

THE INTERACTION BETWEEN SECURITIZATION OF MIGRATION AND ASYLUM: THE POLITICAL CONSIDERATIONS ON THE RIGHTS OF ASYLUM-SEEKERS IN THE CASE OF THE EU – TURKISH JOINT STATEMENT IN 2016*

Dr. Ahmet Apan
Mülkiye Başmüfettişi
ORCID: 0000-0002-2294-3048



Abstract

Nowadays, hundreds of thousands of people have been trying to migrate to another country including the EU member states, and live a stable life without security concerns. However, the EU has increasingly reduced their opportunity and ability to seek international protection via strict policies. Securitization of migration results in a decrease in the number of asylum applications. The EU has been politically realistic considering its own interests in implementing measures to combat irregular migration with regard to the reduction of asylum applications. In this context, the EU Commission suggested that Turkey and the Western Balkan countries should be adopted as a “safe country of origin” in September 2015. In fact, this move aimed at reducing the number of applications, many of which had already been rejected. Although the persons who were subject to the EU-Turkey Joint Statement dated March 18, 2016, used to flee from the conflict zones in the different corners of the World, the EU treated them like irregular migrants and sent them back to Turkey. The Statement, which is the basis for the return of these persons, presents itself with various difficulties in terms of procedure and implementation.

Keywords: Irregular migration, Securitization, Asylum, Refugee rights, Safe country

Göçün Güvenleştirilmesi ve İltica Arasındaki Etkileşim: Türkiye – AB Göç Mutabakatı Örneği Üzerinden Sığınmacı Hakları Konusunda Düşünceler

Öz

Günümüzde, yüz binlerce insan Avrupa Birliği ülkeleri dahil başka bir ülkeye göç etmeye ve güvenlik kaygısı duymadan istikrarlı bir yaşam sürmeye çalışmaktadır. Ancak, AB izlediği katı politikalar aracılığıyla yasal olarak koruma arayışı imkân ve kabiliyetini giderek azaltmıştır. Göç alanının güvenleştirilmesi, iltica başvurularının sayılarının düşmesiyle sonuçlanmaktadır. AB, sığınma başvurularının azaltılmasına ilişkin olarak düzensiz göçle mücadeleyle yönelik tedbirleri uygulamaya koyarken kendi çıkarlarını düşünerek politik olarak gerçekçi olmuştur. Bu doğrultuda, AB Komisyonu, 2015 yılının Eylül ayında Türkiye ve Batı Balkan ülkelerinin bireysel olarak “güvenli menşe ülkesi” olarak kabul edilmelerini önermişti. Aslında bu hamle, çoğu zaten reddedilmiş olan başvuru sayılarını azaltmayı hedefliyordu. Aynı amaçla 18 Mart 2016 tarihli Türkiye – AB Göç Mutabakatına konu olan kişiler genel olarak dünyanın çeşitli ülkelerindeki çatışma bölgelerinden kaçan insanlar olmasına rağmen düzensiz göçmen muamelesine tabi tutularak Türkiye’ye geri gönderilmiştir. Bu kişilerin geri gönderilmesine dayanak olan söz konusu Mutabakat kendi içinde usul ve uygulama açısından çeşitli zorluklar barındırmaktadır.

Anahtar Sözcükler: Düzensiz göç, Güvenleştirme, Sığınma, Mülteci hakları, Güvenli ülke

* Makale geliş tarihi: 16.01.2020
Makale kabul tarihi: 16.11.2020
Erken görünüm tarihi: 09.04.2021

The Interaction Between Securitization of Migration and Asylum: The Political Considerations on the Rights of Asylum-Seekers in the Case of the EU – Turkish Joint Statement in 2016*

Introduction

Each day thousands of migrants move from somewhere to another via legal or illegal channels, however, it is hardly possible to estimate the real dimensions of migration since there have been many aspects of it. The issues regarding asylum and irregular migration have attained paramount importance lately because of the wars in the separate parts of the world. Actually, individuals who flee from the conflict areas, and aspire for a better life standard substantially have to resort to some “illegal” methods because asylum-seekers hardly possess the chance to lawfully enter or/and remain in the target countries (FRA, 2015: 2). It is not straightforward to distinguish who is an asylum-seeker, who befall an irregular migrant as such classifications are typically made for political reasons and the benefit of states. Accordingly, states adopt some measures against those “illegal” movements which lead to the securitization of their migration policies. Therefore, the essay claims there is an interaction between the irregular migration and asylum nexus and the irregular migration and securitization nexus.

The ultimate aim of the essay is to analyse the impact of securitization to combat irregular migration on asylum-seekers in the European Union (EU) after 2016. Additionally, it elaborates the EU – Turkey Joint Statement celebrating the fifth anniversary in 2021 which considers some Syrians as irregular migrants to send to Turkey while resettling a minor proportion of them as refugees to some member states within the EU’s relocation plans. Furthermore, some statistics and reports provided by the official authorities and non-governmental organizations while considering the factors like lawful status and legislation, the changeable status of migrants, are subject to deportation or return decisions, and the risk of exploitation is used to explain various aspects of the issue. In the essay, the focus

* Bu çalışma, 2018 - 2019 akademik yılında Kent BSIS Üniversitesi Brüksel’de *PO955: Human Security in Forced Migration* dersi için sunulan metin esas alınarak hazırlanmıştır.

is on the restrictive measures to curb irregular migration and their impact on asylum applications. The core objective of the essay is to properly analyse the detected irregular entries because the tightening of policies to combat irregular migration results in fewer asylum applications at the cost of breaching human rights. The essay is divided into three main parts. Initially, it lays down the theoretical background and literature review. Secondly, it analyses how the securitization measures affect asylum and questions whether the EU neglects the humanitarian dimension of migration. The third part delves into the safe third country concept and how it is used for securitization of migration by explaining the EU – Turkey Joint Statement, which was signed in 2016 when the unprecedented migration flows through Turkey to the Greek islands threatened almost all the governments in EU. As seen in the statement; EU, member states, and the origin and transit countries can ignore the difference, which already is artificial, between asylum-seekers and irregular migrants.

