role in the European migration system is repeatedly highlighted, most notably for the first time in what scholars refer to as the cornerstone official document governing EU-Turkey relations dated 6 October 2004 and entitled *Recommendation on Turkey's Progress towards Accession*:

> (1) With over three million, Turks constitute by far the largest group of third-country nationals legally residing in today's EU. Available studies give varying estimates of expected additional migration following Turkey's accession. Long transition periods and a permanent safeguard clause can be considered to avoid serious disturbances on the EU labour market. However, the population dynamics of Turkey could make a contribution to offsetting the ageing of EU societies. In this context, the EU also has a strong interest in that reforms and investments should be made in education and training in Turkey over the next decade. (2) The management of the EU's long new external borders would constitute an important policy challenge and require significant investment. Managing migration and asylum as well as fighting organised crime, terrorism, trafficking of human beings, drugs and arms smuggling would all be facilitated through closer cooperation both before and after accession.[26]

However as previously mentioned, Turkey's current status as a "migration transition country," that is, the transformation from a country of emigration to immigration, along with Turkey's efforts to become a member of the European Union are creating pressures for an overhaul of immigration and asylum policies and practices domestically.[27] Although the issue of Turkish emigration to Europe may implicitly become part of EU-Turkey relations, such as during negotiations on the management of visa regimes, Turkey's role as transit country feature much more prominently in the current backdrop of official talks, even though as we have seen, Turkey's position as a transit route is partly politically constructed in the wake of EU expansion.[28] Nonetheless, the difficulty of patrolling its rugged land borders with Iran, Iraq and Syria, its relatively lax migration regime coupled with the history of illegal border crossings both in the east and southeast of the country,

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[25] Ahmet İçduygu and Ayşen Üstübici, "Negotiating Mobility, Debating Borders: Migration Diplomacy in Turkey-EU Relations", in Helen Schwenken and Sabine Russ-Sattar (eds.), *New Border and Citizenship Politics*, Basingstoke, Palgrave Macmillan, 2014, p. 44-59.

[26] European Commission, *Recommendation on Turkey's progress towards accession* (COM/2004/656), 6 October 2004, p. 5, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52004DC0656.

[27] Ahmet İçduygu and Ayşen Üstübici, "Negotiating Mobility, Debating Borders", cit.

[28] Ahmet İçduygu and Deniz Yükseker, "Rethinking Transit Migration in Turkey", cit.

all make Turkey a prime location for transit *en route* to the well-protected borders of the EU[29] and all the more subject to the EU's pessimistic view of its capacity to manage migratory flows.[30]

Thus, Turkey, in an attempt to meet pre-accession requirements, has begun to significantly harmonise its migration and asylum related legislation in areas identified in the EU accession partnership document.[31] In fact, even before the 2004 document was issued, in late 2002 Turkey adopted new legislation that criminalised the act of trafficking, followed by the 2003 law entitled *Work Permits for Foreigners*,[32] and during the same year a new legislative arrangement in the citizenship law, which have implications for combating irregular migration and protecting immigrant rights. However, the first significant step after the EU-Turkish accession talks began came in the form of the *Action Plan on Asylum and Migration* adopted by Turkey in March 2005 which laid out all the necessary tasks and timetable for the development of a fully-fledged migration and asylum management system.[33]

After the 2005 Action Plan was drafted, necessary steps to implement the indicated tasks came at a snail's pace. This was partly due to the uncertainty of Turkey's membership that discouraged officials from making concrete changes. This stemmed from a deep-seated fear that if Turkey is rejected from the EU but nevertheless has harmonised its legislations and policies with the EU, Turkey will be become a "buffer zone," or to put it more bluntly, a "dumping ground" for illegal migrants apprehended on EU territories.[34] Despite the mistrust, Turkey, however slowly, has taken on board the policy recommendations in the area of immigration by firstly drafting a *Law on Aliens* and a *Law on Asylum* that led to the recent *Law on Foreigners and International Protection*, enacted in April 2013.[35] The new law has introduced a new legal and institutional framework for a migration and asylum management system with enhanced police and judicial cooperation in line with EU standards.[36] This law indicates that with or without EU membership prospects,

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[29] Ahmet İçduygu, "Irregular Migration in Turkey", cit.

[30] Ahmet İçduygu, *Europe, Turkey, and International Migration*, cit.

[31] Kemal Kirişci, "Border Management and EU-Turkish Relations: Convergence or Deadlock", in *CARIM Research Reports*, No. 2007/03 (2007), http://hdl.handle.net/1814/7988.

[32] Law No. 4817 of 27 February 2003 (Official Gazette No. 25040 of 6 March 2003), http://www.csgb. gov.tr/csgbPortal/ShowDoc/WLP+Repository/yabancilar/dokumanlar/ing_4817.

[33] Turkish National Action Plan for the Adoption of the 'EU acquis' in the Field of Asylum and Migration, available in the CARIM website: http://www.carim.org/index.php?callContent=401&callT ext=537.

[34] Ahmet İçduygu, *Europe, Turkey, and International Migration*, cit., p. 5.

[35] Law No. 6458 of 4 April 2013. For a detailed elaboration of this legal arrangement, see Esra Dardağan Kibar, "An Overview and Discussion of the New Turkish Law on Foreigners and International Protection", in *Perceptions*, Vol. 18, No. 3 (Autumn 2013), p. 109-128, http://sam.gov. tr/?p=4239.

