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Abandoned on The Banks of The Meriç (Evros) River: Greece's Migration Policy in the Context of Human Rights

Dr. Tülin YANIKDAĞ
Istanbul University, Faculty of Economics, İSTANBUL.
e-posta: tulinyanikdag@ogr.iu.edu.tr, ORCID: 0000-0001-6679-7452

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ABANDONED ON THE BANKS OF THE MERIÇ (EVROS) RIVER: GREECE'S MIGRATION POLICY IN THE CONTEXT OF HUMAN RIGHTS*

Abstract

The issue of migration deeply impacts European countries. Greece is one of the countries on the migrants' route. While Greece is preferred by irregular migrants because it is the gateway to Europe and is located in the Schengen area, it is also examined as a case study due to the security measures it has taken on its land borders, such as pushing back and building a steel wall on the border. This article analyzes Greece's migration policy. The aim of the study is to seek an answer to the question of whether national security concerns of countries in the fight against irregular migration can go beyond the obligation to comply with the basic principles of human rights law. In particular, it focuses on human rights violations faced by irregular migrants crossing the Meriç (Evros) border. The study references academic literature and news coverage from national and international media.

Keywords: Greece, Irregular migration, Pushback, Border security, Türkiye.

MERİÇ (EVROS) NEHRİ KIYISINDA TERK EDİLENLER: İNSAN HAKLARI BAĞLAMINDA YUNANİSTAN'IN GÖÇ POLİTİKASI

Özet

Düzensiz göç meselesi, Avrupa ülkelerini derinden etkilemektedir. Göçmenlerin yol haritasında bulunan ülkelerden biri de Yunanistan'dır. Düzensiz göçmenler tarafından Avrupa'ya açılan kapı olması ve Schengen alanında bulunması nedeniyle tercih edilirken, aynı zamanda geri itme yöntemi izlemesi, sınıra çelik duvar örmesi gibi kara sınırında aldığı güvenlik önlemleri nedeniyle Yunanistan bir vaka örneği olarak incelenmektedir. Bu makale, Yunanistan'ın göç politikasını ele almaktadır. Yunanistan göç sorununa yönelik sınır güvenliğini esas alan bir yaklaşım benimsemektedir. Çalışmanın amacı, düzensiz göçle mücadelede ülkelerin ulusal güvenlik kaygıları, insan hakları hukukunun temel prensiplerine uyma yükümlülüğünün ötesine geçebilir mi sorusuna bir yanıt aramaktır. Özellikle Meriç sınırından yapılan geçişlerde düzensiz göçmenlerin karşılaştığı insan hakları ihlallerine odaklanmaktadır. Makalede akademik literatürde yer alan kaynaklar ile ulusal ve uluslararası medyaya yansıyan haberlerden yararlanılmaktadır.

Anahtar Kelimeler: Yunanistan, Düzensiz göç, Geri itme, Sınır güvenliği, Türkiye.

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1.INTRODUCTION

In 2011, the Syrian Civil War started and has caused a migration movement that has affected not only Syria and neighboring countries but also European countries. According to Şimşek (2017: 12), the migration from Syria to Europe is one of the most significant movements since 1945. The countries where migrants seek refuge or attempt to do so have also become apparent. The terms source country, transit country, and destination country are commonly used to express the same idea. Greece, Italy, and Spain are often considered transit countries, while Germany, Sweden, and Austria are considered destination countries (Kalogeraki, 2022: 92).

Greece is a significant transit route for migrants seeking to reach European countries. Due to its policies, Greece has become a destination for many migrants, most of whom lack legal status, seeking refuge and applying for asylum in disproportionate numbers. Critics have deemed the implemented policies “inadequate in protecting EU borders and providing sufficient housing for new immigrants”. Numerous academic studies have highlighted Greece's reputation as “an unwelcoming environment” for refugees (Rozakou, 2012: 563). An international survey conducted between 2016-2017 identified Greece as the country where refugees were most concerned about the perceived economic and cultural impacts on the host nation (Tent, 2017: 37; Kalogeraki, 2022: 92).

Compared to other host countries such as Germany and Türkiye, refugees in Greece are often perceived as a threat to the country's current situation. Germany ranks fifth in the world rankings among host countries. The largest group among the refugees in the country, numbering over one million, consists of Syrians (Kassam and Becker, 2023: 1). In the early years of migration, the open-door policy and Angela Merkel's "Welcome Culture” have led to an increase in asylum applications. The right to housing, meeting the human resource needs of the labour market from refugees, providing opportunities for them to learn German to encourage workforce participation, and making efforts to take necessary steps for integration into the country have been attempted. Germany provides a range of opportunities for Syrians, extending from employment to citizenship. According to 2023 data, Syrians constitute more than a quarter of those granted German citizenship (Euronews, 2023). Türkiye is not only the country that hosts the highest number of refugees in the world, but it has also developed policies for refugees in many areas such as education, employment, health, and housing. In 2016, the European Commission defined Türkiye as a 'safe country' for refugees (Tsitselikis, 2018: 7). According to the data of the UN High Commissioner for Refugees (2023), the number of registered Syrians in the country is 3.6 million. Additionally, according to UNHCR, 320,000 people hosted by Türkiye are of other nationalities. The 'Regulation on Work Permits of Foreigners under Temporary Protection', published in January 2016, allows Syrians in the country to work in various jobs (İçduygu, 2017: 15). This perception has led to an escalation of anti-refugee sentiments in Greece. Nevertheless, Greece was criticized by the international community for its non-compliance with human rights regarding irregular migration, especially the push back method.

