

Securitization of Migration in Europe: Critical Reflections on Turkish Migration Practices

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Abstract: *The burgeoning research on securitization of migration has provided outstanding works and opened up new avenues in migration studies. Particularly, it draws the attention to how migration is administered/framed as a security issue and prompts scathing criticism against ‘illiberal’ migration practices of ‘liberal’ states. However, these works put the focus exclusively on the EU and pay little attention to how the securitization in the EU restructures third countries’ migration regimes. This paper intends to fill this gap in literature through exploring the recent Turkish migration practices. Because of its strategic geopolitical position (e.g. being one of the most important transit countries for irregular immigrants and asylum seekers into Europe) and in relation to its candidacy status, Turkey provides a very suitable framework in order to depict how the EU expands the securitization process into third countries and how candidate countries (are obliged to) follow the EU’s requirements and thereby replicating the same securitization process in their migration regimes. In exploring these issues, this article applies a sociological approach to securitization that builds upon the role of practices (policies, policy tools, instruments, etc.) rather than “speech acts.”¹ In other words, it explores how migration practices employed by the EU and third countries transform migration into a security issue through an empirical inquiry, including document analysis and ‘expert’ interviews.² More precisely, it discusses, first, the dynamics of the securitization of the EU’s migration regime. Second, it provides critical reflections on the changing character of Turkish migration practices in the light of its EU candidacy status. In this setting, the focus of the paper is on the latest discussions surrounding the visa issue, border controls, asylum policies, as well as readmission agreement. Finally, it raises normative concerns and suggests that there is a need for a critical engagement with democracy and human rights discourses surrounding the EU-Turkey relations, as both sides privilege their own ‘state-centric’ interests over the rights and dignity of migrants.*

Key words: *Migration, Securitization, the EU, Turkey.*

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Securitization of the EU's Migration Practices

Since the 1970s, marked by the oil crisis, we have witnessed framing migration in terms of security in the EU integration process. Previously dealt with 'liberal' practices and humanitarian approaches, migrants came to be associated with socio-economic problems, and depicted as a threat to welfare state and cultural identity of 'host' societies.³ Furthermore, they were linked to criminality and organized crime particularly following the abolishment of internal borders, which called for the strengthening of external border controls and the so-called compensatory measures.⁴ Asylum seekers also began to be seen as an economic burden and the term bogus asylum seekers became the leading motif describing the 'real' intentions of these people, who, 'in fact,' "want to settle indefinitely in prosperous economies to benefit from welfare states."⁵ Last, but not the least, since the 9/11 and subsequent attacks in Europe, they have been conceived as a security issue in relation to terrorism. In particular, 'integration problems' of Muslim migrants, the so-called 'home grown terrorism' and 'radicalization' started to dominate the public and political agenda.

In explaining this security framing of migration, the securitization theory of the so-called Copenhagen School turned to be one of the important conceptual tools in migration studies. Waever and Buzan, the two leading theorists associated with the school, define the securitization as the successful construction of an issue as an 'existential threat' to the designated referent object through 'speech acts' of securitizing actors, which justifies extraordinary security policies - e.g. using conscription, secrecy, and other means only legitimate when dealing with 'security matter'.⁶ Against this linguistic explanation emphasizing the performative role of language, alternative approaches have also emerged. As proposed by scholars following a more sociological approach, even though migration is not explicitly asserted as a security risk, the way to handle it through security rationality could render it as a security problem.⁷ Huysmans details eloquently that "even when not directly spoken off as a threat, asylum [and immigration] can be rendered as a security question by being institutionally and discursively integrated in policy frameworks that emphasis policing and defense."⁸ By the same token, as put forward by the work of the so-called Paris School of Security Studies, which build their works on a Foucauldian approach, an issue can be securitized in the absence of discursive formulations, in a less spectacular, but more routine and normalized way. Here, Bigo, one of the protagonists of the Paris School, points to the technocratic based securitization, which is driven by bureaucratic and technological practices.⁹ Likewise, Balzacq shifts the analysis of securitization from the study of discourses to the investigation of certain "policy tools or instruments as empirical referents of policy" and draws attention to the non-linguistic process of securitization.¹⁰ Following these constructivist and post-structuralist approaches, this article also privileges practices over "speech acts" in the analysis of securitization process. However, such a stance does not ignore the role of discourses; rather it links them to a wider context, in which practices "precede and pre-structure political framing in significant ways."¹¹ In other words, it follows a sociological understanding and aims to explore the "empirical referents of policy – policies, policy tools or instruments- which are utilized by the EU and national governments to alleviate public problems defined as threat and which structure the current political debates on migration/security."¹²

In line with this theoretical and conceptual background, practices of the EU implicating in third countries' migration regime are likely to integrate migration into a security framework emphasizing policing and defense in order to secure "host community" against "collective dangerous force" of migrants.¹³ In particular, the main rationale of these practices is to keep away or naturalize threats, here read as 'migrants.' To put it differently, they try to sort out and contaminate 'unwanted' migrants, including irregular immigrants and asylum seekers before they entered and gained a 'secure' status in European societies. They are the means to separate "'good' circulation – such as finance, investment, trade, information, skilled labour, tourism, - from the 'bad' circulation associated with underdevelopment: refugees, asylum seekers, unskilled migrants, shadow economies, trafficking drugs and terrorism."¹⁴ To this end, the EU has developed wide range of preventive securitizing practices, including:

- Restrictive, discriminatory and exclusionary visa practices;
- Technological tools and databases for the detection and control of immigrants and asylum seekers, such as SIS, VIS and Eurodac;
- Developments of advanced systems of border control mechanisms supported by high-tech devices, as well as by police and para-military forces such as the Frontex and SIVE;¹⁵
- Restricting access to asylum procedures, such as through “safe country”, “safe third country” notions, visa obligations or carrier sanctions;
- Intensification of cooperation with countries of origin or transit through various agreements, such as readmission agreements or joint patrolling in international or territorial waters of origin and transit countries.

