

On 18 March 2016, the EU and Turkey agreed on a cooperation for struggling with irregular migration in the Eastern Mediterranean. Accordingly, as of 20 March 2016, it was decided that “all new irregular migrants crossing from Turkey to the Greek islands will be returned to Turkey.” For every Syrian migrant being returned to Turkey, a Syrian who fulfill the conditions for the international protection will be resettled in the EU countries. That’s why this is also known as “the 1:1 deal”. In doing so, Turkey has pledged “to take any necessary measures” to eradicate the irregular migration in the Aegean Sea.

The deal sparked the debates on the violation of refugee law and human rights. There are a huge amount of accounts on that. [Mehmet Enes Beser](#) talked with two prominent scholars who wrote a very interesting [policy brief](#) on “returns from Greece”.

Thanks for accepting our request. Firstly, could you please introduce yourself? How did you come together for this work? Are you all interested in the EU-Turkey deal before?

Ilse van Liempt: I am a human geographer with an interest in irregular migration, human smuggling, and migration policies more broadly. I initiated a research project on the effects of the EU Turkey Deal because I think it is important to critically follow and investigate the impact of new ideas and policies to govern (irregular) migration and to look at it from different perspectives. We investigated the impact of the EU Turkey Deal on people (stuck) in Greece, people who had been repatriated to Turkey, and those who had been repatriated further away back to Pakistan, but we also interviewed Syrian families who were resettled under the 1 for 1 agreement to the Netherlands.

One could argue that migration deals are nothing new and it is true that we see certain patterns repeating itself like the wish to outsource asylum requests. At the same time, there are elements that we have not seen before and that are in need of closer investigation like the fast track procedures that were introduced in the Greek hotspots and the extreme situations this created in terms of waiting, loss, and despair. But also the explicit differentiations that are made based on nationality (the Syrian/non-Syrian divide that is now explicitly present in European as well as Turkish policies), and the emphasis that is put in the selection of who has the right to protection on vulnerability instead of political persecution.

Jill Alpes: I am a legal anthropologist with 12 years of experience working on migration, development and human rights with both NGOs and research institutes. My interest in exploitative labor migration, migrant vulnerability during irregular border crossings and returns have taken me to carry out research with both state actors and people on the move in amongst others Cameroon, the DRC, Turkey, France, the Netherlands, and Greece.

When the EU-Turkey deal was passed I was in Turkey carrying out consultancy research for Amnesty International. Like many others, I was very concerned what the deal would do to

people’s access possibilities to an asylum. Given my track record in following up on what happens with people after return, I was immediately convinced that we needed to document the fate of those asylum seekers who would under the deal become subject to a return to Turkey.

What were your expectations from the fieldwork in Greece just before starting? Is there any finding that surprised you?

Ilse: I was not aware that people are only allowed to travel to the mainland to access standard asylum procedures if they are recognized as being vulnerable. As a result of this new rule people’s access to protection has become partially dependent on being classified as ‘vulnerable’ which will have all sorts of long-term implications for Europe. If the asylum system is used to offer protection to sick and vulnerable people instead of those who face political persecution we are degrading our asylum system. This will also have long-term effects on how our society sees and treats refugees because asylum is now seen as a gift to vulnerable people instead of a right to people who have something to offer.

Jill: Despite the things that I had read in news prior to traveling to Lesbos and Chios, I was surprised to witness just how difficult it is for people on the islands to gain access to asylum. The Greek authorities examine substantive claims for asylum only when the success chances are low. When chances for positive asylum decisions are high, the Greek authorities examine whether asylum seekers can be returned to Turkey to file their application there instead. People also lack access to legal information and legal aid. This is in part the case because discrimination on grounds of nationality seems to have become an acceptable practice after the deal. Discrimination, however, creates self-fulfilling prophecies. If individuals from nationality groups with low asylum recognition rates are detained immediately upon arrival this further lowers their chances to succeed with their asylum application.



As you know well, there are serious concerns about the deal since it may pave the way for forced deportations. Do you agree with it?

Jill: The greatest concern of human rights organizations with the deal is that it paves the way for asylum seekers to be returned to Turkey on grounds that Turkey could examine and potentially grant refugee status. As our policy briefs document, Turkey's legal frameworks for asylum seekers are very young and implementation gaps are massive. So far, Greek authorities have only been able to return 1,360 people to Turkey – an indicator in itself that the deal does not work. Returns have been low because the Greek asylum service has despite very strong pressure from the EU only concluded in one single case that Turkey could be considered a safe third country. NGOs have challenged the evidence that was examined by the Greek Council of State to come to this conclusion. Nevertheless, fears for higher return numbers remain acute.