Irregular immigrants who aim to enter Europe through illegal and unauthorized means can do so in two ways. At the beginning of the migrating influx, crossing the Aegean Sea was the main route for reaching the Greek islands. However, it has been observed that the increasing migration influx has recently been directed towards the Meriç (Evros) River region, located on the northeast border of Türkiye and Greece. One reason for the change in migration route is the high number of deaths resulting from attempts to pass over the Aegean Sea for getting to Greek islands. Furthermore, it is believed that the completion of mine clearance operations along the Greek border of the Meriç (Evros) River has also had an impact (Triandafyllidou and Ambrosini, 2011: 257).

Since the Syrian refugee crisis became a significant topic on the European agenda, Greece's treatment of immigrants who have arrived at the country's borders as a route to migrate to Western countries has been criticized. The news of groups attempting to migrate via boats across the Aegean Sea and losing their lives at sea is still alive in people's memories. The lifeless body of “a 3-year-old Syrian child by the name of Alan Kurdi washing up on the shore drew the attention of the international community to the grapples of irregular migrants” (Smith, 2015).

The human rights violations resulting from the pushback that occurred when migration turned towards the Meriç River, which marks the land border, have come to the surface. For instance, on August 15, 2022, a group of Syrian migrants attempting to cross from Türkiye to Greece were stranded on the Meriç (Evros) River due to Greece's pushback method. The news of the 39-member group of migrants stranded on a small island

in the Meriç (Evros) River has stirred international public opinion (BBC News Türkçe, 2022). The incident that particularly prompted the action of the UN Refugee Agency (UNHCR) and subsequently the authorities in Greece were the death of a five-year-old girl who was waiting to be rescued on the island and died as a result of a scorpion sting.

When examining migration movements that can lead to tragic deaths, the question arises as to the responsibility of the country that the migrant is attempting to reach when the migrant tries to enter the country illegally. At this point, the country's priority may be to preserve its current demographic structure and borders, creating a dichotomy between protecting its borders and protecting the right to life of irregular migrants. When examining Greece as an example, it becomes apparent that the country has faced criticism for its handling of irregular migration. This criticism is twofold. Firstly, their approach to irregular migrants is being criticized for violating human rights. Triandafyllidou and Ambrosini (2011: 252) highlight this issue in their study, which includes a comparative analysis of the policies pursued by Italy and Greece on the issue of irregular migration. Secondly, the permeability of its borders and the criticism of Greek society for its inability to prevent irregular migration. Security measures, such as the steel wall built along the land border, have been a contentious issue in domestic politics and were promised as an election pledge.

This study analyzes Greece's policies towards irregular migrants and their impact on individuals from Syria, Afghanistan, Pakistan, Iraq, and various African countries who pass through Greece to reach Europe. The study raises concerns about the Greek authorities' approach to irregular migrants, which may violate international human rights law. The authorities aim to protect national security by securing borders, even if it results in dangerous migration journeys. In particular, the study will focus on human rights violations related to illegal border crossings and the pushback of irregular migrants at the land border. Furthermore, questioning the compliance of the EU's human rights norms, including the pushback method, which is one of the main reasons why immigrants seek refuge in the country due to its status as an EU member state, will also prompt a discussion on Europe's asylum regime.

2. CONCEPTUAL FRAMEWORK

Migration-related studies often suffer from confusion of terms, which can hinder understanding. Academic articles that examine specific cases, such as Greece, have also encountered conceptual confusion. In recent years, immigrants from countries like Afghanistan and Pakistan have joined the wave of migration that began in Syria. In academic studies related to migration, it is crucial to differentiate between concepts such as migrant, refugee, asylum seeker, irregular migration, and illegal migration.

In accordance with Article 1 of "the 1951 Geneva Convention Relating to the Status of Refugees", a refugee is defined as any person who is outside their country of nationality and is unable or unwilling to avail themselves of the protection of that country due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion. The UN High Commissioner for Refugees (1951: 2) defines a refugee as a person who, due to events such as war or persecution, is outside their country of habitual residence and is unable or unwilling to return to it, even if they do not have a nationality.

"The non-refoulement principle", established under the Convention, aims to prevent refugees from being sent to a place of persecution or their safety would be threatened. The term "events occurring before 1951" mentioned in the Convention refers to incidents that took place in Europe before 1951. The uncertainty caused by this term in the face of similar events that would occur later was resolved by the 1967 Protocol. The article repeats the definition of a refugee verbatim and removes the phrase "incidents that occurred before January 1, 1951" as per the protocol. Thus, individuals who are feared to be persecuted due to "their race, nationality, religion, affiliation with a social group, or political opinions" are recognized as refugees ("UN Human Rights Office of the High Commissioner", 1966). Asylum seekers are closely related to the concept of refugees. The term refers to individuals who have applied for asylum in a country and are awaiting a response regarding their acceptance as refugees (Perruchoud and Redpath-Cross, 2009: 49).

According to “the Glossary on Migration” (2009: 22), migration refers to the action of populations resulting from “individuals or groups of mankind crossing an international border or changing their location in the territory of the country”. The term migration is used to describe population movements where individuals or groups of people cross an international boundary or move within a state. Migration can occur due to economic, social, or political reasons. This includes refugees, internally displaced persons, or individuals seeking economic opportunities elsewhere. There is no “a generally accepted definition” of who qualifies as a migrant based on the definition of migration. Migrants are individuals who pass from one country or region to other one for the reasons previously mentioned.

