

# EU-Turkey Financial Cooperation in Migration

Nahreen Aref

Máster en Estudios Árabes  
e Islámicos Contemporáneos



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Nahreen Aref  
UNIVERSIDAD AUTÓNOMA DE MADRID

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## **Abstract:**

The purpose of this research is to compare the EU's financial cooperation with Turkey with respect to irregular migration in humanitarian and non-humanitarian assistance and migration and asylum and border management. Through a breakdown and analysis of the EU Facility for Refugees' projects and Instrument for Pre-accession Assistance's (IPA II) migration and asylum projects and border management activities, it becomes evident that the EU is conflicted between maintaining its identity as a human rights defender and not wanting to accept asylum seekers into Europe. Ultimately, its approaches to financial cooperation highlight its priority to prevent irregular migration above providing humanitarian aid.

Key words: migration, European Union, Turkey, financial assistance

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## **Introduction:**

When rising numbers of migrants began arriving in Europe during the summer of 2015, what became known as Europe's "migration crisis" challenged the EU's preexisting divisions regarding procedures, reception conditions, and treatment of asylum seekers and illustrated its inability to implement a common asylum policy. Despite escalating international conflicts, growing rates of migration into Europe in the previous years, and increased EU funding towards both refugee aid and removal since 2012, the EU was unprepared to confront the dramatic increase in migration to Europe in 2015. After taking ineffective measures to control irregular migration, the "movement that takes place outside the regulatory norms of the sending, transit and receiving country", the EU ultimately externalized the responsibility for asylum seekers to an EU candidate country, Turkey, resulting in the EU-Turkey Statement of March 2016 (International Organization for Migration b).

The EU-Turkey Statement financed Turkey an initial three billion euros, in addition to a second installment of three billion euros, to control irregular migration and improve refugee conditions in Turkey. It officially established the EU Facility for Refugees in Turkey as a joint coordination mechanism to organize humanitarian assistance, non-humanitarian assistance, and migration management funds. Through a separate financial instrument, the Instrument for Pre-Accession Assistance (IPA), the EU finances migration and asylum and border management activities. By breaking down and analyzing the EU's financial assistance to Turkey through specific projects, activities, and indicators for success, it becomes evident that the EU prioritizes the prevention of migration above refugee aid.

This investigation builds on previous literature on EU-Turkey relations in migration and the EU-Turkey Statement. While there is an abundance of literature regarding the EU's response to the migration crisis and the EU's values as a human rights defender, none of these works thus far have provided an analysis of how EU funded projects, activities, and indicators for success in both the EU Facility for Refugees and IPA II have specifically contributed to the EU's mission to prevent irregular migration.

## **Conceptual Framework:**

In conducting research regarding migrants, refugees, and asylum seekers, it is first crucial to distinguish these terms, each of which carries different international obligations and consequences. A migrant is someone who moves from one place to another, with the intention of staying long-term. Migrants may leave their homes for many reasons, including economic motivations, family reasons, and war (Travis, 2015). A refugee is a migrant recognized in need of international protection due to “a well-founded fear of persecution or serious and indiscriminate threats to life, physical integrity, or freedom” (UNHCR, n.d a.). An internationally recognized refugee should be given material assistance and support by the state to integrate into a new society. Asylum seekers are migrants who have arrived in a country and have made asylum claims seeking legal protection to be recognized as refugees (UNHCR, n.d. b). In the time that their claims are being processed, they must be ensured safety and dignified living (Travis, 2015). The UN Refugee Agency (UNHCR) works with and supports these governments to implement necessary protection measures (UNHCR, 2016).