Relying on these practices, the EU has exported and/expanded the securitization practices beyond its borders, namely to third countries e.g. those acting as transit or source countries for irregular immigrants and asylum seekers. These third countries are obliged to control this unwanted mobility – either voluntarily in exchange of financial gains, or forcefully in fear of being exposed to economic, social and political sanctions. They are likely to turn into ‘buffer zones’ around the external borders of the EU. By shifting the burden of dealing with these movements away from the ‘European territory,’ the EU is to gain an opportunity not only to minimize financial and bureaucratic costs; but also it is to evade legal constraints especially regarding asylum seekers and refugees through passing the buck to (unsafe) third countries.

The Turkish Case

Turkey has been traditionally defined as a country of emigration, while it has been one of the important source countries for immigrants, asylum seekers and refugees. In the early years of newly established Republic, massive-emigration of its non-Muslim population characterized the first major movement out of Turkey. However, the major break was witnessed in the early 1960s. Large numbers of Turkish citizens immigrated to Europe, particularly to West Germany for employment purposes. Despite the recruitment ban imposed across ‘traditional’ immigration countries in Europe following the 1970s economic crisis, emigration from Turkey to Europe continued under asylum and family reunification schemes. In addition, after the 1970s economic crisis and again for employment purposes, Turkish citizens started to move into Middle Eastern, North African and Commonwealth of Independent States as well.¹⁶

However, in the last decades, Turkey came to witness new migration patterns, which deeply changed the country’s long-lasting characteristic of being an ‘emigration country.’ Apart from becoming a destination country for retirees, professionals from Western world and students, Turkey has turned to be one of the important immigration and transit country for (irregular) immigrants and asylum seekers since the late 1980s. It has become a destination country for migrants particularly from the neighboring or nearby countries, such as Armenia, Azerbaijan, Georgia, Moldova, Ukraine, and Russia. On the other hand, Iranians, Iraqis, Afghans as well as people from Somali constitute the major groups of asylum seekers and refugees in Turkey. Furthermore, in the face of political turmoil in Syria erupted in 2011, Syrians can be counted as another important group seeking protection in Turkey.

In the light of these transformations in Turkish migration patterns, migration has become one of the most contentious issues structuring the Turkey-EU relations. In line with concerns about raising number of irregular migrants and asylum seekers from and through Turkey and as part of the conditionality requirements associated to an eventual EU membership, Turkey has obliged to adopt stringent measures. In this process, the guiding principles to be followed by Turkey for the membership were set by the Accession Partnership Document (APD), which was revised several times since its first adoption in 2001. Under Chapter 24, Justice, freedom and security, the APD laid down the following priorities to be accomplished by Turkey in its accession process:

- Align its visa policies with that of the EU;
- Strengthen border control mechanisms in line with the Schengen system;
- Lift the geographical limitation to the 1951 Convention and develop the necessary infrastructure to process asylum applications;
- Improve the cooperation with third countries and conclude readmission agreements both with the EU and other countries acting as a source country for irregular immigration and asylum seekers.

In accordance with the APD, Turkey prepared its *National Action Plan for the Adoption of the Acquis* in March 2005.¹⁷ Accordingly, the following changes have been observed in respective fields that are to securitize Turkish migration practices in accordance with ‘state-centric’ interests of the EU/member states and Turkey.

Visa Policy:

The EU is critical of Turkey as having a very lax visa regime deemed to provide a ‘fertile’ ground for potential irregular immigrants heading for Europe.¹⁸ This contention is valid in the sense that Turkey has (had) a relatively liberal visa policy compared to that of European countries. For example, Turkey signed bilateral agreements with Iran in 1964 and Romania in 1968 for visa-free travel.¹⁹ It has also extended relax visa regime to Gulf Countries and Saudi Arabia for attracting investment and tourism from these countries.²⁰ Last but not the least; Turkey has applied the sticker visa system to the citizens of Russia and former-Soviet Union in the context of Black Sea Economic Cooperation Area (BSEC). Owing to the political and economic interests in this region, this visa regulation is of utmost importance for Turkey. It is also equally vital for the nationals of the former Soviet Union, as they involve in the so-called “suitcase trade” between Turkey and their countries of origin. Because of the deep economic problems experienced in these countries following the end of Cold-War, “suitcase trade” has become a significant source of income for traders. Under this system, visas can be issued at the airports for a period of up to 3 months when the fee is paid – which is around US\$ 10. The EU is very critical about this system on the ground that it would undermine “effective border control.”²¹ It is claimed that citizens of these countries, most of which need visa to enter Europe, could use Turkey as a transit country en route to the EU. Within this setting, and as part of conditionality requirement, Turkey was urged to align its visa policies with positive and negative lists of the EU – widely known as ‘black’ and ‘white’ lists.²² The problem emerged in the alignment with the negative/‘black’ list. Even though, Turkey has made crucial ‘progress’ through extending visa requirements to Kazakhstan and Bosnia in 2001, Bahrain, Qatar, the United Arab Emirates, Kuwait, Saudi Arabia and Oman in 2002,²³ it has not yet implemented the same requirements or abolished the sticker visa system for citizens of Azerbaijan, Mongolia, Uzbekistan, Tajikistan and Turkmenistan. Moreover, parallel to the changes in Turkish foreign policy, which aim at increasing country’s influence in its neighborhood, current visa regime has been further liberalized with some countries, including Georgia (as of February 2006), Jordan (as of December 2009), Lebanon (as of January 2010), and Russia (as of May 2010).²⁴

It is clearly seen that the process of adopting the EU visa requirements is likely to replace Turkey’s relatively liberal visa policy with a much restrictive one.²⁵ Some Turkish scholars and politicians draw attention to the possible adverse effect of this shift over Turkish relations with these countries that are becoming subjected to visa requirements. Kirişçi contends that because of such a restrictive turn, there might arise “a net cultural, economic, and social loss, as it may resemble the Cold War Years when the movement of people between Turkey and these countries was absolutely minimal.”²⁶ He further argues that this may also lead to increase in the number of irregular immigrants in Turkey.²⁷ This is mainly because people may resort to irregular ways to enter Turkey or overstay their visas and become irregular, as it would become difficult for them to reenter the country. Besides, this would further feed into human trafficking problem, which has been already a striking issue for Turkey. Another additional point that should be emphasized is

the paradox shaping the EU approach – that is Turkey is also on the negative/‘black’ list of the EU. The lengthy bureaucratic hurdles and financial costs that the Turkish citizens have to bear while applying for Schengen Visa are criticized harshly by the Turkish side in every occasion.²⁸ This is seen as the sign of unfair treatment of Turkish citizens.²⁹