1. Theoretical Background and Literature Review

According to IOM, migration is a population movement, encompassing any kind of movement of people, whatever its length, composition, and causes; it includes migration of refugees, displaced persons, uprooted people, and economic migrants (IOM, 2019: 137). Leading drives for migratory movements demonstrate some complicated features because individuals may switch within the categories of migration based on their capability to defend their rights (Mainwaring and Brigden, 2016: 246). The Office of the United Nations High Commissioner for Refugees (UNHCR) states that the majority of migrants follow up their interest within the context of “mixed-motive migration” because the reasons for their movement consist of different political, social, economic, and some other factors but politicians and the media manipulate the public perception about their real purposes claiming that they abuse the asylum system of states (UNHCR, 2001: 155). There usually is a blurry line between asylum and irregular migration and those mixed drives behind migration make it harder to determine their differences from each other. However, the most important distinction between these terms is that asylum falls into the type of forced migration, whereas irregular migration has a voluntary feature. Forced migration constitutes a considerable and, in some countries, a major part of all migratory movements in modern history (Stola, 1992: 324). Therefore, it has latterly become an important issue in world politics. On the other hand, Hathaway warns the scholars to be careful about the “word choice” as he indicates that using the term forced migrant instead of refugee/asylum-seeker would cause the lack of a rights-based orientation (Hathaway, 2007: 350). Irregular migration is all about entering into, staying, or leaving a country illegally as well as working there without having

proper permits and documents. States define irregular migration according to their internal legislation because of lacking a clear and/or universally accepted definition. Yet, IOM describes it as “the movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination” (IOM, 2019: 116). It is a trendy item on the agendas of developed countries. However, the data concerning the actual numbers of irregular migrants are hardly possible to grasp because of some practical reasons. Therefore, the governments of those countries can focus on only the detected irregular entries of irregular migrants to tighten the measures on the borders. Controlling entry for restrictive policies depends on tightening the measures on entry (Vollmer, 2011: 318).

Asylum, which distinguishes with its human dimension often under the influence of social and political phenomena, remains important today, as in the past, as one of the main issues in the world. Asylum-seekers conventionally are “prospective applicants for international protection (refugee status) whose applications have not been finalized yet” (Ekşi, 2018: 49). As the UNHCR points out “every refugee is, initially, also an asylum-seeker; therefore, to protect refugees, asylum-seekers must be treated on the assumption that they may be refugees until their status has been determined” (UNHCR, 1993: 5). International protection including asylum means to securely enter a state where refugees are protected from persecution or degrading actions (Pirjola, 2009: 347). According to Convention and Protocol Relating to the Status of Refugees (the Geneva Refugee Convention), the individuals under international protection are refugees “who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country” (UNHCR, 1951). Substantially, asylum is inseparable from the statutes of international protection, which consist of refugee and subsidiary protection because what an asylum-seeker aims for is to be recognized within those two statuses.

International human rights assure the right to apply for asylum because it has crucial importance for the protection of asylum-seekers (Pirjola, 2007: 639). The right to seek asylum is stipulated in Article 14(1) of the Universal Declaration of Human Rights: “Everyone has the right to seek and to enjoy in other countries asylum from persecution” (UN, 1948). According to Hathaway, asylum-seekers should also have access to a substantial relief to administer their rights, including seeking some assistance for violations of any of these fundamental protection rights (Hathaway, 2005: 279).

Nevertheless, the European Convention on Human Rights does not address handling asylum applications and the situation of applicants (asylum-seekers) while their application process still is in action (CoE, 1959). Hence, national

legislation should be taken into consideration about asylum applications and the rights given to asylum-seekers. On the other hand, the right to apply for asylum is secured in Article 18 of the EU Charter of Fundamental Rights (EU, 2012).

When the public starts perceiving irregular migration and asylum as danger, these identical actors can rotate the direction of the issue by influencing or determining the legislation and institutions to respond to the “danger” (Treviño-Rangel, 2016: 292). Asylum-seekers and migrants can reach a border or enter the territory of a state using legal channels via air or maritime lines (Heckmann, 2006: 1108). Subsequently, asylum-seekers can ask for protection within or at the borders of states in a process that is co-constructed by the asylum-seekers, legal advocates, government officials, and judges (FitzGerald and Arar, 2018: 8.5). However, people, who flee from conflict zones and seek asylum, cannot usually obtain a visa as the majority of them are from the EU’s visa list countries, the final version of which was published in Regulation (EU) 2018/1806 consisting almost all the countries from the conflict areas in the World on 28 November 2018. Accordingly, those people, who are not eligible for obtaining a visa, could resort to crossing the borders illegally (EU Agency for Fundamental Rights, 2015: 35). In that case, they can be subject to the “mixed flows” facing ill-treatment like irregular migrants. Essentially, irregularity can solely define their action, not themselves. Since the term “illegal” acquired some connotations related to crime, the term irregular was preferred considering the ones who had to migrate for some inevitable reasons in compliance with the proposal in that way in an international conference on “Towards Regional Cooperation on Irregular/Undocumented Migration” in Bangkok in 1999 (IOM, 1999). Afterward, the UN Global Commission on International Migration confronted the lack of an impartial word to call this form of migration and used “migrants with irregular status” in the 2005 report (GCIM, 2005). Besides irregular and illegal, that type of migration is also named as undocumented or unauthorized migration in numerous sources.

Subsequently comes into view the second nexus between irregular migration and security. States have enhanced their efforts to strengthen the securitization of migration policies based on the assumption that there is a nexus between irregular migration and public security. After 9/11 in New York, some other terrorist attacks in Madrid, London, and Paris have enhanced the perception of this nexus as well as the phenomenon of the foreign terrorist fighter, which also triggered the so-called refugee crisis since 2011.

There is no international definition of irregular migration, so each country’s definition is modified in accordance with national legislation. The essay complies with the EU definition from detected illegal border-crossings perspective as the European Border and Coast Guard Agency (Frontex) and the statistical office of the European Union (Eurostat) publish some data on it.

Asylum-seekers typically represent the ones who have successfully reached a border of any member state no matter the methods and means of their arrival. However, EU law does not discriminate asylum-seekers from irregular migrants in terms of their arrivals. According to Article 2 of the Directive 2008/115/EC;

“The Directive applies to all third-country nationals 'staying illegally in a member state, which is defined as a person who either does not fulfill, or no longer fulfills the conditions of entry as set out in Article 5 of the Schengen Borders Code, or who does not or no longer fulfills other conditions for entry, stay or residence in that member state”.

Generally speaking, irregular migration refers to illegal entry, entry with fraudulent or counterfeit documents, overstays, undocumented work, and illegal exit. Furthermore, each type has some subcategories in accordance with the methods migrants resort to. Another significant type of irregular migration can occur when the applications of asylum-seekers are rejected as their status can change from asylum-seeker to irregular migrant. It is a right to claim asylum but unfortunately, it does not guarantee to be recognized as a refugee. International law has deliberately generated some blank points in the rights of applicants assuming it falls within the jurisdiction of national governments. Also, the conditions to be recognized as a refugee are not determined at the international level (Robinson and Segrott, 2002: 6). Although the issues regarding irregular migration and asylum are taken into consideration as different subjects, it is not so effortless to make a distinction between them.