In managing the “migration crisis” of 2015, the EU financed Turkey through a joint coordination mechanism, the EU Facility for Refugees, and one of its main financial instruments, the Instrument for Pre-Accession Assistance (IPA II). The EU Facility for Refugees is a joint coordination mechanism for the EU budget’s various financial instruments and Member State contributions to finance both humanitarian and non-humanitarian assistance for refugees in Turkey, primarily Syrians (European Commission, 2018a, pp. 4). Member States’ contributions are integrated into the EU budget, which coordinates and amplifies existing funding under the EU Regional Trust Fund in Response to the Syrian Crisis (EU Trust Fund), the Instrument contributing to Stability and Peace, the European Instrument for Democracy and Human Rights, and the Instrument for Pre-accession Assistance national programs (European Commission, 2018a, p. 4).

Humanitarian assistance focuses on providing basic needs and protections as well as health services and education in emergencies to groups considered “vulnerable”. Non-humanitarian assistance provides vulnerable groups socio-economic, health, and educational needs that support long-term integration (European Commission, 2018a, pp. 7). The International Organization for Migration (IOM) defines integration at its foundation as “the process of mutual adaptation between the host society and the migrants themselves, both as individuals and as groups”. In order to integrate effectively in a society, a migrant initially needs access to housing, health and social

services, education for children and adults, and the labor market. Moreover, comprehensive approaches to integration ensure that migrants can socio-economically, politically, and culturally engage with their host society (International Organization for Migration a, n.d.).

The Instrument for Pre-Accession Assistance (IPA) is one of the primary channels through which the EU manages migration with Turkey. By supporting reforms in enlargement countries, which are EU candidate countries or potential candidate countries, through financial and technical aid, the EU builds enlargement countries' capacities to make political and economic reforms and progressive developments to prepare for EU membership rights and freedoms. Following the initial period of IPA from 2007-2013, IPA II established a country strategy focus framework from 2014-2020, providing candidate countries greater independence in integration reform and development agendas. IPA II also targeted reform in specific sectors in relation to enlargement strategy: democracy and governance, rule of law, growth, and competitiveness. In the case of Turkey, these projects are mostly financed by the EU, and the Turkish government provides a small national contribution (European Neighbourhood Policy and Enlargement Negotiations).

Under IPA II's Migration and Asylum sub-sector of Home Affairs, under the democracy and governance strategy, the primary actions concern the construction, refurbishment, and renewal of removal centers and the assisting of voluntary returns. Removal centers, previously known as "Foreigners Guesthouses" are facilities where Turkish authorities detain foreigners and asylum seekers in administrative detention (Global Detention Project, 2014). According to UNHCR, voluntary return is "the return of a person to his/her country of origin or habitual residence based on his/her free will and informed decision, in the absence of coercive measures" (UNHCR, n.d.). Assisted voluntary return (AVR) is the "logistical and financial support provided to non-nationals who are unable or unwilling to remain in the host country and who make a free and informed decision to return to their countries of origin or habitual residence" (UNHCR, n.d.). AVR has become more increasingly employed as a tactic to combat irregular migration (Pitonak, A. and Beşer, 2017).

### **Summary of EU migration policies:**

The 1990 Dublin Regulation established that the first EU state of arrival would be responsible for examining the application of asylum seekers, and the Amsterdam Treaty of 1999 developed broad outlines for a future EU policy on immigration and asylum (Hansen, 2005, pp. 6) (Parkes and Pauwels, 2016, pp. 25). This effort materialized in the 1999 Tampere Programme, in which the Council decided on the gradual establishment of a Common European Asylum System (CEAS), based foremost on the aforementioned Dublin regulation (Parkes and Pauwels, 2016, pp. 19). CEAS would have two phases: first, to agree to common minimum standards for the treatment of all asylum seekers and applicants and second, to develop such standards into tighter rules (Parkes and Pauwels, 2016, pp. 21).

CEAS's first set of common policies was meant to be adopted by 2004 (Hansen, 2005, pp. 7). From 1999 to 2004, the first phase of CEAS established the criteria and mechanisms for determining the Member State responsible for examining asylum applications. The first phase included the establishment of the "Eurodac" database for storing and comparing fingerprint data, the defining of common minimum standards for Member States to adhere to regarding the reception of asylum seekers, the qualification for international protection and type of protection granted, and the procedure for granting and withdrawing refugee status. This phase also created legislation regarding temporary protection in events of mass influx (European Parliament, 2018, pp. 4).