Border Controls:

Another criticism of the EU centers on Turkey’s insufficient controls around its long maritime and land borders. In particular, this is believed to be one of the crucial factors facilitating irregular entries first into Turkey and later to Europe.³⁰ When we look at the general framework of the EU’s border control mechanisms, it becomes clear that practices and strategies guarding borders signify how the securitization together with technologization and militarization approaches prevails. Especially current developments at the southern border of the EU demonstrate that there is a huge investment in controlling and fortifying borders through high-technological surveillance mechanisms, para-military border guards equipped with war-like devices, and joint-operations with neighboring countries. It is stated that now the main migration routes in the Atlantic Ocean, the Western Mediterranean and Central Mediterranean were almost closed owing to control mechanisms deployed by the EU and “the Turkish-Greek border region has become one of the last loopholes for irregular entrants to Europe.”³¹ Indeed, Turkey has already started to witness tragic deaths of those trying to move into the EU through Turkish maritime borders. Given the strict border control mechanisms enforced by the EU as well as Turkey, people have resorted to dangerous journeys and risked their lives. Recently, in 2012, at least 68 migrants originating from Syria, Iraq and Palestine, lost their lives in the Aegean Sea while trying to reach Greek islands.

In such a context and as a response to increasing pressures from the EU, Turkey has taken considerable steps in fortifying its borders in line with the membership conditionality. First, technologization of border controls has become more apparent. Turkey introduced electronic passports with biometric features in 2010 as required by the EU. Secondly, it initiated a project that calls for the deployment of high-tech devices, including projectors, binoculars, thermal cameras, as well as barbed wires on its borders and improved the Commandership of Coastal Security equipment capacity through additional boats, helicopters, planes and mobile radars.³² Thirdly, it started to establish watchtowers alongside the Iranian borders.³³

As regards to the militarization of border controls, Turkey is in the process of establishing a completely new civilian boarder unit³⁴, which will replace the current border control framework operating under the authority of Directorate of Security General, Gendarmerie, Commandership of Coastal Guards, Land Forces Command, and Marine Forces Command.³⁵ However, despite the wording of “civilian” and emphasis on dismantling the authority of the Turkish military in border control issues, this new unit reflects the militarization of border controls as in case of the EU. More precisely, this unit will also be consisted of uniformed and armed professional personals and work under the supervision of Ministry of Interior.³⁶ It is planned to be operational initially on the Western borders by 2014.³⁷ This restructuring process will approximately cost 3.7 billion euros, 60 percent of which will be financed by the EU.³⁸ Furthermore, Turkey has intensified the militarization of border controls with the help of existing structure. Recently, it has deployed military personnel on its border with Greece. This is also verified by Greek authorities stating that unlike the previous years’ indifference of Turkish authorities towards irregular crossings; their involvement and military presence on the border has been “improved” and intensified.³⁹

Another significant securitarian development is the increasing involvement of the Frontex (European Border Agency) in policing the Turkish-Greek border.⁴⁰ Frontex announced that the Greek-Turkish border has become major gateway to Europe.⁴¹ In particular, it states that

Following decreased departures from Libya and Western Africa, Turkey has now become the most important transit country for [irregular] migration...As a corollary to the sharp decreases registered in Italy and Spain, the number of detections of [irregular] border crossings in Greece rose from 50% of the total EU detections to 75% of the total.⁴²

Similarly, ‘a continued and intensified shift from the Greek sea border to the land border with Turkey’ was underlined.⁴³ For the Frontex, the reason behind this change is the heightening border controls around Spain and Libya as well as Turkey’s visa regime, which has been recently eased further towards Iran, Yemen, Libya, Lebanon, Morocco and Tunisia.⁴⁴ This ‘expert’ knowledge has provided a solid justification for Frontex operations. For instance, for the first time, the Agency employed the Rapid Border Intervention Team (known as RABIT) in Orestiada on November 2010.⁴⁵ Even though, currently, there is no formal agreement or cooperation between Frontex and Turkey, this seems to change in the near future. Klaus Roesler, the director of Frontex’s Operations Division, stated in one of his interview that the Agency “is expecting to conclude a working agreement soon. The first would be to integrate Turkey into the border regime (similar to the case of Libya). On an institutional level, Frontex is trying to connect with the Turkish coast guard and to involve them in joint maneuvers.”⁴⁶ However, in the light of criticisms triggered by the NGOs over the impact of these operations on the rights of asylum seekers and irregular migrants, it is questionable how the envisaged cooperation between Frontex and Turkey could be a ‘humanistic’ solution for irregular entries. To be more precise, Frontex operations are likely to prevent asylum seekers from lodging their claims in European countries.⁴⁷ Those seeking protection are indiscriminately treated as part of irregular and ‘economic’ or the so-called ‘mix flows.’⁴⁸ Besides, Frontex operations particularly on Turkish-Greek border have already attracted considerable public outrage as migrants are exposed to inhuman and degrading treatment during their ‘forced’ removals.⁴⁹ Hence, increasing cooperation between Turkey and Frontex should be critically assessed in relation to the securitization of migration and to the violation of migrants’ rights.