[36] Ahmet İçduygu and Ayşen Üstübici, "Negotiating Mobility, Debating Borders", cit.; Seçil Paçacı Elitok, "Turkish Migration Policy over the Last Decade: A Gradual Shift towards Better Management and Good Governance", in *Turkish Policy Quarterly*, Vol. 12, No. 1 (Spring 2013), p. 161-172, http://

Turkish officials have acknowledged the need for a new migration and asylum law.[37]

Despite these developments, a number of other inter-related fields tackled by the EU and Turkey are proving harder to overcome. These challenges can be summed up by four points, the first of which relates to Turkey's role as a transit country and the challenges of stemming irregular migrant flows into the EU, mainly from Turkey to Greece. A notable example where EU-Turkish relations were at odds with each other was with the construction of a fence along the River Evros to curb irregular crossings at the Turkish-Greek border. Albeit a highly questionable and unethical measure to curb irregular migration, the fence did little to deter migrants and instead acted as a source of dispute between the EU and Turkey, with both sides blaming each other. The EU accuses Turkey of having lax border controls and being unwilling to curb irregular migrants whilst Turkey highlights the insufficient resources and lack of cooperation from the EU.[38] Meanwhile, triggered by the Syrian refugee crisis, in recent years a new smuggling route has emerged by land to Bulgaria and by the Black Sea coast of Bulgaria and Romania. This has created yet another area of debate, and disagreement, for implementing policies and practices regarding the transit migration between Turkey and the EU.

The three other quagmire issues are more specific but proving equally difficult to overcome. These include the establishment of a civilian "border agency" to replace the current military-based institutional set-up; the lifting of the geographical limitation to the 1951 Convention relating to the Status of Refugees; and the finalisation of the readmission and visa facilitation agreements.[39] Turkey is reluctant to de-militarise its border control, citing the rugged borders with Iraq and Iran, coupled with the Kurdish separatist movement and political violence – which often spills over these boundaries – and the ongoing Syrian crisis. However, despite this reluctance, in 2010 Turkey began the transformation while stressing that this would be a gradual process requiring ample time to set up a fully functioning system operated by civilians. The lifting of the geographical limitation to the 1951 Convention is also a sticking point because Turkey fears that this will open the floodgates to asylum seekers fleeing an ever more turbulent political landscape from its periphery. Despite making a pledge to the EU to lift the geographical limitation (in the 2005 Action Plan, Turkey scheduled this legal change for 2012) Turkish authorities have tended to oppose the lifting of the limitation clause until concrete steps are taken towards full EU membership.[40] Previously, a similar air of anxiety and mistrust surrounded the signing of the readmission and visa facilitation agreements with

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turkishpolicy.com/article/-Spring-2013-898.

[37] Kemal Kirişçi, "Turkey's New Draft Law on Asylum: What to Make of it?", in Seçil Paçacı Elitok and Thomas Straubhaar (eds.), *Turkey, Migration and the EU: Potentials, Challenges and Opportunies*, Hamburg, Hamburg University Press, 2012, p. 63-83, http://hup.sub.uni-hamburg.de/HamburgUP/HWWI5_Elitok_Migration.

[38] Ahmet İçduygu, "The Irregular Migration Corridor between the EU and Turkey", cit.

[39] Ahmet İçduygu and Ayşen Üstübici, "Negotiating Mobility, Debating Borders", cit.

[40] Ahmet İçduygu and Deniz Yükseker, "Rethinking Transit Migration in Turkey", cit.

the Commission. After lengthy diplomatic negotiations, Turkey and the EU signed a readmission agreement in 2013, which necessitates the returning of illegal immigrants who enter the EU through Turkey, in exchange for launching talks – to be finalised by end of 2017 at the latest – on liberalising visa requirements for Turkish nationals wishing to travel to Europe.

Conclusion

Despite the securitisation of EU borders, migrants and asylum seekers brave the arduous journey in an attempt to reach the shores of European countries on a daily basis. Although once a country of emigration, Turkey is increasingly taking centre stage as country of immigration, and in the context of EU-Turkish relations, as a country of transit for those seeking to enter the EU. In fact, Turkey's role as a transit country in the context of the European migration system has become inextricably linked with its aspirations of gaining EU membership, as negotiations between Turkey and the EU, more often than not, revolve around the nature and characteristics of borders, border crossings and people on the move. It is these Europeanisation processes – which refer to the impact of the EU on individual member or non-member states – coupled with the reality of mixed migration movements across the Mediterranean and the never ending political turmoil in the Middle East, that has led Turkey to take substantial strides in setting up a fully functioning migration and asylum management system, most notably by enacting the 2013 *Law on Foreigners and International Protection*.

Whilst the EU continues to criticise the snail's pace with which Turkey is tackling its myriad migration management issues, Turkey can hardly be expected to take concrete and costly steps in aligning its migration and asylum policy when deep-seated mistrust about the accession process is clearly evident and further exacerbated when European leaders deliver outspoken statements opposing Turkey's full membership to the EU. Although in the meantime Turkey's accession talks have come to a standstill, and despite the complex and diverse nature of migration management, the area of bargaining between Turkey and EU has the potential to reward both sides. Turkey and the EU both realise that any negotiations dealing with borders, migration or asylum – with or without the accession process – will not only have an impact on the specific issue at hand, but also on the course of the process as a whole.

Finally, it is evident that whilst economic conditions, or rather the lack of economic opportunities, will force migrants to migrate in a clandestine nature across borders in search of employment and improved living standards, conflict-induced migration, although not as consistent, is having a much greater effect on the motivations for people to migrate. With the Syrian crisis showing no signs of abating there are few if any tangible prospects for an end to the conflict. Much like the Afghanistan case that has resulted in steady flows of Afghan refugees to Pakistan, Turkey and beyond, the Syrian crisis has the potential to force more people to flee. Considering that 6.5

million Syrians have been displaced from their homes, with over 3 million fleeing to neighbouring countries, this refugee crisis will considerably affect Turkey, and, in turn, the EU, for decades to come.

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