The main factor determining the nature of migration is actually the concept of distance, that is, geographical distance. The proximity or distance between places can provide information about the type of migration, whether it is internal, occurring within the borders of a country, or international, from one country to another. International migration is often categorized into six different types; *permanent settlers, temporary contract workers, temporary professionals, clandestine or illegal workers, refugees, and asylum seekers* (Aksoy, 2012: 294). Migration, defined as external or international migration, can be categorized into various types, including refugee migration, exchange migration, labor migration, and brain drain, among others. This text discusses mainly asylum migration, which describes the migration of individuals who leave their country due to extraordinary reasons such as natural disasters, internal conflicts, ethnic disputes, economic crises, hunger, and famine, as well as those who leave their country due to oppression (Güler, 2019: 23).

Concerning compliance with legal procedures, new definitions have been introduced, such as “*regular”* and “*irregular migration”.* “Regular migration” refers to migration that takes place within the framework of legal procedures, while irregular migration is generally used to describe migratory movements that take place outside the control of states, although there is no agreed definition yet. It should be underlined that “irregular migration” and illegal migration are two separate concepts that should not be used interchangeably in academic studies. Illegal migration refers to “entering and leaving a country without complying with legal regulations by crossing the border or residing and working in the destination country without obtaining permission” (Turgay, 2011: 24; Güler, 2019: 26).

Attempting to enter a destination country without following the legal procedures for immigrants or having the necessary permits is defined as irregular migration. An example of irregular migration is when an individual attempts to enter a country without a passport or visa. Similarly, individuals who have entered a country legally but have overstayed their allotted time are also included in this category. However, the term illegal migration most often refers to the use of illegal methods to enter a country, such as human trafficking or smuggling. In academic studies, the term "irregular migration" is preferred over "illegal migration". The reason for this is that the term 'illegal migration' implies a legal responsibility or criminal sanction. It also disregards the fact that migrants are human beings. (Perruchoud and Redpath-Cross, 2009: 26-27).

Based on the conceptual framework, this article will primarily use the term “migrant” to refer to people who seek to migrate to other countries because of oppression in their country of residence, such as refugees and asylum seekers. It is well known that a refugee or asylum seeker can also be defined as a migrant, but a person who is only a migrant cannot be called a refugee or an asylum seeker. People who are subject to irregular migration are not only refugees who try to seek asylum following the legal framework or refugees who are waiting for the completion of the asylum procedure, but also those who leave the conditions of their current location for improving the quality of life. It is clear, therefore, that the term *migrant* would be more inclusive. Regarding the distinction between irregular and illegal migration, the terms *irregular migration* and *irregular migrant* are preferred.

Illegal migration refers to act entry and stay in a country in contravention of the legal requirements for such migration. There is an ongoing debate in academic circles as to which term, illegal, unlawful, unregistered, or unauthorized, is more appropriate to describe the illegality of migration through illegal border crossings. In this regard, scholars have pointed out the need to avoid using the term “illegal” as it directly associates migration with crime (Sciortino, 2004: 17; Triandafyllidou, 2010: 2). In other words, the term illegal or undocumented migrant is examined discriminatory and derogatory from human rigts supporter. Not long ago, the phrase “irregular migration” has return to its place definition of “illegal migration”. Thus, the scope of irregular migration has been broadened to include both illegal and irregular migratory movements that violate the legal framework of migration. The identification of illegal immigration only with situations that require

criminal liability and the use of derogatory terms to refer to individuals evaluated in this context limit the scope of the concept in light of the influx of immigrants that Greece is facing. However, the term irregular migrant encompasses a much wider range of individuals, from those who enter the country's borders without complying with legal regulations to those who have exceeded the legal period of stay in the country despite having completed the necessary procedures. Therefore, in this work, the phrase “irregular migrant” is used to define those who come in the territory of the country the absence of following legal procedures (Üstübici, 2018: 140).

3. MIGRATION, SECURITY, AND LAW: LEGALIZING MIGRATION

Migration is a global issue, but it is often perceived as a threat to national security. In recent years, migration has become an inevitable phenomenon. States evaluate foreigners attempting to enter their countries illegally as a threat to national security. When examining Greece's migration policy, three key performers are concerned with the issue of border check Greece, Türkiye, and the European Union have been involved in efforts to prevent illegal crossings into Greece, both on land and sea. These measures include the installation of fences, erection of wire barriers, regular patrols by surveillance teams, and monitoring with thermal cameras. Despite these efforts, Greece has been unsuccessful in addressing the migration crisis, primarily due to the country's appeal as a gateway to Europe for irregular migrants. To ensure border security and prevent irregular crossings, Greece has requested assistance from the European Union. Türkiye, Greece's neighboring country, faces a similar challenge. According to İçduygu, cooperation with the EU on topics such as “border security, human trafficking, and smuggling” is becoming increasingly controversial. The main issue is “how to manage the inrush of migrants and refugees.” In Türkiye, the effective combat of irregular migration, especially concerning the significant numbers of refugees heading towards the country, remains uncertain (İçduygu, 2015: 291).

The irregular migration movements at Türkiye-Greece border present a significant challenge for border security. It is noteworthy that the two countries have divergent asylum policies. In the early years of the Syrian refugee influx, Türkiye referred to migrants as *guests* welcomed within the country's borders. Over time, the definition of guest evolved into a more legal approach, specifically the status of “temporary protection beneficiary.” Some migrants even transitioned to citizenship status. While Greece implemented measures to ensure border security, Türkiye pursued an “open-door policy” for an extended period (Aras and Mencütek et al., 2023: 52). Although Türkiye adhered to this policy for a substantial duration starting from the onset of migration in 2011, it is no longer practically in effect.