Asylum Law:

The so-called “geographical limitation” to the 1951 Geneva Convention maintained by Turkey and insufficient reception conditions characterizing Turkish asylum system constitute other contentious issues in the course of Turkey’s accession to the EU. In particular, Turkey does not grant refugee status to those coming from outside Europe.⁵⁰ Instead of this, it holds a two-tiered asylum policy. The first deals with the so-called Convention- refugees, namely those originating from ‘Europe.’ This approach is closely related to the Cold War Years’ dynamics. Turkey signed the 1951 Geneva Convention on 29 August 1961; but put “geographical” and “time” limitation. Accordingly, Turkey, as a Western ally, received refugees from the Communist bloc countries in close cooperation with the UNHCR.⁵¹ Later, even though it ratified the 1967 Protocol, and lifted the “time limitation”, it continued to preserve the “geographical limitation”, which denies refugee status and permanent residence permit to ‘non-European’ asylum seekers.⁵² Consequently, the second tier of this policy centers on the so-called non-Convention refugees, namely those coming from outside ‘Europe.’ This system was introduced following the 1994 legal changes, and allowed non-Europeans to apply for ‘temporary asylum’ in Turkey. Turkey examines these applications in cooperation with the UNHCR, and grants only temporary protection to those recognized as ‘refugees’ until they are resettled in another third country.

This system has attracted vast amount of criticisms not only from the EU, but also from national and international NGOs. Despite the increasing number of asylum seekers and refugees seeking protection in Turkey in recent years, existing system has not been revised in accordance with this reality and to comply with international standards.⁵³ To be more tangible, first, those seeking protection are not always allowed to access asylum procedure as they are being rejected at the borders or put into detention centers as irregular immigrants. Especially rejections at the borders together with the deportation of those, who have already been in Turkey, raise important concerns in relation to the *non-refoulement* principle enshrined in the Article 33(1) of the 1951 Geneva Convention.⁵⁴ For instance, NGOs draw the attention to the rejection of Iraqis as well as Iranians at the Istanbul airport and on land borders although these persons claim that they are fleeing persecution.⁵⁵ These forcible returns are mostly justified with a reference to national security considerations.

Secondly, those non-European ‘asylum seekers’ and ‘refugees’ are stuck in dreary limbo in Turkey. This situation is closely related to the inadequate infrastructure and mechanism necessary to provide genuine protection regime. To be more precise, even if those seeking protection manage to circumvent harsh deportation procedures, and enter the country, they face miserable conditions in Turkey. They are either put into camps, or in the so-called reception centers. Because of the insufficient asylum procedures, they lack the necessary procedural rights, e.g. “communication [...] of the reasons for and length of detention, the right to judicial review, the right to legal counsel (legal aid).”⁵⁶ On the other hand, those recognized as ‘refugees’ are dispersed to the designated satellite cities across the country by the Ministry of Interior.⁵⁷ They have to wait for years to be resettled by the UNHCR, as only small number of countries, such as the USA, Canada, Australia, Sweden, Finland and Norway accept refugees from Turkey. During the waiting period, they are not likely to enjoy social and economic rights in full-sense. More precisely, they do not receive sufficient government assistance concerning health care, education or legal advice. Besides, due to the bureaucratic hurdles, employers are not willing to hire refugees and provide them with ‘legal’ employment status.⁵⁸ In such a context, they become much more exposed to exploitation in informal market. Last but not the least, as they are granted ‘temporary protection’ and seen just as ‘guests,’ they are not dealt with some sort of practices aiming at their social inclusion.

Under these circumstances, in the National Action Plan of 2005, Turkey demonstrated its intention to change its asylum regime and abolish geographical limitation in 2012; but with a reservation that EU would provide “opportunities for the equal sharing of responsibility and equal distribution of Turkey’s burden.” The burden sharing issue is one of the strongly emphasized points by the Turkish side on two grounds. First, Turkish officials are concerned that if they abolished this limitation, Turkey would face a ‘refugee crisis’ without having necessary means. These fears are coupled with the mistrust in EU’s seriousness about Turkish membership.⁵⁹ In particular, it is believed that Turkey could be left with thousands of refugees without membership and so without necessary financial and administrative capacity. Second, even if Turkey would be granted a membership status, this time, Turkey would turn into a “first country of asylum”⁶⁰ responsible for status determination owing to its geographical situation. Again, it is considered that, similar to Greece case, Turkey could face a crisis in such a situation. Shortly, Turkey’s main concern is to become a ‘buffer zone’ or ‘dumping ground’ for refugees and asylum seekers before or even after membership. Within this setting, Turkey demands a transitional period for lifting the “geographical limitation” during which it can prepare itself for acceptance and settlement of asylum seekers and refugees.

In the meantime and in accordance with these concerns, Turkey prepared its first-ever draft asylum law under the ‘Foreigners and International Protection Law’ in an effort to harmonize with the EU practices. On 27th June 2012, the draft law was accepted and sent to General Board of Turkish Grand National Assembly where it has been still under negotiation.⁶¹ The most innovative side of this process is that this draft law has been formulated in cooperation with different sectors of civil society, including representatives of NGOs and academics. Besides, it has offered significant improvements to the current asylum system. For example, first, according to the draft law, a new civilian authority under the Ministry of Interior is to be established to manage Turkish asylum system. Currently, police officers under the local Departments of Foreigners, Passports, Borders and Asylum are responsible for asylum applications. Such a move could be seen an important step forward towards de-securitization of asylum issue. Second, *non-refoulement principle* as well as rights of asylum seekers and refugees concerning health services, education and legal access, have been detailed and guaranteed in the draft law.

However, this draft still maintains ‘geographical limitation’, which denies refugee status to non-Europeans. Most importantly, it has integrated some of the securitarian practices characterizing the EU asylum system. For instance, those coming from ‘safe first country of asylum’ and/or ‘safe third countries’ are denied protection in Turkey. As a brief interface, these systems were introduced by the London Resolution adopted under the third pillar on 30 November/1 December 1992. These principles established that member states would be

permitted to reject asylum claims if it was determined that asylum seeker could lodge his/her claim in the country through which he/she entered the EU/member states. Practices relying on these principles have been highly criticized in case of the EU, as this approach is truly to deter persons in need of protection from seeking asylum.⁶² Accordingly, for the Turkish case, it can be also claimed that these concepts would help Turkish officials circumvent the principle of *non-refoulement* and facilitate the deportation of asylum seekers into those 'safe' third countries where they could face risk of persecution. Especially given the fact that these principles have not been precisely defined neither at the EU level nor in the new draft law, they could be misused in a way to take arbitrary decisions concerning the removal of asylum seekers.