Many studies point out that when asylum applications are rejected or some other restrictive methods are in force, the number of irregular migration raises. This essay approaches the issue from a distinct perspective that the number of asylum applications goes down when the number of detected illegal border-crossings decreases in the EU case based on the data provided by some EU agencies like Eurostat, Frontex, and European Asylum Support Office (EASO). However, the question remains whether “success” applies to safeguard human rights or not. EU managed to reduce the number of asylum applications as well as illegal entries by securitization of migration policies. What the EU did to achieve that goal was to return some of the asylum-seekers to the origin or transit countries after rejecting their applications, and inhibit the arrival of asylum-seekers from as seen in the EU – Turkey Joint Statement, which will be elaborated in further pages.

The essay emphasizes the securitization of migration, which comprises various practices affecting asylum-seekers and irregular migrants in a dire manner (Huysman, 2000: 758). Wæver points out that states firstly determine a threat to tackle with, declare an emergency condition, and then claim the right to

accept necessary measures to prevent that threat (Wæver, 1995a: 405). The reason for securitization is to perceive an issue as existential and then develop some measures as a response to it (Wæver, 1995b). EU and the member states have seen migration as an existential issue for some time. The securitization process contains three steps to be successful: “existential threats, emergency action, and effects on interunit relations by breaking free of rules” (Buzan, Wæver and Wilde, 1998: 26). Many practices for the securitization of migration exist including visa policy, border protection, and collecting passenger information, etc. In the essay, only the practice of reducing detected illegal border-crossings is analysed and the EU – Turkey Joint Statement is elaborated as an example because the EU determined migration as a threat, developed some securitization policies, and recommended the member states to resort to safe country concepts.

2. How do the Measures to Combat Irregular Migration Have an Impact on Asylum?

Economic conditions, geography, and politics endure some of the drives behind migratory movements including irregular migration. Chiefly, it is assumed that states retain a moral right to restrict entry, apprehend, and deport irregular migrants (Carens, 2008: 165). Furthermore, the supporters of this assumption would even consider that advocating the rights of migrants would tacitly encourage irregular migration. On the other hand, irregular migration and asylum are two different areas that are often confused with each other. Foster states that the economic position of the asylum-seeker plays a crucial role in many claims such as he or she has migrated solely to improve his or her economic position, particularly where he or she is from a poor country (Foster, 2007: 239). If the problems linked with irregular migration-dangerous journeys, exploitative employers, lost taxation revenue, displaced local workers, and increased insecurity-are to be effectively tackled, refugees” and “migrants” frequently comprise the same people considering the situations they face (Long, 2015 : 3). The term migrant in that statement refers to the ones who are economic migrants in the pursuit of a better life. Accordingly, securitization of migration restricts not only the rights of migrants but also asylum-seekers. As Soykan indicates irregular migrants sometimes are called “bogus asylum-seekers” and states try to develop some measures to curb irregular migration and ignore the fact that those people can be genuine asylum-seekers (Soykan, 2009: 64). EU tightens its border security and urges the third countries to detain the migrants in their lands but there is no lawful way to claim asylum without reaching a border gate or entering the territory of a member state. That is a dilemma that the EU deliberately neglects and does not want to develop a remedy for. Asylum systems can only

function when asylum-seekers reach a border or enter a country (Moreno-Lax, 2017: 132). Actually, “EU Law does not provide for the regulated arrival of asylum-seekers, so their entry into EU territory is in most cases irregular because they travel without the necessary documentation and/or use unauthorized border-crossing points” (The European Parliament, 2015). Put differently, asylum-seekers lack the legal avenues to reach the land of member states, neither do migrant workers, so the majority of them prefer the same channels as irregular migrants do (Baldwin-Edwards, 2006: 311). Veritably, the ones who seek asylum constitute a significant number of irregular migrants in terms of detected illegal border-crossings. All the same, “EU has adopted a panoply of measures to deter, detect and remove irregular migrants” (Peers, 2015: 289). EU seems to establish its migration and asylum policy with a focus on curbing irregular migration, and the human rights dimension of this policy is not at the forefront.

In 2015, irregular migration reached the highest numbers in the EU primarily caused by the detected illegal border-crossings over the Mediterranean Sea because of the Syrian crisis. Furthermore, those unprecedented numbers produced a massive increase in asylum applications in the EU. According to a survey conducted via questionnaires and interviews in Greece, Malta, and Sicily, only 18% of the individuals, who were dominantly from the origin countries and apprehended while illegally crossing the borders, described their motivation as economic (EVI-MED, 2017: 3). The reality is that more than half of the individuals irregularly entering Europe fled the conflict and persecution in the origin countries, and the EU was not legally accessible for them anymore like in the case of economic migrants in 2013 (Amnesty International, 2014: 6). That ratio gradually increased in the following two years in 2014 and 2015. However, the efforts by the EU to securitize those migratory movements can pose some threats to the human rights of irregular migrants and asylum-seekers.

As stated in the Return Directive (2008/115/EC), also bearing in mind the Asylum Procedures Directive (2005/85/EC), third-country nationals who have claimed asylum in member states should not be regarded as irregular migrants until their asylum applications are rejected or their right to stay as asylum-seeker is revoked. Anderson points out with many examples that the media creates news stories about the “threat” outside of the EU borders, also some policy papers and funding reports promote the fear be stimulated (Anderson, 2014). To a large extent, the media reporting the issues regarding irregular migration has deteriorated the widespread perception of migration and asylum and led to the securitization of migration with more stringent rules while ignoring human rights aspects. Tolay posits that “migration has turned to be a prominent item on the EU’s agenda as it has connections with some existential problems like personal freedoms, human rights and social and economic concerns” (Tolay, 2012: 41). Opportunistic politicians and mass media have used some particular criminal

offenses committed by migrants or/and refugees to feed the angst for the sake of protecting public security, public order, and public health. Some extreme examples of those politicians have taken active roles in politics in several EU member states like the Netherlands (Akkerman, 2018: 18). However, the most important outcome in the perspective of migration occurred in the UK thanks to the politicians making anti-immigrant propaganda because the UK preferred to exit the EU after a referendum, and the main motive of the voters favoring Brexit was to stop immigration (Murphy, 2016: 58).