Although Greece has implemented a strict border policy, many migrants still prefer to cross into Europe through Türkiye. It is essential to emphasize that “the right to life” and safety of refugees is a crucial issue, regardless of policy differences between countries. International public opinion has reported on the news of people being stranded on islands in the Meriç River due to Greece's pushback method. This study questions the practice of perceiving migration as a security problem for a country, rather than being individual-focused, and its prospective effect on the protection of irregular migrants. The topic of human rights violations in the methods and procedures used to deport irregular migrants for border security is often overlooked in migration studies. In other words, the focus on migration should prioritize individual safety rather than state security and border protection. This raises the dilemma of how to balance the safety of irregular migrants with the need for security.

Yuval Noah Harari (2018: 138) emphasizes that even supporters of immigration, acknowledge that it is not possible to completely solve the issue of migration, and building walls at borders will not stop these people. Therefore, “legalizing migration” is a much more appropriate solution. Otherwise, he expresses concern that a large underground world will be created, including “human trafficking, illegal workers, and children without official documents”. In this passage, Harari highlights the ineffectiveness of border security policies in addressing illegal migration. Harari points out that border security policies are not effective in dealing with the problem of illegal migration. From this perspective, one might ask whether viewing migration as a crime and considering irregular migrants as potential criminals could offer a solution to the growing migration problem since Syria's civil war erupted in 2011.

Another significant aspect is the issue of “the production of immigrant illegality through legal means," as discussed in Ayşen Üstübici's study (2017: 108). According to Menjivar's observation, “the construction of 'illegality' among migrants, which refers to the encouragement of illegal migration routes, is no longer limited

to the borders of states that host migrants. This issue arises even before migrants reach their destination countries. This process occurs in transit countries along the migration route and even in the source countries, which interestingly enough, are the starting points of the migration route" (Menjivar, 2014: 263). In other words, it indicates a period that occurs even before irregular migrants leave their country of origin.

When examining the issue of "illegal immigration" from the perspective of the European Union (EU), which is directly involved with the problem along with Greece and Türkiye, it is clear that there have been increasing obstacles to the legalization of irregular migration in recent years. Firstly, legal barriers erected by the EU have made it harder and harder for migrants to acquire lawful position. The EU's legal barriers have forced migrants seeking to move to Europe from their countries to resort to illegal routes. Secondly, with the regulations introduced, even illegal migrants have been registered and given legal identities. The third and final point is the issue of member states that aim "lower migration costs" and provide better conditions for migrants by employing illegal migrants (Kıyıcı and Kaygısız, 2018:473). In other words, employing undocumented migrants has become more advantageous and sought after by employers because it reduces costs.

4. THE EU, TÜRKİYE, AND GREECE RELATIONS THROUGH "READMISSION AGREEMENTS"

The migration influx that began after the emergence of the Syrian Crisis followed a route to regional countries and Europe. The conceptual framework of the study emphasizes that during this process, some countries were positioned as transit countries while others as destination countries. It should be noted that Greece has become both a transit and destination country for migrants. There are permanent immigrant groups in the country. On the other hand, Greece is an important transit point on the way to European countries.

In terms of Greece's legal framework for migration policy, a crucial aspect to consider is the readmission agreements. These agreements address irregular migrations and refer to "the process of accepting back a person who has entered or stayed in another country illegally, and who is a civilian of the receiving country, a citizen of a third country, or stateless" (Perruchoud and Redpath-Cross, 2009: 21). In summary, reinstatement refers to the act of accepting back a person who has entered or stayed in another country illegally, regardless of their citizenship or statelessness. To further specify, these agreements regulate "the procedures for returning individuals to their countries of citizenship who have irregularly entered a country (i.e., without a passport, visa, residence permit, or similar travel documents), usually through places that are not considered official customs gates or other points of entry. Even if individuals met the conditions during entry, they may no longer comply due to reasons such as visa expiration. Agreements have been set to establish procedures for their return to their countries of citizenship" (Özsöz, 2014: 15).

It is difficult to convince a state to sign a readmission agreement, mainly because the burden of responsibility is placed on the receiving state rather than on the EU. Visa liberalization and financial aid serve as incentives (Kıyıcı and Kaygısız, 2018: 477). However, it is important to note that these concessions have faced criticism. The exchange of visa liberalization for signing a readmission agreement by candidate countries has been criticized by some European countries. However, in 2004, the EU Commission granted the EU Council "the authority to negotiate visa facilitation" (Güler, 2019: 66). The European Commission has signed readmission agreements with several countries, including Ukraine, Georgia, Armenia, Russia, Pakistan, Sri Lanka, and Myanmar, as well as Balkan countries such as Serbia, Albania, Bosnia and Herzegovina, and Montenegro (Yazan, 2014: 131).

On December 16, 2013, the EU and Türkiye signed the "Agreement on a Visa Liberalization Dialogue and Readmission between Türkiye and the EU" in reply to the Syrian Crisis ("Republic of Türkiye Ministry of Foreign Affairs", 2013). This regulation aims to address irregular migration. If migrants who have entered any EU country illegally are found to have arrived at the EU borders through Türkiye, the agreement stipulates that they must be readmitted to the Turkish borders.

Türkiye has signed readmission agreements with numerous countries since 2001. According to "the Directorate General for Migration Management", in addition to the EU, Syria, and Greece, the countries that have signed readmission agreements with Türkiye include Bosnia and Herzegovina, Kosovo, Montenegro, Norway, Russia, Ukraine, Moldova, Belarus, Kyrgyzstan, Pakistan, Yemen and Nigeria. It is worth noting that the readmission agreement between Türkiye and the EU has entered into effect about provisions concerns a country's own readmission and transit. However, the provisions regarding the "repatriation of third country citizens have not yet come into effect ("Republic of Türkiye Ministry of Interior Directorate General of Migration Management", 2023; Ekşi, 2017: 50).