Last, but not the least, as indicated previously, those recognized as 'refugees' have to wait for years until they are resettled in third countries. During that time, they have to struggle with marginalization and discrimination in the society. This makes the importance of some sort of practices aiming at social inclusion of those people. However, as in case of the previous constellation, which has restricted their right to work, citizenship, and permanent resident status, there is a little reference to the practices of social inclusion or so to say 'integration.' The draft law has just come up with a very underspecified clause mentioning the 'Social Integration Programs.' Taken together, it is questionable how the proposed law would improve the situation of asylum seekers and refugees in Turkey and dismantle the long-lasting securitarian paradigm in this regard.

Readmission Agreement:

Another requirement set for Turkey is to sign a readmission agreement with the EU. As stated by the European Commission, the aim of the agreement is "to strengthen their cooperation in order to combat illegal immigration more effectively; to establish, by means of this Agreement and on the basis of reciprocity, effective and swift procedures for the identification and safe and orderly return of persons; and to facilitate the transit of such persons in a spirit of co-operation."⁶³ Even though Turkey has put its foot down for a long time, it reluctantly agreed to start negotiations on such an accord in March 2004. The parties finalized the negotiations in May 2010 and initialed the agreed text on 21 June 2012. However, the full signature has not been achieved yet.

Turkish resistance to the full implementation of the agreement has centered on three points. As in case of asylum issue, the first is related to Turkey's fear of becoming a 'buffer zone' or 'dumping ground' for irregular immigrants and rejected asylum seekers returned by the EU. To be more precise, in the future, the EU would be able to send transit migrants back to Turkey under this agreement; but Turkey would not be able to ensure their return to their countries of origin. In the face of such a possibility, Turkish officials underline the necessity to conclude readmission agreements with sending and transit countries of irregular immigrants and asylum seekers before signing such an agreement with the EU. In particular, the Turkish side stated that:

Turkey will initiate, in the medium term, the practices on readmission and expulsion in addition to the alignment with the EU legislation required in the pre-accession process. The Turkish Government will continue to sign readmission agreements with neighboring countries and countries of origin covering Turkish citizens, persons illegally transiting through Turkey, and foreign nationals caught during illegal residence in Turkey. In this vein, Turkey aims to conclude readmission agreements first with its Eastern neighboring countries, and then with countries East of these countries and finally, with its Western neighboring countries.⁶⁴

In relation to these concerns on the Turkish side, the final text of the agreement provided Turkey with a transitional period of up to three years after the entry into force of the whole agreement. During this transitional period, Turkey is obliged to readmit third country nationals returned by the EU and originating from those countries with which it concluded readmission agreement.⁶⁵ Besides, during the same period, the bilateral agreements between Turkey and member states will be applied.⁶⁶

Second, juxtaposed with these issues, Turkish side points to the possible financial and technical costs stemming from such an agreement. Against these worries, the EU has committed to supporting Turkey financially and technically in the implementation of this agreement.⁶⁷ As with other third countries, this support would entail assistance in constructing detention centers and in further militarizing border controls, and providing technical expertise in the ‘fight against illegal immigration.’⁶⁸

| 73

Last point is concerned with the disagreement over visa liberalization issue. Turkish officials stated that they would only conclude the agreement if Turkish citizens were granted visa-free travel in ‘Schengen land.’ However, this demand became subjected to stiff resistance from certain member states. Especially Germany, France, the Netherlands and Austria having significant shares of Turkish migrants continuously express their discomfort with such an option (ECRE 2012).⁶⁹ They are worried that this could increase the number of migrants coming from or through Turkey to the EU.⁷⁰ These tensions have been coupled with the EU’s visa liberalization process towards Western Balkans since 2008. This move has been seen as an unfair and unsustainable approach on the side of Turkey.

At present, parallel to the initialing of the readmission agreement, the Commission was given mandate to open a visa liberalization dialogue with Turkey.⁷¹ However, this does not guarantee visa-free-travel for Turkey. Contrary to the Turkish side’s demand, the EU is still against simultaneous implementation of the readmission agreement and visa-free regime.⁷² Rather, according to the compromise reached in the Committee of Permanent Representatives (COREPER), “for the first 2.5 – 3 years the EU would facilitate the issuing of visas for Turkish citizens, with the prospect of visa liberalization in the future.”⁷³ Hence, in such a context, both the future of visa liberalization and readmission agreement is still unclear.

Apart from these state-centric interests dominating the political agenda between the parties, civil society groups have drew the attention to the possible implications of such an agreement for migrants, whose dignity and rights have been already undermined by the securitarian practices. Drawing on the outcome of similar agreements enforced between the EU and third countries, these critical voices have pointed to the harsh and inhuman deportation practices under these agreements (see.....). Most profoundly, they put the emphasis on the fact that the vast majority of transit migrants originate from refugee-producing countries (e.g. Syria, Afghanistan, Iran, Iraq and Somalia). Such an agreement would facilitate their deportation from the EU to Turkey. Accordingly, as detailed in the previous section, this could pose a serious threat to those in need of international protection, as access to a full and fair refugee status determination process is problematic in Turkey not only due to the ‘geographical limitation’ to the Geneva Convention, but also because of the violation of non-refoulement principle by Turkish border guards and security officers. Most profoundly, Turkey would deport them to other third countries under similar agreements. In other words, readmission agreements either between the EU and Turkey or between Turkey and other source and transit countries would facilitate ‘chain deportations’ or so-called ‘chain refoulements’, first from the EU to Turkey, and then from Turkey to other countries. This could put these migrants in limbo and contribute to their degrading treatment in transit-zones.

Concluding Remarks

The analysis illuminates that the securitization process developed at the EU level, driven by the practices of policing and defense, has been pertaining to Turkey’s migration regime as well. To put it differently, in line with the EU requirements and its own ‘state-centric’ interests, Turkey has gradually replicated this securitization strategy in its domestic sphere. The move to tighten visa requirements, militarized and technologized border control mechanisms, as well as readmission agreements, all, signify how Turkish migration practices have been securitized parallel to the accession process. However, as pointed out by various human rights organizations, pro-immigrant groups and academics, this restructuring has grave consequences for those trying to enter Turkey and/or the EU irregularly. The death of many migrants while trying to cross borders fortified by

‘sophisticated’ measures have become a regular feature around Turkish borders. Both Turkey and the EU should take into account the impact of their migration practices over those migrants fleeing persecution, poverty and hunger and risking their lives en route to Europe. Restricting ‘legal’ channels and enhancing border surveillance are likely to prompt such tragedies.