It would appear that the control of migration and developing asylum policies are gradually merging (Moreno-Lax, 2008: 317). EU has been trying securitizing its migration policy under the impact of the policies adopted by the leading member states like Germany and France and also, the new member states like Hungary and Poland for reasons like domestic security, cultural and religious reasons, and finally, economic conditions and labour market (Estevens, 2018). On the other hand, some critical concerns about the EU's negligence of human rights should be tackled with contemplation. Tightening security measures is not only used to keep asylum-seekers out of the borders of the EU but also deliver a message that they could be subject to some ill-treatment in the act of future attempts to potential migrants and asylum-seekers (Spijkerboer, 2013: 214). EU announced that its top priority is to grant international protection to the ones who needed it while following up the principles to return the individuals who did not possess the right to stay lawfully, and have an asylum system operating smoothly (European Commission - Fact Sheet, 2017).

Moreover, the member states have used readmission agreements to facilitate the expulsion of asylum-seekers and refugees even if they are not subject to those agreements (Coleman, 2009: 223). Readmission agreements follow the principle that irregular migrants should be resent to either their origin country or to the country where they transited. The implementation of readmission agreements should not constitute any legislative and practical obstacles to the right of asylum-seekers to submit international protection applications in member states. The international protection applicants (asylum-seekers) who are under protection within refugee law are not subject to readmission agreements unless their applications are rejected in the final procedure and not deemed as irregular migrants.

To reduce irregular migration flows and asylum applications, the EU uses various mechanisms other than readmission agreements, which “include the common visa regime, border measures, carrier sanctions, and measures to coordinate expulsions and returns, including the return of rejected asylum-seekers” (Peers, 2012: 511). The focus is to launch the migration control mechanism beyond the borders of national states such as developing a strict visa regime and imposing carrier sanctions (Gammeltoft-Hansen, 2011: 161). All of

those measures have some negative impacts on access to the right of asylum. Also, diminishing migrant and asylum-seekers' rights and increasing refusal rates are used as deterrent factors by the member states. All those mechanisms seem to work in the EU's interest if it is only about keeping migrants and asylum-seekers out of its borders. The essay focuses on the safe third country concept as another component of those mechanisms and takes the EU – Turkey Joint Statement as a sample of it because they both help explain the correlation between the securitization of migration and asylum.

3. The Safe Third Country Concept: The Joint Statement

The safe third country concept is under safe country mechanisms like safe first country and safe country of origin (O'Nions, 2014: 63). Principally, all those key concepts serve the practical purpose to inhibit asylum-seekers to reach their target country or/and return them to the origin or transit country. Öztürk criticizes that the right of asylum is recognized as a "right" in EU law but it is not clear what should be understood from this "right" (Öztürk, 2012: 196) because the concept of asylum has two dimensions that change in terms of asylum-seekers and hosts. The safe country of origin and the safe third country concepts are among a wide variety of institutional and legal barriers designed to keep asylum-seekers away from the borders of national states and also threaten and undermine the asylum system (Hansen, 2014: 2). Hathaway tries to draw attention to the fact that most developed countries try to restrict the rights of asylum-seekers and poorer countries that host the majority of refugees have no interest in cutting down the numbers of international protection applications but that statement does not change the reality that asylum-seekers lack the ability to meet their rudimentary needs in the poorer countries (Hathaway, 2005: 3). So, restriction measures for asylum-seekers work negatively on both options as either not being able to file in a developed country or having to stay in a poor country.

Migration takes place in a context in which sovereignty remains important, and specifically that aspect of sovereign competence which entitles the state to exercise prima facie exclusive jurisdiction over its territory and to decide who among non-citizens shall be allowed to enter and remain, and who shall be refused admission and required or compelled to leave (Goodwin-Gill, 2014: 1). The safe third country concept is preferentially used to block the legitimate possibility of asylum-seekers to file an asylum application in the country they prefer and mitigate the task of processing their applications for that country (Noll, 2000: 184). Hundreds of thousands of people try to migrate to another country and lead a stable life without security concerns. The situation has started deteriorating after the Syrian crisis in 2011. As of the Syrian example, some of

those people aspire to seek a more honourable life in an EU member state like Germany by trying to cross the western and maritime borders of Turkey in illegal ways and end up a consisting majority of detected irregular migrants apprehended both in Turkey and the member states.

According to the European Council on Refugees and Exiles (ECRE), “persons fleeing persecution have no more means to legally travel to EU than any other category of person, despite the right to seek asylum established under the Universal Declaration of Human Rights” (ECRE, 2007: 4). In addition, Article 33(1) of the Geneva Refugee Convention explicitly states that “once an asylum-seeker arrives at a state's border or be subject to its jurisdiction, states have the obligation not to 'refoule' them to a country in which he or she undergoes persecution”. As Cherubini posits “States get around the main obligation implied and imposed by the principle of non-refoulement to deport the international protection applicant to a safe country with which the applicant has some links and in which he or she will be safe” (Cherubini, 2015: 82). Currently, the EU has Asylum Procedures Directive (2005/85/EC) for granting and withdrawing refugee status, which acknowledges that a common asylum policy is vital for the target set by EU to create an environment where freedom, justice, and security are the key elements for the ones who flee from persecution and pursue protection. However, the EU has progressively diminished the possibility and means of legitimately seeking protection via some stringent policies. Additionally, the EU has adopted the Dublin Regulation which is constantly being developed. Huysmans argues that “the Dublin Convention is heavily overdetermined by a policy aimed at reducing the number of applications” (Huysmans, 2000: 756).

As it is agreed, the international protection applications by both Syrians and non-Syrians can be evaluated within the scope of the Asylum Procedures Directive (2013/32/EU - recast). The EU pushed all the limits to use fraud against international law. EU has been politically realistic while executing those two measures to combat irregular migration with regard to the reduction of the asylum applications. Initially, the European Commission suggested that member states should individually regard Turkey and the Western Balkan states as “safe country of origin” in September 2015 (European Commission COM/2015/0452 final, 2015). That move aimed to decrease the application numbers from the Western Balkans, most of which were already being rejected (ESI, 2015). Predominantly, it is assumed that citizens of a “safe country of origin” cannot be accepted under threat as well as political persecution in their own country. Whereas the rate of recognition for citizens of the Western Balkans was remarkably low, the EU wanted to speed up the official recognition/rejection process of the applications from the Western Balkans (Eurostat, 2014). In fact, the EU had resorted to the safe country of origin concept in the past before the enlargement in 2004 to drop

the asylum-applications from the then-candidate countries by declaring those countries as a safe country of origin (Hathaway, 2005: 297).