“The Agreement between Türkiye and Greece”, signed in 2001, is a commitment by Türkiye to readmit illegal migrants who have crossed from Türkiye to Greece. “While migrating the first few years of migration, the agreement also included a commitment to provide Türkiye with substantial financial support, such as three billion euros, to meet the needs of Syrians admitted to the country”. An evaluation of this situation has been carried out, “highlighting the intertwining of merit boundaries and the production of illegal migration” (Üstübici, 2017: 117).

Three agreements are closely related to Greece's migration policy. The first is the Türkiye-EU Readmission Agreement. This agreement covers the readmission of irregular migrants, third country citizens, and stateless individuals who have come unlawfully EU countries from Türkiye. These persons are defined in the agreement as “persons residing without authorization”. The fact that not only irregular migrants but anyone who has entered without permission are considered a person to be readmitted indicates how broad the scope of the agreement is. On the other hand, the agreement on the readmission of those who have entered without permission, both from Türkiye to EU countries and from EU countries to Türkiye, is a condition of reciprocity. However, the crucial point here is that the main destination of the migration route for irregular migrants was not Türkiye but European countries. Initially, Türkiye was “a transit country” for many migrants trying to reach European countries. However, as Ahmet İçduygu (2015: 13) has pointed out, it has now become a destination country. Therefore, in terms of the scope of the agreement, the primary obligation on repatriating illegal migrants is placed on Türkiye (Üstübici, 2018: 82). Comparing the migration movements from Europe to Türkiye with those from Türkiye to Europe, it becomes clear that Türkiye is burdened with a greater responsibility in terms of readmission.

Another remarkable aspect of the agreement is its geographical scope. Initially, it is understood to cover EU countries and Türkiye. The United Kingdom, Ireland, and Denmark are exceptions to the agreement. Ireland and Denmark did not join the agreement, while the United Kingdom later became a part of it. If an irregular migrant passes through Turkish territory and then enters these countries through the EU member states, these countries have the option of sending the migrant to another European country that is a party to “Readmission Agreement between the EU and Türkiye” and consequently returning the migrant to Türkiye (Ekşi, 2016: 74; Eren, 2019: 79).

The second important agreement to be evaluated as part of the EU, Türkiye and Greece relations is the bilateral agreement signed between Türkiye and Greece in 2001, which became effective in 2002 (İçduygu, 2004: 297). In terms of scope, it aims to establish cooperation and joint action between the two countries on issues such as "terrorism, illegal cultivation, production, trafficking, transportation and use of drugs and chemical substances, trafficking in humans and related crimes, trafficking in arms, trafficking in passports and other official documents, transnational crime and criminals, illegal migration, smuggling of cultural and historical artifacts and works of art, money laundering." However, as of 2018, Türkiye has suspended this agreement (Deutsche Welle, 2018).

In the same context, the third agreement that can be considered has been realized between Türkiye and the EU. The EU summit addressed the issue of irregular migration between Türkiye and Greece, on March 18, 2016. With the rise in migration by Türkiye into Greece, a summit between Türkiye and the EU was held in Brussels. This summit, also known as “the March 18 Agreement," to back of undocumented immigrants out of Greece into Türkiye stressing that these returns would be carried out within the framework of both EU norms and international law. In this regard, it was stated that mass deportations would not be considered and that the commitment to “the principle of non-refoulement” would be maintained. Several measures, including “the deployment of Turkish public officers to Greek islands and Greek public officers to Turkish islands”, would be taken and implemented between the two countries to solve the problem. In addition, it was specified that all expenses incurred during the return of migrants would be funded by the EU (Güler, 2019: 81-82). According to this agreement, irregular migrants who don’t register for asylum, whose request are rejected, or whose applications are deemed inadmissible among those crossing borders of Türkiye to the islands of Greece would be included in the scope of return. For each Syrian returned from the Greek islands to Türkiye, one Syrian in Türkiye would receive resettlement within EU borders (Ekşi, 2017: 60; “Republic of Türkiye Ministry of Foreign Affairs”, 2023).

In conclusion, another point that needs to be emphasized is the emergence of a new refugee agreement between the EU and Türkiye. On September 9, 2023, during a visit to Germany, Greek Minister of Migration and Asylum Dimitris Kairidis claimed that Türkiye had suspended the agreement signed in 2016

during the pandemic. Emphasizing Türkiye's crucial role in combating irregular migration, Kairidis called on the EU to renegotiate an agreement with Türkiye, and he urged Germany to take the lead in this matter (Barigazzi, 2023; Business Turkey Today, 2023).

4.1. The Principle of Non-Refoulement

Greece's migration policy has frequently been criticized for its strict measures and practices against irregular migrants. From a human rights perspective, a key principle that guarantees the right to life of irregular migrants is “the principle of non-refoulement”. The principle of non-refoulement delineates the limitation of state intervention regarding irregular migration within their borders and extraterritorial jurisdiction. “This principle provides protection to individuals who are at risk of persecution in the place to which they would be returned, including refugees”. (Bozovalı, 2019: 3). The decision not to allow incoming migrants to enter the country, to deport them, or to refuse them any form of residence permit is linked to the country's migration policy and sovereign authority. However, it is explicitly stated that the limit of this approach adopted by the state to protect its borders is the principle of non-refoulement. This situation is also reflected in the decisions of the European Court of Human Rights. Specifically, the Court of Strasbourg does not require an examination of the conditions defined in the 1951 Geneva Convention for a person to be considered a refugee in cases falling within this scope. “Article 3 of the European Convention on Human Rights” prohibits “torture and inhuman or degrading treatment or punishment”. The provision in Article 15 of the Convention regarding “derogation in time of emergency” cannot be suspended, and even in situations where there is a possibility of such actions occurring, the Court may decide that the principle is violated, taking into account the existing risk.