On the other hand, as urged by the EU, Turkey has to modify its asylum law in line with the Geneva Convention and establish the necessary infrastructure. However, it is doubtful how this can be achieved in the current context, whereby security prevails over human rights. Both sides’ growing emphasis on the ‘fight against irregular immigration’ undermines the prospective improvements in the field of asylum. In other words, Turkish efforts in fortifying borders with a securitarian approach are likely to diminish the chance of seeking protection in Turkey. Further, Turkey’s asylum system needs a deep restructuring in order to provide a genuine and effective protection to refugees and asylum seekers. And this seems to take a long time and necessitate considerable financial resources and administrative changes. Against this backdrop, it is necessary to be critical about on-going Europeanization of Turkish migration practices. Most prominently, there is a need to deconstruct the current “human rights” and “democracy” oriented discourses structuring the relations between Turkey and the EU. In particular, the focus has been on improving democracy and human rights standards in Turkey since the very beginning. At this point, it is fundamental to ask what kind of democracy and human rights agenda the EU and Turkey are promoting. Is this agenda excluding and securitizing migrants; but favoring the mobility of capital and rich? How is it possible to enhance ‘democracy’ through limiting its scope to ‘certain groups’? In accordance with these points, rather than being imprisoned within the conservative, taken-for-granted, approaches capturing our political thinking, there is a need for a critical engagement with current discourses in order to move the issue of migration from the security agenda to the political platform whereby universal justice prevails over state-centric security concerns.

NOTES

¹ In this article, the author used the theoretical and conceptual background of her PhD thesis submitted to the University of Hamburg.

² Interviews were incorporated into the analysis in an anonymous form as requested by the interviewees. Without revealing their individual identities, among the interviewees were bureaucrats from the European Commission, political parties, which are active Europe-wide, academics and representative of NGOs.

³ Jef Huysmans, *The Politics of Insecurity. Fear, Migration and Asylum in the EU* (London and New York: Routledge, 2006).

⁴ Particularly following the introduction of the Schengen Agreements, border controls have been redefined in a more stringent way through the so-called ‘compensatory measures’ in order to tackle the alleged ‘security deficit’ stemming from the abolition of internal border checks (see Malcolm Anderson et al., *Policing the European Union* (Oxford: Oxford University Press, 1995); Sandra Lavenex, *The Europeanization of Refugee Policies: Between Human Rights and Internal Security*, (Burlington: Ashgate, 2001). In brief, these compensatory measures refer to strict common visa regulations, intensified information exchange between national border guards, restrictive asylum practices as well as enhanced police and judicial cooperation between the participating states, particularly in the frontier regions (see Malcolm Anderson and Eberhard Bort, *The Frontiers of the European Union*, (New York: Palgrave, 2001), 58.

⁵ Didier Bigo, “Frontier Controls in the European Union: Who is in Control?,” in *Controlling Frontiers, Free Movement Into and Within Europe*, eds. Didier Bigo and Elspeth Guild (Burlington: Ashgate, 2005), 83.

⁶ See Barry Buzan et al., *Identity, Migration and the New Security Agenda in Europe* (London: Pinter Publishers, 1993); Barry Buzan, Ole Weaver and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder: Lynne Rienner, 1998).

⁷ See Huysmans, *The Politics of Insecurity*.

⁸ *Ibid.*, 4.

⁹ see Didier Bigo, “Security and Immigration: Toward a Critique of the Governmentality of Unease,” *Alternatives* 27 (2002) and also Bigo, “Frontier Controls in the European Union.”

¹⁰ Thierry Balzacq, "The Policy Tools of Securitization: Information Exchange, EU Foreign and Interior Policies," *Journal of Common Market Studies* 46 (2008): 76.

¹¹ Huysmans 200b: 8

¹² Balzacq 2008: 76

¹³ Huysmans, *The Politics of Insecurity*, 56.

¹⁴ Mark Duffield, *Development, Security and Unending War* (Cambridge: Polity Press, 2009), 30.

¹⁵ SIVE (Integrated System of Exterior Surveillance – Sistema Integro de Vigilancia del Estrecho) was introduced by the Spain in 1999 to detect unauthorized entries of irregular migrants coming from African continent. The SIVE, run by the Civil Guard, is an integrated system of fences, sophisticated radars, thermal and infrared cameras, planes, helicopters, boats and high-powered spotlights and night vision equipment (Pablo Castillo Diaz, "The Spanish-Moroccan Border: Global Implications of Europe's Rio Grande," (paper presented at the annual meeting of the International Studies Association, San Diego, March 22, 2006).

¹⁶ Deniz Karıcı Korfalı et al., "Turkey: Country and Research Areas Report," *EUMAGINE* Project Paper 5, (2010): 22, accessed May 5, 2012, <http://www.imi.ox.ac.uk/pdfs/research-projects-pdfs/eumagine-pdfs/eumagine-project-paper-5-turkey-country-and-research-areas-report>.

¹⁷ More specifically, this plan covers three areas: legal arrangements, institutional capacity building and training facilities. Turkish and English versions of the Programme can be found at: "National Programmes for the Adoption of the Acquis," last modified December 31, 2008, <http://www.abgs.gov.tr/?p=194&l=2>.

¹⁸ Interview, EU Commission, Brussels, March 2010.

¹⁹ However, in the course of pre-accession period, Romania was obliged to revoke this agreement and started to impose visa requirements on Turkish citizens.

²⁰ Kemal Kirişçi, "A Friendlier Schengen Visa System as a Tool of Soft Power: The Experience of Turkey," *European Journal of Migration and Law* 7 (2005): 353.

²¹ *Ibid.*, 348-349.