Secondly, Turkey was accepted as a safe first country by the Greek authorities to return non-Syrians who reached Greece via illegal border-crossings and their applications were deemed inadmissible with regard to the relevant provisions of the Asylum Procedures Directive in the context of the statement. The EU utilized the safe first country concept to return the non-Syrian asylum-seekers to Turkey. Within the scope of the statement, 1.458 non-Syrians were returned to Turkey, most of whom were from the conflict zones (DGMM, 2018a).

Last not least, the fraud or so-called remedy to illegal border-crossings was that the applications by Syrians who reached Greece in illegal border-crossings were deemed inadmissible in accordance with Article 33(2) (b) of the directive acknowledging that “Turkey was considered as a safe third country for the applicant, pursuant to Article 38”. “The safe third country concept represents a case where an asylum-seeker could have applied for international protection, but has not preferred to lodge a file in a previous state, or when the application was rejected” (UNHCR, 2017: 2). The individuals who were subject to the statement were substantially from the conflict areas of the various parts of the World, and they were treated as irregular migrants to return to Turkey, instead of asylum-seekers who were under the protection of the non-refoulement principle. The issues regarding their asylum applications should have been tackled with the international rules including EU law and the Geneva Refugee Convention meaning that their applications were to be examined properly. Considering the capacity of the Greek authorities in the islands, it was highly doubtful the examination of those who were resent to Turkey carried out duly. Hence, it can be stated that the EU has politically been realistic in terms of migration, and that applied the same to the EU-Turkey Joint Statement. EU recommended the member states to accept Turkey as a safe third country even if Turkey has not abandoned geographical limitation so that those who either forwent their international protection or found ineligible for their application could be returned to Turkey. Turkey abandoned the time limitation on the Geneva Refugee Convention while adopting the additional protocol but kept the geographical limitation on it in 1967 (Ekşi, 2018: 10). Undoubtedly, that does not lift the Greek’s obligation to check the applications but it was considerably easier to declare those applications inadmissible in accordance with Article 33 of the Asylum Procedures Directive to resend the applicants to Turkey. Amnesty International had insisted Turkey should have not been accepted within the safe third country concept (Amnesty International, 2016). Also, the UNHCR negatively commented on the Statement for the same reason (UNHCR, 2017: 7). However, the EU preferred to neglect Turkey’s geographical limitation meaning Turkey would not grant refugee status to individuals from non-European

countries like Syria. Öztürk emphasizes that the Turkish international protection policy and practice are designed according to internal politics because the asylum-seekers who reach Turkey mainly are from non-European countries and fall out of the scope of the Geneva Refugee Convention (Öztürk, 2017: 193).

The EU's other attempt to securitize migratory movements can be tracked in the amendment of the Regulation on Temporary Protection in Turkey on 5/4/2016. According to the Article on interim provisions, Syrians who came to Turkey because of events started on 20/4/2011 and crossed the Aegean islands via illegal channels after 20/3/2016 can be granted temporary protection status upon their request (DGMM, 2016). Dates are significant about this amendment: firstly, the date when the amendment was made on 5/4/2016 which was right after the EU-Turkey Joint Statement or so-called the Refugee Deal. Next, it wholly involves Syrians and non-Syrians crossing Greek islands after the date which the deal was set up. By this attempt, the EU guaranteed that the asylum-seekers whose applications were rejected would continue to stay in Turkey under the status of temporary protection.

3.1. The Implementation of the Joint Statement

EU has published eight reports on the progress achieved in the implementation of the Joint Statement so far. According to the eighth and the last report - COM (2017) 669 final on the Joint Statement, the aggregate number of migrants returned to Turkey since March 2016 is 1.969 (European Commission, 2017). That number is lower in the Turkish records as 1.805 (DGMM, 2018a). Furthermore, the EU reveals that 12.476 Syrians were resettled in the member states within the "one for one" resettlement program after 2 years implementation periods, and that would refer to approximately 500 resettlements in a month (European Commission, 2018). According to the DGMM, which is the responsible organization for implementing readmission agreements on behalf of Turkey, the number is 18.438 and higher than EU records.

The neighboring countries to Syria including Turkey have faced some enormous burden as the safe third or first country in terms of refugee law and they have had to shoulder all the consequences of the mass influx stemming from the crisis. The UNHCR views resettlement as proof of international solidarity, and burden and responsibility sharing, especially for protracted refugee situations (UNHCR, 2011: 36). Undeniably, the EU has refused to share the burden of refugees in terms of resettlement. According to the DGMM, the member states where the Syrians were resettled within the "One for One Resettlement Program" are shown below (DGMM, 2018b).

Table 1. Syrians resettled in “One for One Resettlement Program”

Country	Total
Germany	6.599
Holland	3.263
France	3.220
Finland	1.358
Belgium	1.159
Sweden	1.057
Spain	429
Italy	382
Austria	213
Luxembourg	206
Croatia	152
Portugal	142
Lithuania	102
Estonia	59
Latvia	46
Slovenia	34
Malta	17
	18.438

The nationality of returned 1.805 individuals is shown in Table 2 below. As perceived from Table 2, 347 Syrians were forcibly returned from the Greek islands.

Table 2. Readmitted irregular migrants in Turkey since 4/4/2016 (DGMM, 2018a)

Nationality	Numbers
Pakistan	705
Syria	347
Algeria	191
Bangladesh	102
Afghanistan	101
Iraq	80
Morocco	56
Iran	49
Nigeria	21
Sri Lanka	18
The D. R. of the Congo	17
Egypt	16

Cameroon	14
Nepal	11
Myanmar	9
Guinea	8
Senegal	7
Ghana	6
Tunisia	6
Palestine	5
Ivory Coast	5
Haiti	4
Lebanon	4
Mali	4
Dominican Republic	3
India	3
Congo	2
Yemen	2
Burkina Faso	1
The Gambia	1
Comoros	1
Republic of the Niger	1
Sierra Leone	1
Sudan	1
Jordan	1
Republic of Zimbabwe	1
	1.805

The table only consists of the ones who were returned to Turkey. Baldwin-Edwards, Blitz and Crawley argue that the policy for the protection of human rights developed by the EU was so minor that the thousands of asylum-seekers and migrants were stranded in hostile communities like Greece and France (Baldwin-Edwards, Blitz and Crawley, 2018: 5-8). Also, as seen in the various figures presented by the EU and Turkey, not only the definitions of migrants but also the statistics can change serving the purpose of the states.