The legal exception to “the non-refoulement principle” is outlined in Article 33(2) of “the 1951 Geneva Convention”. According to this provision, “a refugee who is considered to be a serious threat to the security of the host country or who continues to be a danger to the population of that country because of a serious criminal conviction, in particular for a heinous crime,” cannot benefit from “the principle of non-refoulement”. However, the general approach of the court, in light of the decisions of the European Court of Human Rights, is to emphasize “the need to strike a balance between the interests of public safety, public health, or deportation decisions related to terrorist offenses and basic individual rights are deported. The court is in favor of the non-refoulement principle” (Bozovalı, 2019: 41). Additionally, beyond the non-refoulement principle, efforts have been made to legally safeguard the position of undocumented immigrants through norms such as the prohibition of mass deportations, non-arbitrary detention, and certain guarantees granted to those held in custody for deportation.

The non-refoulement principle aims to regulate countries' practices regarding irregular migrants within the framework of the law and protect migrants. It prohibits certain actions, which must be mentioned. Actions such as turning away irregular migrants at the border and sending them back to a country where they are in danger, pushing migrants beyond the country's borders without applying administrative procedures, and sending of migrants back to a country in which they are in danger of death through a third country are explicitly prohibited under “the non-refoulement principle” within the scope of non-refoulement (Bozovalı, 2019: 49-50).

Although irregular migrants are protected by regulations, it is important to analyze Greece's position on migrants. Firstly, as a member of the EU, Greece is obliged to comply with the provisions of the Lisbon Treaty, which came into force in 2009. The freedoms and principles contained in “The Charter of Fundamental Rights of the European Union”, which was adopted on 7 December 2000 (European Parliament, 2000), as explicitly stated in Article 6(1) of the Lisbon Treaty (Eurlex, 2007), are recognized. In this context, Article 19(2) of the Convention clearly states that “no one shall be expelled, returned or extradited to a State where he or she would face the death penalty, torture or other inhuman treatment”. Therefore, “the principle of non-refoulement” is guaranteed. In addition to “the Article of European Convention on Human Rights”, “the 1951 Geneva Convention” and which regulates “the prohibition of torture”, are also applicable. Additionally, “the 4th Article of Protocol 4 to the European Convention on Human Rights” (Council of Europe, 1963) prohibits “the collective expulsion of aliens,” further contributing to the legal protection of irregular migrants.

When examining Greece's approach to migrants, several instances of violating the non-refoulement principle come to light. For instance, the European Court of Human Rights analyzed “the case of M.S.S. v. Belgium and Greece” (European Court of Human Rights, 2011) in this context. In this case, an Afghan migrant who left Afghanistan in 2008 entered Greece through Türkiye before subsequently reaching Belgium and, thus, within the borders of the EU. The Belgian authorities faced deportation back to Greece. Belgian officials determined the legal basis for evaluating the asylum request under the Dublin II Agreement, which determines

the state responsible for assessing the asylum claim when the application is made within the EU. The key issue is identifying the first country of entry into the EU. Therefore, the migrant should have been returned to Greece. However, after being returned to Greece, the asylum-seeker was placed under administrative surveillance at the airport and faced difficulties in finding accommodation after his return. Attempting to go to Italy, the migrant was apprehended while trying to leave Greece. Greek authorities attempted to return the migrant to Türkiye, but they were unable to do so due to the actions of Turkish officials guarding the border.

The Court of Strasbourg emphasized that Belgian authorities should have been aware of the difficulties the Afghan migrant would face if sent to Greece when evaluating their asylum application. "The European Court of Human Rights" concluded that Belgium violated "Article 3 of the European Convention on Human Rights" by subjecting Afghan migrant to ill-treatment during his stay in Greece and the risk of being returned to Afghanistan (European Court of Human Rights, "M.S.S. v. Belgium and Greece", 2011). This decision emphasizes the binding nature of "the non-refoulement principle", despite the legal framework governing deportation practices. Furthermore, when implementing deportation decisions for migrants, the respective country is obligated to consider potential human rights abuses in the countries to which migrants will be sent and the ill-treatment they may face there. This obligation is in line with the principles outlined in international agreements regulating deportation practices from a legal perspective.

In the text of the judgment, the Grand Chamber identified several shortcomings in the Greek asylum system. These deficiencies include the failure to provide essential information on the procedures applied to migrants, difficulties in accessing the authorities where asylum claims are made, communication issues between officials and migrants (such as inadequacy in the number of interpreters), the absence of a support system for migrants, and the prolonged duration of decisions regarding migrants (European Court of Human Rights, 2011: 294-321).

4.2. Pushback Process

The Syrian Crisis has brought the migration issue to the forefront, with Greece facing international scrutiny for its strict measures against irregular migrants and documented cases of pushback. The return of "irregular migrants" between Türkiye and Greece is determined by bilateral agreements, but Greece's general approach is to redirect migrants within its borders to Türkiye, using the method of pushback. It should be emphasized that pushback is a controversial practice that has been criticized by human rights organizations. Pushback is the practice of forcibly removing irregular migrants who have entered the country's territory without considering their asylum claims and without adhering to "the prohibition of torture" and ill-treatment (Kılıç, 2014: 434).