²² Following the Amsterdam Treaty of 1999, the Schengen acquis was incorporated into the EU law and harmonization of visa policies among the member states was furthered through adopting certain Regulations. The most decisive one, which paved the way for full harmonization of the member states' visa requirements, is the Regulation 539/2001 of 15 March 2001 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. Accordingly, the so-called 'positive'/'white' and 'negative'/'black' lists were determined. The 'white' list includes third countries whose nationals must be in possession of visas when crossing the external borders of the EU and the 'black' list is composed of those whose nationals are free from this requirement.

²³ International Organization for Migration (IOM), "Migration in Turkey: A Country Profile 2008," *Country Reports* (Geneva: IOM, 2008), 42.

²⁴ Korfalı et al., "Turkey," 35.

²⁵ Kemal Kirişçi, "Turkey: A Transformation from Emigration to Immigration," *Country Profiles, Migration Policy Institute* (2003), accessed June 2, 2011, <http://www.migrationinformation.org/feature/display.cfm?ID=176>.

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ Interview, Social Democratic Party, Berlin, December 2010.

²⁹ *Ibid.*

³⁰ Interview, NGO, Istanbul, June 2010.

³¹ Franck Düvell, "Studying Migration From, To and Through Turkey: The Context," *Turkish Migration Studies Group at Oxford University Paper* (2011), accessed October 10, 2011, http://www.compas.ox.ac.uk/fileadmin/files/People/staff_publications/Duvell/TurkMiS_1_report_1_2011%20EDITED.pdf. Düvell (2011) further states that "The flow from Morocco has been stopped; the flow through Libya has been stopped, at least for the last couple of years; the flow through Ukraine has decreased significantly."

³² Umut Özden Akbaş, "Immigration Policy in Turkey-EU Relations: Transit Illegal Migration From Turkey to the EU" (Master diss., Marmara University, 2005), 57-58.

³³ Ahmet İçduygu, "Irregular Migration in Turkey," *IOM Migration Research Series* 12 (2003): 64.

³⁴ This new unit was introduced by a new bill, called 'Integrated Border Protection General Directorate Bill'.

³⁵ Akbaş, "Immigration Policy in Turkey-EU Relations," 56.

³⁶ Arif Köktaş, "Sınır Güvenlik Birimi Kurma Çalışmaları," *SDE Analiz*, July 2011, 18, accessed January 1, 2012, <http://www.sde.org.tr/userfiles/file/Sinir%20Birlikleri%20Analiz.pdf>.

³⁷ Ibid., 5; see also “Turkey to Establish Civilian Border Control, Immigration Agencies,” The Interior Ministry of the Republic of Turkey, accessed June 7, 2012, http://syb.icisleri.gov.tr/default_B0.aspx?id=70.

³⁸ “Turkey to Establish Civilian Border Control.”

³⁹ House of Commons, *Home Affairs Committee - Tenth Report of Session 2010-12: Implications for the Justice and Home Affairs Area of the Accession of Turkey to the EU*, (London: The Stationery Office Limited, 2011), 24. It is also necessary to note that Greece announced its intention to construct a border fence, equipped with technological devices, along its land border with Turkey in December 2010. Greek authorities state that this would ‘force migrants to undertake the more difficult river crossing...[and] send a powerful message to potential migrants’ (ibid., 26).

⁴⁰ Frontex, which became operational in May 2005, institutionalized the European border management regime. Even though its origin is found in the counter-terrorism policy framework, it has turned into one of the key mechanisms providing operational cooperation for dealing with irregular immigration in the following years.

⁴¹ Frontex, *Extract from the Annual Risk Analysis 2010* (Warsaw: Risk Analysis Unit, 2010).

⁴² Ibid.

⁴³ Frontex, *FRAN Quarterly 2* (Warsaw: Risk Analysis Unit, 2010), 4.

⁴⁴ “Greece measures Arab Spring immigration impact,” Euractiv, accessed April 16, 2012, <http://m.euractiv.com/details.php?aid=509109>.

⁴⁵ It is important to note that with the RABIT Regulation of 2007, members of the Frontex were allowed to carry arms and to use force under the authorization of the host member states.

⁴⁶ Chris Deliso, “Safeguarding Europe’s Southern Borders: Interview with Klaus Roesler, Director of Operations Division, Frontex,” *Balkananalysis.com*, September 23, 2011, accessed April 10, 2012, <<http://www.balkananalysis.com/greece/2011/09/23/safeguarding-europe%E2%80%99s-southern-borders-interview-with-klaus-roesler-director-of-operations-division-frontex>.

⁴⁷ For a detailed criticisms of Frontex operations, see Anneliese Baldaccini, “Extraterritorial Border Controls in the EU: The Role of FRONTEX in Operations at Sea,” in *Extraterritorial Immigration Control: Legal Challenges*, eds. Bernhard Ryan and Valsamis Mitsilegas (Leiden: Martinus Nijhoff, 210), 229-256; María-Teresa Gil-Bazo, “The practice of Mediterranean states in the Context of the European Union’s Justice and Home Affairs External Dimension,” *International Journal of Refugee Law* 18 (2006): 571-600; and Efthymios Papastavridis, “‘Fortress Europe’ and FRONTEX: Within or Without International Law?,” *Nordic Journal of International Law* 79 (2010): 75-111.

⁴⁸ Interview, Academic, Madrid, March 2010.

⁴⁹ See “Accounts from the Inside: The Detention Centres of Evros,” Proasyl, accessed January 13, 2013, http://www.proasyl.de/fileadmin/fm-dam/q_PUBLIKATIONEN/2012/Evros-Bericht_12_04_10_BHP.pdf.

⁵⁰ As indicated by official documents, following countries are defined as “European”: Estonia, Latvia, Lithuania, Moldova, Belarussia, Ukraine, Russian Federation (including the Asian part), Georgia, Armenia and Azerbaijan. Other countries located farther West on the European continent are also considered as European countries. Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan are regarded as “non-European.” (see “(24) Justice, Freedom and Security: Bilateral Screening with Turkey,” Republic of Turkey Ministry for EU Affairs, accessed June 10, 2012, http://www.abgs.gov.tr/tarama/tarama_files/24/sorular%20ve%20cevaplar_files/SC24_cevaplar.pdf).