3.2. The Legal and Procedural Assessment of the EU – Turkey Joint Statement

EU and Turkey compromised on the joint statement on 18 March 2016, which incorporated some mistakes both legally and procedurally. The practical implementation of the statement launched as of 20 March 2016 and “all-new irregular migrants” were returned to Turkey after 4 April 2016. As the specific

content of the statement can only be analysed in a comprehensive study, the essay elucidates the statement from only political, legal, and procedural aspects based on some own work experience in the field. There are numerous oversights in the statement, some of which can be summarized as below:

- Readmission agreements can only be amended in the conventional method in which they are adopted, however, the specified date for the implementation of the Readmission Agreement between EU and Turkey for third-country nationals was amended by the statement, not by another agreement (Ekşi, 2016: 3568).
- The statement technically does not represent an EU agreement even if it is ostensibly based on the Readmission Agreement between the EU and Turkey. Each member state separately signed the statement, and the EU also put a signature on the text to make the impression it was an EU text (Ekşi, 2017: 73, 74).
- The Joint Committee of the Readmission Agreement between EU and Turkey was not authorized to properly employ an earlier date, so its deliberate decision was invalid and also, the Turkish Parliament did not approve the amended date that was essential to take legal actions (Ekşi, 2017: 54).
- With respect to the EU, the decision-making process of the European Council did not follow the official procedure and also, the member states did not individually approve the statement upon their national legislation process.

Some profound flaws related to the content of the Statement are as below:

- Whereas asylum-seekers and refugees should have not been subject to readmission agreements, the Readmission Agreement between EU and Turkey applied to the asylum-seekers whose applications were evaluated in the accelerated procedure and rejected (Provera, 2016: 15). Afterward, those people were returned to Turkey where the EU recommended the member states to deem as a safe third country, which could morally mean that the EU ignored the human rights dimension of the crisis and not complied with the non-refoulement principle.
- Possible collective expulsions could conceivably happen during the implementation of the Statement (Medecins Sans Frontieres, 2017), as Greece possessed no capability to assess so many applications timely even if the EU supported Greece with some officials later. Therefore, it was dubious how Greece evaluated the international protection applications and selected the ones to reject, and finally, return the applicants to Turkey.
- Deeming asylum-seekers as irregular migrants and treating them, in the same way, is clearly against international refugee law and contradicts all the legal texts constituting it (Tekin, 2017: 668).

The gist of the direct outcomes of the Statement can be classified as below:

- The EU has condoned the ethical violation of international rules about human rights for its benefit and considered it as a remarkable success.
- The legal grounds of the statement is controversial.
- Turkey has voluntarily undergone this extremely inconvenient statement in terms of human rights for its good to obtain visa liberalization for its citizens.

Although the official number of Syrians returned and settled within the comprehensive framework of the agreement is not significant in comparison with the total number of Syrian refugees, it has been extremely beneficial for the EU in terms of preventing illegal border-crossings. Consequently, there has been a rapid decline in the numbers of irregular migration and asylum applicants. However, the growing concern that the implementation of the Statement can hamper the right to asylum remains untackled (Öztürk and Soykan, 2019).

Conclusion

EU has been following the securitization of migration policy because of the perception that migration constitutes an existential threat to the Union. Some biased politicians and mass media coverage about the specific incidents regarding asylum-seekers and irregular migrants have intentionally enhanced the justification for the securitization policy causing the EU to develop some restrictive measures even at the expense of human rights. EU did not hesitate to return some asylum-seekers to the origin and transit countries to decrease the numbers of asylum applications and irregular migration. The EU – Turkey Joint Statement amply provides a typical example to that comment, as the EU settles migration as a genuine threat for its future. EU promoted some stringent measures for securitization policies and imposed the member states to use safe country concepts as tools for its own ultimate goal.

It is not straightforward to distinguish who is an asylum-seeker, who befalls the definition of an irregular migrant because such classifications are typically generated for some political reasons and the benefit of states. There precisely is a blurred line among the standard definitions of migratory statutes like asylum-seeker and irregular migrant, and states usually benefit from this deliberate ambiguity. Accordingly, states adopt some measures against those “illegal” movements, which lead to the securitization of their migration policies. Therefore, the essay puts the emphasis on the dynamic interaction between the irregular migration and asylum nexus and the irregular migration and securitization nexus. Although seeking asylum remains a universal right, lodging a file for asylum does not secure the refugee status. EU does not make a distinction between an asylum-seeker and an irregular migrant as its ultimate goal is to sufficiently reduce the numbers of both even if some official declarations

claim the reverse. That policy seems to work effectively on behalf of the EU in terms of reducing the numbers of detected illegal border-crossings and asylum applications as seen as one of the concrete outcomes of the EU – Turkey Joint Statement, which celebrates the fifth anniversary.

Bibliography

- Akkerman, Tjitske (2018), "The Impact of Populist Radical-Right Parties on Immigration Policy Agendas: A Look at the Netherlands", <https://www.migrationpolicy.org/research/populist-radical-right-parties-immigration-netherlands> (Son Erişim: 06.10.2020).
- Amnesty International (2014), *The Human Cost of Fortress Europe Human Rights Violations against Migrants and Refugees at Europe's Borders*, Amnesty International, July 2014, <https://www.amnesty.org/download/Documents/8000/eur050012014en.pdf> (Son Erişim: 18.03.2019).
- Amnesty International (2016), "EU-Turkey Summit Reaction", 08.03.2016, <https://www.amnesty.org/en/latest/news/2016/03/eu-turkey-summit-reaction> (Son Erişim: 05.04.2019).
- Andersson, Ruben (2014), *Illegality, Inc.: Clandestine Migration and the Business of Bordering Europe*, (Oakland: University of California Press).
- Baldwin-Edwards, Martin (2006), "Between a rock & a hard place': North Africa as a region of emigration, immigration & transit migration", *Review of African Political Economy*, 33 (108): 311-324.
- Baldwin-Edwards, Martin, Brad K. Blitz, and Heaven Crawley (2018), "The politics of evidence-based policy in Europe's migration crisis", *Journal of Ethnic and Migration Studies*, 45 (12): 1-17.
- Buzan, Barry, Ole Wæver, and Jaap De Wilde (1998), *Security: a New Framework for Analysis*, (Boulder, Colo: Lynne Rienner Publishers).
- Carens, Joseph H. (2008), "The Rights of Irregular Migrants", *Ethics & International Affairs*, 22 (2): 163-186.
- Cherubini, Francesco (2015), *Asylum Law in the European Union*, (New York: Routledge).
- CoE (1950), "The European Convention on Human Rights", https://www.echr.coe.int/Documents/Convention_ENG.pdf (Son Erişim: 01.12.2018).
- Coleman, Nils (2009), *European Readmission Policy*, (Leiden: Martinus Nijhoff Publishers).
- DGMM, "Temporary Protection Regulation", <http://www.mevzuat.gov.tr/Metin.Asp?MevzuatKod=3.5.20146883&MevzuatIliski=0&sourceXmlSearch=ge%C3%A7ici%20koruma> (Son Erişim: 05.11.2018).
- DGMM (2018a), "Return Statistics", http://www.goc.gov.tr/icerik6/return-statistics_915_1024_10104_icerik (Son Erişim: 02.01.2019).
- DGMM (2018b), "Stats", http://www.goc.gov.tr/icerik6/temporary-protection_915_1024_4748_icerik (Son Erişim: 02.01.2019).
- ECRE (2007), "Defending Refugees' Access to Protection in Europe", <http://lastradainternational.org/lisidocs/Access.pdf> (Son Erişim: 01.12.2018).
- Ekşi, Nuray (2016), "Türkiye-Avrupa Birliği Geri Kabul Anlaşması: Bir Hatalar Zinciri", *Legal Hukuk Dergisi*, 14 (163): 3565-3572.