Greece prioritizes border security as a fundamental objective. However, the practice of sinking boats carrying migrants attempting to cross the Aegean Sea through illegal routes by Greek coast guard officials has resulted in tragic deaths on several occasions. The statements of irregular migrants attempting to entry into the state by illegal means (Üstübici, 2018:135) reflect the use of pushback methods by Greece. The situation is similar for irregular migrants who are pushed to the border of Meriç, which forms the boundary by Türkiye. Due to Greek authorities' pushbacks, migrants stranded on small islands in the Meriç River face hunger and the risk of death. This practice violates human rights law and the non-refoulement principle.

Despite warnings from international institutions and Turkish authorities, Greek officials deny accusations of human rights violations against irregular migrants attempting to seek asylum in Greece through illegal means. Instead, they blame human traffickers for the situation. It is important to maintain objectivity and avoid biased language when discussing sensitive topics such as human rights violations. The migration crisis between Türkiye and Greece has been exacerbated by incidents where irregular migrants are left at the Turkish border due to pushback or returns. It is usual to undocumented immigrants arriving at the country boundary between the two countries to be kept under surveillance in police centers for an extended period before being left on small islands at the Turkish border. Greece's policy towards irregular migration includes not only preventing migrants from crossing the borders but also pushing them within Greek borders towards the Turkish-Greek land border. This method of removing migrants from the country has created tensions between Greece and Türkiye in their efforts to combat "irregular migration". The implementation of the agreement's provisions is complicated by the absence of coordination among states and the acceptance of migrants pushed from the border by Türkiye under the signed Readmission Agreement (Güler, 2019: 78).

In 2018, “the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)” visited Greece and conducted interviews with undocumented immigrants held in three imprisonment centers. According to the accounts of these migrants, they are often held in closed spaces without basic necessities such as food and water for extended periods before being pushed back to the small islands at the Turkish border by crossing the Meriç (Evros) River in boats. In this context, a group that was interviewed reported that they had been subjected to violence by Greek law enforcement and masked armed individuals. They stated that they were forced onto boats and left at a location in the Meriç (Evros) River (Council of Europe, 2019: 59).

In pushback cases, it is crucial to take into account the difficulty irregular migrants face to reach an authorized authority to file complaints against relevant institutions and individuals. This often results in uninvestigated actions and a lack of legal consequences for those responsible for the ill-treatment of irregular migrants. When individuals who were pushed back from the Greek border reach Türkiye and suffer injuries or fatalities, Turkish authorities initiate investigations. However, investigations conducted by the Turkish Ministry of Justice may be dismissed due to correspondence related to the timing of the incident and the findings of Greek authorities (Bozovalı, 2019: 165).

5. MEASURES TAKEN FOR BORDER SECURITY RELATED TO COMBATING “IRREGULAR MIGRATION” IN GREECE

The European Union (EU) has implemented several policies to tackle irregular migration. Triandafyllidou and Ilies (2010) identify border management, return of incoming migrants, remote border control, externalized controls, and leveraging information technologies for security as key areas in the EU's action plan. The policy approach involves collaborating with third countries for border control. “The integrated border security approach' involves capacity building with third countries, information sharing, and collaboration among member countries, border controls, risk analysis and the development of surveillance systems”. Collaboration with transit countries along migration routes and the signing of “readmission agreements” with third countries should also be considered. The EU employs information technologies, such as “the European Common Fingerprint Identification System” (EURODAC) and “the Visa Information System” (VIS), to manage irregular migration (Koç, 2021: 337-338).

The EU's measures regarding the migration issue exceed mere limitations. An important initiative is the establishment of a database under EURODAC, which enables member states to scrutinize asylum applications from migrants and compare their fingerprints (Doğan, 2022: 59). To establish uniform criteria for EU member states to recognize refugee status among asylum seekers, “the Common European Asylum System” (CEAS) was proposed (Koç, 2021: 331). In addition to establishing “a unified asylum system”, the EU has activated other units to combat irregular migration. Examples of such units include “the European Border and Coast Guard Agency” (FRONTEX) and “the European Border Surveillance System” (EUROSUR).

Established in 2004 and beginning operations in 2005, Frontex has a broad mission that includes “joint operations at land, sea, and air borders, common return operations, and research and information sharing through the management of the Eurosur system” (FIDH-Migreurop-REMDH in 2014: 14). To protect “the EU’s external borders”, Frontex collaborates with both member states and neighboring non-member countries affected by migration and cross-border crimes. This collaboration includes intelligence and information sharing. Frontex is considered “one of the EU's significant achievements” and works alongside national authorities to safeguard the Schengen Area (Frontex, 2023).

The establishment of Rapid Border Intervention Teams (RABITs) within the framework of Frontex in 2009 led to the emergence of a new migration route for irregular migrants. The sea border, which had previously been heavily utilized across the Aegean Sea, resulting in numerous maritime accidents and migrant fatalities, was replaced by land borders starting in 2010 due to the activities of RABITs. In order to facilitate cooperation and communication between member countries and Frontex, Eurosur was created in 2013. Its primary objectives are to prevent irregular migration and cross-border crimes, as well as to contribute to the safety and well-being of migrants (European Commission Migration and Home Affairs, 2023).

Greece is taking steps to ensure border security within the framework of the EU. To combat “irregular migration”, Greece employs several methods to secure its borders. These include monitoring with thermal and

infrared cameras, having law enforcement patrol the borders, erecting wire fences, and requesting assistance from the EU Agency for Border and Coast Guard (Frontex). The Greek border for irregular migrants also serves as the EU border. In recent years, Greek authorities have taken measures to halt the increasing migration movement directed towards this border. In 2016, "the Ministry of Migration Policy" was established, but it was abolished in 2019. In its place, "the Ministry of Migration and Asylum" was established in 2020 ("Hellenic Republic Ministry of Migration and Asylum", 2023). It is noteworthy that the fight against irregular migration is being conducted at the ministerial level.