Ilse: Research data from this study also reveals that asylum seekers on the Greek islands felt forced to accept 'voluntary' returns because conditions in the hotspots put the safety and health of their families at risk. A 32-year old Syrian man who accepted to return from Chios to Turkey with his pregnant wife in May 2016 explained: "Tents were being burnt and there were fights every day. It was not safe at all. People from rightwing parties came and started throwing explosives on us. We never felt safe in this camp." "I didn't have any lawyer. No one was giving us any information. All the volunteers, organizations and even UNHCR were telling us that there was a high chance of being sent back to Turkey." "We never got an interview date. We lost hope and decided to go back to Turkey." Looking back, he adds: "I would not recommend anyone to return [to Turkey]. It was a very big mistake."

<http://bmigration.com/greek-court-decision-deportation/>

Citing from the article, "*When Greek Asylum Service decides that an asylum application is inadmissible, this shifts protection responsibilities to Turkey*" This means a forced deportation?

Jill: Asylum seekers whose applications are judged to be inadmissible by the Greek Asylum Service are at risk of deportation to Turkey. As I explained earlier, asylum seekers from countries with high recognition rates are particularly concerned by this new practice introduced by the EU-Turkey deal, i.e. not examining whether a person should be granted asylum, but whether this person could apply for asylum elsewhere. In practice, not a single person has so far been deported from Greece to Turkey after an inadmissibility decision. All of the people who were deported to Turkey so far were returned after negative asylum decisions on grounds of eligibility because their asylum applications were closed or withdrawn. In our briefs, we examine in detail why the deportation of these people also pose the threat of human rights violations. Only 33% of all returnees so far had negative asylum decisions from Greek authorities. This is of great concern given that only 5% of all returnees to Turkey were according to data from the European Commission able to apply for asylum in Turkey. Also, 17 out of 37 respondents in our study reported not having been able to apply

for asylum in Greece prior to their deportation to Turkey. Such findings pose the question whether the deal puts refugees, i.e. people with real protection needs, at risk of deportation. Current mechanisms for human rights monitoring before and after returns to Turkey do not suffice to guarantee that returns under the deal do not violate human rights, such as the principle of non-refoulement.

Your article mainly focuses on the returns from Greece. You mention those who have no chance and accept to return Turkey. Does Turkey accept all those who withdraw the asylum application in Greece?

Jill: Turkish authorities have on occasion refused the admission of asylum seekers from Greece. It is my impression that this is not a major obstacle in returns from Greece to Turkey. In practice, what we have seen is that Greek authorities, notably the police, have targeted Pakistanis for detention in pre-removal centers immediately upon arrival on Greek islands. Turkey ratified a readmission agreement with Pakistan only days after the passing of the EU-Turkey deal. As a result, Turkey is in a particularly good position to deport Pakistanis. Incidentally, Pakistanis are by far the highest group of nationals deported from Greece to Turkey after the deal.

The resettlement plan under the deal only covers Syrian asylum seeker. However, there are a significant amount of other nationals who cross the Aegean Sea and reach the islands. Isn't it a discrimination among asylum seekers?

Ilse: Yes, it is surprising that only Syrians are able to apply for resettlement. If it would be really 1 for 1 it should have been Afghans or Pakistani who should be resettled as they make up a large share of the population that is repatriated from Greece. Besides, there is not only discrimination based on nationality going on, also on marital status and gender. Single male refugees, for example, have the least chance to be resettled whereas they make up the largest share of the refugee population in Turkey.

There is another legal paradox. Syrians who have applied for temporary status in Turkey are not allowed to apply for resettlement. This means that people who are in need of legal protection are excluded from the option to receive international protection under the resettlement programme.

Jill: As Ilse explained, some Syrians are able to resettle from Turkey to EU member states under the deal. These resettlement places were subtracted from existing resettlement pledges for Syrians from Syria's neighboring countries. Thus even the positive resettlement element of the deal at the end of the day does not offer a real improvement. Also, Turkey increased its border controls on the Aegean after the deal. As a consequence, asylum seekers from for example Afghanistan, Iraq, and Iran are no longer able to come to Europe to apply for asylum

there. As our briefs explain, protection mechanisms for refugees in Turkey are weak both in law and in practice.

The most interesting point of the article is the Greek authorities' approach to the asylum applications. "They examine substantive claims for asylum only when the success chances are low". So, is it a Greek policy to reduce the number of refugee admission?