- Ekşi, Nuray (2017), "18 Mart 2016 Tarihli AB-Türkiye Zirvesi Bildirisinin Hukuki Niteliği", *İktisat ve Sosyal Bilimlerde Güncel Araştırmalar*, 1 (1): 47-85.
- Ekşi, Nuray (2018), *Yabancılar ve Uluslararası Koruma Hukuku*, (İstanbul: Beta).
- European Commission, "EU-Turkey Statement two years on", https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314_eu-turkey-two-years-on_en.pdf (Son Erişim: 23.12.2018).
- European Commission (2017), "Fact Sheet", 02.03.2017, http://europa.eu/rapid/press-release_MEMO-17-351_en.htm (Son Erişim: 18.03.2019).
- European Parliament (2015), "Irregular immigration in the EU: Facts and Figures", April 2015, http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/554202/EPRS_BRI%282015%29554202_EN.pdf (Son Erişim: 11.12.2018).
- European Union Agency for Fundamental Rights (2015), *Handbook on European Law relating to Asylum, borders, and immigration*, <http://fra.europa.eu/en/publication/2013/handbook-european-law-relating-asylum-borders-and-immigration> (Son Erişim:12.05.2019).
- Eurostat (2014), "Asylum Applicants and First Instance Decisions on Asylum Applications: 2014", <https://ec.europa.eu/eurostat/documents/4168041/6742650/KS-QA-15-003-EN-N.pdf/b7786ec9-1ad6-4720-8a1d-430f9c55018> (Son Erişim: 11.12.2018).
- ESI (2015), "New Facts, and Figures on Western Balkan Asylum Seekers", <https://www.esiweb.org/pdf/New%20facts%20and%20figures%20on%20WB%20asylum%20claims%206%20April%202015.pdf> (Son Erişim: 28.11.2018).
- Estevens, João (2018), "Migration crisis in the EU: Developing a framework for analysis of national security and defense strategies", *Comparative Migration Studies*, 1 (6): 6-28.
- EVI-MED (2017), Mapping Refugee Reception in the Mediterranean: First Report of the Evi-Med Project, https://www.mdx.ac.uk/_data/assets/pdf_file/0023/409055/EVI-MED-first-report-final-15-June-2017.pdf?bustCache=885776 (Son Erişim: 01.12.2018).
- FitzGerald, David Scott and Rawan Arar (2018), "The Sociology of Refugee Migration", *Annual Review of Sociology*, 44 (1): 387-406.
- Foster, Michelle (2007), *International Refugee Law and Socio-Economic Rights Refuge from Deprivation*, (New York: Cambridge University Press).
- FRA (2015), "Legal entry channels to the EU for persons in need of international protection: a toolbox", https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwi0uNHFkoHfAhVHblAKHSjZBuQQFjAAegQIBBAC&url=http%3A%2F%2Ffra.europa.eu%2Fsites%2Fdefault%2Ffiles%2Ffra-focus_02-2015_legal-entry-to-the-eu.pdf&usq=AOvVaw2fGawRfQ1bekLMUXdXkbQT (Son Erişim: 01.12.2018).
- Gammeltoft-Hansen, Thomas (2011), *Access to Asylum: International Refugee Law and the Globalisation of Migration Control*. (Cambridge: Cambridge Univ. Press).
- Global Commission on International Migration (GCIM) (2005), "Migration in an Interconnected World: New Directions for Action", <http://www.unitar.org/ny/sites/unitar.org/ny/files/GCIM%20Report%20%20PDF%20of%20complete%20report.pdf> (Son Erişim: 21.03.2019).
- Goodwin-Gill, Guy S. (2014), *The International Law of Refugee Protection*, Qasmiyeh, Elena Fiddian; Loescher, Gil; Long, Katy, and Sigona, Nando (Der.), *The Oxford Handbook of Refugee and Forced Migration Studies* (Oxford: Oxford Handbooks Online).
- Hathaway, James C. (2005), *The Rights of Refugees under International Law*, (Cambridge: Cambridge University Press).
- Hathaway, James C. (2007), "Forced Migration Studies: Could We Agree Just to 'Date'?", *Journal of Refugee Studies*, 20 (3): 349-369.