Greece has implemented a steel wall on the Turkish-Greek land border to ensure border security and prevent illegal crossings into the country. This development sets Greece apart from other European countries. The wall was initially planned to be 12.5 kilometers long and 3 meters high when construction began in 2012. However, due to the Syrian migrant crisis, the project was extended in 2020 to counter the westward migration movement from Afghanistan (BBC News, 2021). In 2021, a 40-kilometer wall was completed. According to Prime Minister Mitsotakis, the wall was constructed to protect Greece's borders and exterior boundaries of the EU.

The wall project has sparked debates in Greece's national policy as well. During election campaigns in the country, politicians have made promises to voters such as "extending the wall across the entire Turkish-Greek border" (Cumhuriyet, 2023). Kyriakos Mitsotakis, who was re-elected as prime minister in the general elections held in April 2023, has stated that the length of the wall will reach 100 kilometers by the year 2026.

6. HUMAN RIGHTS VIOLATIONS DURING REPATRIATION IN GREECE

The management of migration in Greece prioritizes national security. As a result, the measures taken to deal with "irregular migration" are reflected in reports by international organizations. Reports from organizations such as Amnesty International and Human Rights Watch highlight the issues faced by irregular migrants who are captured by Greek authorities under "the EU-Türkiye Agreement" and are to be returned to Türkiye. During the initial stages, the primary challenge is the lengthy process of reaching Greece, completing necessary legal procedures, evaluating asylum claims, and subsequently returning to Türkiye. At this stage, migrants are detained in detention centers while waiting for the process to be completed.

Migration movements towards the Greek border have increased in recent years. This situation highlights the inhumane conditions within the growing crowds in detention centers. Individuals are deprived of legal assistance, healthcare, and psychological support. It should be emphasized that many "asylum seekers" cannot be included in the scope of the "Readmission Agreement", as they have arrived in Greece from a third country. Many individuals express a desire to go back to their countries of origin due to the poor conditions in the places where they are held by Greek authorities.

For individuals who have left their places of residence to migrate to Europe and have applied for asylum in another country, Greece is often viewed as an attractive gateway to Europe. However, this perception contradicts the reality of the situation. Research on the treatment of migrants held in surveillance centers and incidents of pushback at sea and land borders, as well as the resulting loss of life, highlights Greece's unfavorable position for irregular migrants (Rozakou, 2012: 563). Pushback incidents at the land border, such as the Meriç (Evros) border, have become increasingly common in recent years. This observation is supported by field studies conducted in Greece and reports from international organizations.

Greece's migration policy prioritizes national security and border control, which includes the deportation of irregular migrants without adhering to the legal protections granted to them. It is important to note that this approach has been criticized for not adhering to legal protections. From this perspective, the pushback method is a method used by Greek authorities to deport irregular migrants. This method violates the non-refoulement principle, as outlined in "Article 33 of the 1951 Geneva Convention" and "Article 3 of the European Convention on Human Rights", which prohibits torture.

7. CONCLUSION

Forced migration has become a global issue, with migrants from Syria, Afghanistan, Pakistan, and African countries arriving through illegal channels. In recent years, many countries have experienced an influx of migration from these countries towards the West. Foreigners attempting to enter a country through illegal means are often perceived as a security threat by states prioritizing security concerns in combating irregular

migration. This perspective, which regards migration as a criminal act and irregular migrants as potential offenders, is not only present in Greece but is also embraced by many other countries today.

Greece has maintained its position as a transit and destination country since the early years of migration. Due to its membership in the EU and its location in the Schengen area, irregular migrants tend to gravitate towards Greece. However, the extensive security measures taken by the Greek authorities at the border and the human rights violations are experienced by irregular migrants while crossing the border have led to criticism from the international community.

Greece has responded to national security concerns regarding the migration crisis it faces by prioritizing border security. To prevent illegal crossings, they have resorted to methods such as building fences along the borders, deploying law enforcement patrols, and surveillance with thermal and infrared cameras. Despite all these efforts, as the flow of migrants has not stopped but has increased, the proportion of spending on border security has increased even more.

The evaluation of the cost of the wall on the land border with Türkiye is also relevant. The steel wall, completed in 2021, is planned to extend 100 km by 2026. However, the border wall has not effectively stopped migration towards Greece, which is considered a gateway to Europe. Consequently, there have been instances of push-back at the Meriç (Evros) border. Irregular migrants attempting to cross from Türkiye to Greece are frequently abandoned on islets in the Meriç (Evros) River or pushed back to the Turkish border. Greek security forces leave irregular migrants to starve and die during push-backs, putting their lives in danger. This method employes by Greece contradicts the system of values adoptes by the EU. The EU has warned Greece to discontinue the push-back method.

In conclusion, Greece's migration policy, which prioritizes border security, conflicts with fundamental human rights principles, such as the principle of non-refoulement and the prohibition of collective expulsions. The measures are taken to ensure national security and combat illegal migration do not strike a balance between human rights law and EU norms. The legal framework for the return of irregular migrants is clearly defined by bilateral and readmission agreements. The practice of pushing back irregular migrants are caught at the border causes tension between the two countries. The issue of irregular migration, which concerns both Türkiye and Greece, can be resolved through cooperation rather than shifting responsibility.

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