Ilse: In the policy brief we argue that the focus has shifted from offering protection to return, to try to find a way to offshore. This is an illustration of that. When the success chances are low legal efforts are put in proving these people can be sent to Turkey, or beyond. Moreover, these actions are used by politicians to show that the Deal is effective. Returns have a strong symbolic impact, that is also why we see an increase in returns around anniversaries of the deal, to show the public that something is being done.

Jill: Greek authorities have substantially changed their laws and policies after the passing of the EU-Turkey deal. With regards to refugee admission, the Greek legal system is now divided into a fast-track procedure on Greek islands and a standard procedure on the Greek mainland. Asylum seekers on Greek islands can only file their asylum application in the standard procedure on the mainland if they can prove that they are "vulnerable". Sadly, the Greek Asylum Service does not gather statistics on differences in asylum decisions on the mainland and on the islands. While asylum procedures on the Greek mainland are also under pressure, asylum applications on Greek islands are treated in accelerated procedures and in a context of a dire lack of lawyers and legal information.

If you ask me about Greek policy and practice with regards to asylum seekers, however, we also have to discuss the role of the EU and EU member states. On Greek islands, officers of the European Asylum Support Office (EASO) carry out first instance interviews with asylum seekers. Our research was not able to investigate in depth the training and interview guidelines of EASO officers. The European Centre for Constitutional and Human Rights (ECCCHR), however, has filed a complaint with the European Ombudsman, arguing that EASO fails to respect core standards of fairness, while simultaneously acting without a basis in law. Before the deal, EASO was not involved in Greece's asylum procedure. As the last point, we need to also look at how the re-composition of the Greek appeals committees after the EU-Turkey deal affects asylum decisions today. Currently, a record low of 2% of negative asylum decisions on merit is overturned in the 2nd instance. Access to protection is thus increasingly difficult for asylum seekers on Greek islands. We can't blame Greece alone for these developments.

Finally, could you say that the deal becomes successful in accordance with the EU's major goals in curbing the migrant flows?

Ilse: the number of arrivals through the Aegean Sea has dropped. But our research also shows that there are still people coming and there are serious delays because so many people are stuck. Interviews with repatriated migrants also show that many people will try again, eventually, they might come back. In the short term this particular flow has curbed, but in the long term, people will find other ways to enter. The most problematic part of this cat and mouse game played at the border is that it involves a high human cost. The number of people dying while attempting to cross is increasing. This is something the Deal has not found a solution for. There was an interesting first idea for offering alternatives to the sea crossing in the shape of the 1 for 1 regulation but so far the numbers of people who have been resettled are very low (72.000 was promised and around 9.000 has been materialized).

Jill: UN statistics on the Eastern Mediterranean route show that arrival rates had already slowed down prior to the passing of the EU Turkey deal. The decrease in the arrival rates on Greek islands is mostly due to the gradual (and actually incomplete) closing of the Balkan route – not alone the EU-Turkey deal. As Ilse pointed out, people have continued (albeit in much lower numbers) to arrive at Greek islands since the deal. Syrians are the biggest nationality group amongst those who continue to arrive on Greek islands. This alone shows that the deal's idea of Turkey being the first country of asylum does not work. It's stunning also to note that arrival rates in September, October, and November this year were higher than in the respectively same months in 2016. The long-term effects of the deal on arrival rates are thus still to unravel.

Another important objective of the EU-Turkey deal was also to cut down on border deaths. We know from the European Commission that 68 boats with 4832 people have arrived from Turkey to Italy and that nine boats with 568 Syrians have arrived from Turkey to Cyprus between September 2016 and 2017. These are relatively low numbers, but also much longer and more dangerous routes. If we really want to know about the deal's effect on border deaths, we need to examine all of Turkey's external borders. How has police practice changed at Turkey's border with Iran, Iraq, and Syria after the deal? I heard about horrifying accounts of Turkish police officers shooting at asylum seekers, but we really lack evidence on these allegations today. Also, what is happening at Turkey's land border with Bulgaria and Greece? My concern is that the deal's shifting of responsibilities to Turkey has resulted in an increase in push-backs and pullbacks, thus violating the principle of non-refoulement. It's urgent to investigate these questions much more systematically.



ABOUT US

Bosphorus Migration Studies is an independent “think-together tank” focuses on migration. Founded in July 2015 by a group of independent researchers studying in Boğaziçi University. Headquartered in Ankara.

- Our mission is to promote inclusive and sustainable migration policies and generate alternatives for policy-makers.
- We support junior researchers seeking to deepen their knowledge and networks.
- We engaged NGOs and researchers to develop innovative frameworks.

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*We have another portal in Turkish: bmshaber.com