- Heckmann, Friedrich (2006), "Illegal Migration: What Can We Know and What Can We Explain? The Case of Germany", *International Migration Review*, 38 (3): 1103-1125.
- Huysmans, Jef (2000), "The European Union and the Securitization of Migration", *JCMS: Journal of Common Market Studies*, 38 (5): 751-777.
- IOM (1999), "Towards Regional Cooperation on Irregular/Undocumented Migration", *The Bangkok Declaration on Irregular Migration*, http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/rcp/APC/BANGKOK_DECLARATION.pdf (Son Erişim: 18.11.2018).
- IOM (2019), *Glossary on Migration*, https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf (Son Erişim: 14.08.2020).
- Long, Katy (2013), "When refugees stopped being migrants: Movement and humanitarian protection", *Migration Studies*, 1 (1): 4-26.
- Mainwaring, Çetta and Noelle Brigden (2016), "Beyond the Border: Clandestine Migration Journeys", *Geopolitics*, 21 (2): 243-262.
- Medecins Sans Frontieres (2017), "One Year on From the EU-Turkey Deal: Challenging the EUs Alternative Facts", http://www.msf.org/sites/msf.org/files/one_year_on_from_the_eu-turkey_deal.pdf (Son Erişim: 08.10.2020).
- Moreno-Lax, Violeta (2008), "Must EU Borders have Doors for Refugees? On the compatibility of Schengen Visas and Carriers' Sanctions with EU Member States' Obligations to Provide International Protection to Refugees", *European Journal of Migration and Law*, 10 (3): 315-364.
- Moreno-Lax, Violeta (2017), "The EU Humanitarian Border and the Securitization of Human Rights: The 'Rescue-Through-Interdiction/Rescue-Without-Protection' Paradigm". *JCMS: Journal of Common Market Studies*, 56 (1): 119-140.
- Murphy, Anthony (2016), "To Brexit or not to Brexit? A Preliminary Analysis", *Sfera Politicii*, 24 (3-4): 53-61.
- Noll, Gregor (2000), *Negotiating Asylum: the EU acquis, Extraterritorial Protection, and the Common Market of Deflection*, (The Hague: Martinus Nijhoff Publishers).
- O'Nions, Helen (2014), *Asylum – A Right Denied: A Critical Analysis of European Asylum Policy*, (Farnham: Ashgate Publishing Group).
- Öztürk, Neva Övünç (2012), "Avrupa Birliği Temel Haklar Şartında Yer Alan Sığınma Hakkının Tahliili", *İnönü Üniversitesi Hukuk Fakültesi Dergisi*, 3 (2): 187-228.
- Öztürk, Neva Övünç (2017), "Reflections of the Past, Expectations for the Future: a Legal Analysis on the Development of Asylum Law in Turkey", *Research and Policy on Turkey*, 2 (2): 192-209.
- Öztürk, Neva Övünç and Cavidan Soykan (2019), "Third Anniversary of EU-Turkey Statement: A Legal Analysis", <https://tr.boell.org/en/2019/10/03/third-anniversary-eu-turkey-statement-legal-analysis> (Son Erişim: 07.10.2020).
- Peers, Steve (2012), *EU Immigration and Asylum Law*, (Leiden: Martinus Nijhoff).
- Peers, Steve (2015), "Irregular Migrants: Can Humane Treatment be balanced against Efficient Removal?" *European Journal of Migration and Law*, 17 (4): 289-304.
- Pirjola, Jari (2007), "Shadows in Paradise - Exploring Non-Refoulement as an Open Concept", *International Journal of Refugee Law*, 19 (4): 639-660.

- Pirjola, Jari (2009), "European Asylum Policy - Inclusions and Exclusions under the Surface of Universal Human Rights Language", *European Journal of Migration and Law*, 4 (11): 347-366.
- Provera, Mark (2016), "The EU-Turkey Deal Analysis and Consideration", https://reliefweb.int/sites/reliefweb.int/files/resources/JRS_Europe_EU_Turkey_Deal_policy_analysis_2016-04-30.pdf (Son Erişim: 05.10.2020).
- Robinson, Vaughan, and Jeremy Segrott (2002), *Understanding the Decision-Making of Asylum Seekers*, (London: Great Britain, Home Office, Research, Development, and Statistics Directorate).
- Soykan, Cavidan (2009), "Reflections on the New British Visa Regulations", *Essex Graduate Journal of Sociology*, 9: 64-66.
- Spijkerboer, Thomas Pieter (2013), "Moving Migrants, States, and Rights: Human Rights and Migrant Deaths", *the Law and Ethics of Human Rights*, 7 (2): 213-242.
- Stola, Dariusz (1992), "Forced Migrations in Central European History", *The International Migration Review*, 26 (2): 324-341.
- Tekin, Beyza Çağatay (2017), "Düzensiz Göçün Yönetimi Konusunda Varılan Türkiye – AB Mutabakanın Avrupa Birliği'nin Uluslararası Kimliği Üzerindeki Etkileri", *Marmara Üniversitesi İktisadi ve İdari Bilimler Dergisi*, 39 (2): 659-678.
- Tolay, Juliette (2012), "Turkey's "Critical Europeanization": Evidence from Turkey's Immigration Policies", Paçacı Elitok, Seçil and Thomas Straubhaar (Der.), *Turkey, Migration and the EU: Potentials, Challenges, and Opportunities* (Hamburg: Hamburg University Press): 39–61.
- Treviño-Rangel, Javier (2016), "What do We Mean when We Talk about the "Securitization" of International Migration in Mexico? A Critique", *Global Governance: A Review Of Multilateralism and International Organizations*, 22 (2): 289-306.
- UN (1948), *The Universal Declaration of Human Rights*, http://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf (Son Erişim: 01.12.2018).
- UNHCR (1951), *Convention and Protocol Relating to the Status of Refugees*, <https://www.refworld.org/docid/41597d0a4.html> (Son Erişim: 25.10.2018).
- UNHCR (1993), Note on International Protection, UN Doc. A/AC.96/815, <https://www.refworld.org/pdfid/3ae68d5d10.pdf> (Son Erişim: 06.10.2020).
- UNHCR (2001), *The State of the World's Refugees; Fifty Years of Humanitarian Action*, (Geneva: United Nations High Commissioner for Refugees).
- UNHCR (2011), *Resettlement Handbook*, (Geneva: United Nations High Commissioner for Refugees).
- UNHCR (2017), "Legal Considerations on the Return of Asylum Seekers and Refugees from Greece to Turkey as part of the EU-Turkey Cooperation in Tackling the Migration Crisis under the Safe Third Country and First Country of Asylum Concept [notes]", *International Journal of Refugee Law*, 29 (3): 498-508.
- Vollmer, Bastian A. (2011), "Policy Discourses on Irregular Migration in the EU – Number Games and Political Games", *European Journal of Migration and Law*, 13: 317-339.
- Wæver, Ole. (1995a), "Identity, Integration, and Security: Solving the Sovereignty Puzzle in E.U. Studies", *Journal of International Affairs*, 48 (2): 389-431.
- Wæver, Ole. (1995b), "Securitization/Desecuritization", Lipschutz, Ronnie (Ed.), *Security*, (New York: Columbia University Press): 1-31.

EU Legislation

- Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in the Member States for granting and withdrawing refugee status, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005L0085&from=EN> (Son Erişim: 05.11.2018).
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in the Member States for returning illegally staying third-country nationals, the Directive applies to all third-country nationals 'staying illegally' in a member state, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0115&from=EN> (Son Erişim: 14.08.2016).
- Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0032&from=en> (Son Erişim: 29.11.2018).
- EU (2012). *Charter of Fundamental Rights of the European Union*, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN> (Son Erişim: 01.12.2018).
- European Commission (2015), COM/2015/0452, Proposal for a Regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin, final, 9 September 2015.
- European Commission (2017), Report from the Commission to the European Parliament, the European Council and the Council, Progress report on the European Agenda on Migration, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171114_progress_report_on_the_european_agenda_on_migration_en.pdf (Son Erişim: 13.01.2019).
- Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (codification), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1806&from=EN> (Son Erişim: 12.12.2018).