⁵¹ Kirişçi, “Turkey.”

⁵² As indicated in the report of the Amnesty International, interviewees from the Ministry of International stated that Turkey has not yet granted any refugee status to those “European” asylum seekers (Amnesty International, *Turkey: Stranded, Refugees in Turkey Denied Protection* (London: Amnesty International Publications, 2009), 41. On the other hand, official statistics claimed that 43 people were granted refugee status (ibid.). This is highly controversial given the large numbers of asylum seekers originating from Bosnia, Kosova and most recently Chechnya. These people have been granted “guest status” which has no legal basis in Turkish legislation (Canan Kaya, “Procedural Rights Under Turkish Law in the Light of the EU Asylum Law,” *E-Journal of Ministry of Justice* (2011), accessed January 5, 2012, http://www.justice.gov.tr/e-journal/pdf/PROCEDURAL_%20RIGHTS%20.pdf) and discouraged to apply for refugee status and settle permanently in Turkey.

⁵³ Especially, in the last decades, Iraqis, Afghans, Iranians and lately Syrians have constituted major groups of asylum seekers and refugees in Turkey. As of 2012, except Syrian asylum seekers, the total number of registered asylum seekers and refugees are counted as 32,672 (IHAD, “2012 Türkiye İltica Hakkı İzleme Raporu,” IHAD, March 2013, 9, accessed March 28, 2013, <http://www.ihad.org.tr/file/reports/2013/2012iltica.pdf>). In particular, Iraq is at the top of this list with 12.905 asylum seekers and refugees; this is followed by Afghanistan (8.357) and Iran (6,701) (ibid.). Most profoundly, ‘since the beginning of the Syrian crisis and so far in 2012, nearly 150,000 Syrians have sought

shelter and assistance in the camps, while another 70,000 Syrians are estimated to be living in urban locations. In 2012, over 103,000 receive protection and assistance in camps managed directly by the Government, which has adopted a temporary-protection regime for all Syrians in the country' ("2013 UNHCR country operations profile – Turkey," UNHCR, accessed March 8, 2013, <http://www.unhcr.org/pages/49e48e0fa7f.html>). Last, but not the least, it is impossible to provide exact numbers of other migrants who are in irregular status or have been deported.

⁵⁴ In particular, Article 33 (1) of the 1951 Geneva Convention states that:

"No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

⁵⁵ Amnesty International, "Turkey," 13.

⁵⁶ Kaya, "Procedural Rights," 2.

⁵⁷ Currently, there are 63 'satellite cities'. These are mostly provincial cities and the most populated ones by asylum seekers are Van, Kayseri, Konya and Eskişehir (Amnesty International, "Turkey," 10).

⁵⁸ For more detailed information on the procedures of work permits, see "How Can you Work in Turkey?," UNHCR, accessed March 10, 2013, http://www.unhcr.org.tr/uploads/root/3_-information_on_how_to_work_in_turkey.pdf.

⁵⁹ Kemal Kirişçi, "National Identity, Asylum and Immigration: EU as a Vehicle of 'post-national' Transformation in Turkey," in *Turkey: Nationalism, Post-Nationalism and the European Community*, ed. Hans-Lukas Kieser (London and New York: I.B. Taurus, 2006), 186.

⁶⁰ The term 'first country of asylum' was first introduced by the Dublin Convention signed on 15 June 1990 and having become in force on 1 September 1997. This principle allows member states to send back asylum seekers to member states through which those seeking protection first entered the EU. It is widely mentioned that this was introduced in order to prevent the so-called 'asylum shopping'.

⁶¹ See for the draft law, "Yabancılar ve Uluslararası Koruma Kanunu Tasarısı" TBMM Komisyon Raporları – Son Hali," Amnesty International, accessed March 20, 2013, http://www.amnesty.org.tr/ai/system/files/108275_0.pdf.

⁶² See James C. Hathaway, *The Rights of Refugees under International Law* (Cambridge: Cambridge University Press, 2005).

⁶³ Commission of the European Communities, *COM(2012) 239 final., Proposal for a Council Decision of Concerning the Conclusion of the Agreement between the European Union and the Republic of Turkey on the Readmission of Persons Residing without Authorization* (Brussels: EU Commission, 2012).

⁶⁴ "(24) Justice and Home Affairs," Republic of Turkey Ministry for EU Affairs, accessed May 15, 2012, 666, [www.abgs.gov.tr/files/UlusalProgram/...2003/En/.../IV-24\(eng\).doc](http://www.abgs.gov.tr/files/UlusalProgram/...2003/En/.../IV-24(eng).doc).

⁶⁵ Burcu Toğral, "Securitization and Externalization of the Migration Practices in the EU: Readmission Agreements and the Turkish Case," in *Human Security in Turkey: Challenges for the 21st Century* eds. Abdullah Özerdem and Füsün Özerdem (To Be Published 10th July 2013 by Routledge).

⁶⁶ Commission of the European Communities, *COM (2012) 239 final.*

⁶⁷ Ibid.

⁶⁸ Toğral, "Securitization and Externalization."

⁶⁹ Similar arguments have been already raised by member states against the Turkish membership, which is believed to prompt further labour immigration from Turkey with a possible adverse effect over the national labour markets (Pierre Hecker, "Turkey," *Focus Migration*, April, 2006, accessed September 10, 2011, <http://focus-migration.hwwi.de/index.php?id=1234&L=1>).

⁷⁰ Alexander Bürgin, "European Commission's Agency Meets Ankara's Agenda: Why Turkey is Ready for a Readmission Agreement," *Journal of European Public Policy* 19 (2011): 894.

⁷¹ The European Commission is the only institution that has the right to propose amendments to the Council Regulation 539/2001 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. Similarly, it is the only institution to request an official mandate to start the visa liberalization dialogue and prepare the associated roadmap leading to the visa-free regime.

⁷² Toğral, "Securitization and Externalization."

⁷³ European Council on Refugees and Exiles (ECRE), *ECRE Weekly Bulletin: Readmission Agreement between the EU and Turkey initialled* (Brussels: ECRE, 2012).