The Tampere Programme established that "a major focus of the EU's efforts should be on the more efficient management of migration flows, on the more effective external border controls, and on combating illegal immigration" (CEC, 2000, pp. 9). In an effort to combat illegal migration, in 2002, the European Union adopted a framework on people smuggling and in 2004 established Frontex, Europe's first border control agency. On the other hand, Tampere also "declared that a more vigorous integration policy should aim at granting' third-country nationals 'rights' and obligations comparable to those of EU citizens," (CEC, 2001, pp. 2). The Council strove to "enhance non-discrimination in economic, social and cultural life and develop measures against racism and xenophobia" (CEC, 2001, pp. 2). In respect to integration of migrants, the EU finally defined integration as a societal process of "give and take" from migrants and residents, though it did not adopt many concrete measures regarding the integration process (Parkes and Pauwels, 2016, pp. 21).

During the summer of 2004, in assessing the Tampere Programme, the Commission stated that, “although ‘it is clear that the successes that have been achieved are considerable’, it is equally clear that ‘the original ambition’ has been ‘limited by institutional constraints, and sometimes also by a lack of sufficient political consensus’” (European Commission, 2004) (Hansen, 2005, pp. 37). In November of 2004, the European Council approved the Hague Programme, a multi-annual program which called for CEAS’s second phase to be adopted by the end of 2010. The Hague Programme contributed to efforts towards a common asylum system by maintaining emphasis on the integration of third-country nationals, while also focusing on the need for tight external borders (European Parliament, 2018, pp. 4). (Parkes and Pauwels, 2016, pp. 21).

In 2005, the European Commission’s adoption of the Global Approach to Migration and Mobility (GAMM) served as a framework for the EU’s external migration relations and asylum policies with third countries, or non-EU countries. GAMM’s priorities were to promote mobility, establish links between migration and development, and prevent illegal migration through diplomatic policy tools including regional processes, mobility partnerships, and readmission agreements with non-EU countries (Parkes and Pauwels, 2016, pp. 22) (Koenig, 2017, pp. 4). As the EU has sought to establish a link between these policy tools and development assistance, readmission clauses have become a primary scheme to manage migration in cooperation agreements between the EU and many countries such as Morocco, Libya, Afghanistan, Tunisia, Algeria, Pakistan, and Turkey (Hanes, 2005, pp. 41).

Put into effect in December of 2009, the Treaty of Lisbon transformed asylum measures into a common system of procedures and statuses. The common system would include uniform asylum and subsidiary protection statuses, a common temporary protection system, and common procedures for granting and withdrawing asylum and subsidiary protection statuses. It would also include criteria and mechanisms for determining which Member State is responsible to consider an application, standards for reception conditions, and partnership and cooperation with third countries (European Parliament, 2018, pp. 4). Despite these new measures, EU asylum policies lack fully harmonized standards due to the EU asylum procedures’ basic principle that Member States may introduce or retain more favorable provisions (Heijer, Rijpma, and Spijkerboer, 2016, pp 609). Asylum policies must be implemented by national law and practice, and the EU has granted national governments the legal right to implement varying treatment towards those with refugee or subsidiary protection statuses. Effectively, Member States’ lack of compliance with EU

asylum procedures would lead to a weak common system (Heijer, Rijpma, and Spijkerboer 2016, pp. 610).

In December of 2009, during a time of economic crisis, the European Council adopted the Stockholm Programme, which reaffirmed the objective of a common European asylum system, with an emphasis on promoting solidarity between Member States facing particular challenges (European Parliament, 2018, pp. 5). The Stockholm Programme regulated labor migration at the EU level by creating legislation to attract highly qualified employment. The Blue Card established simplified procedure for third-country nationals applying for residence and work permits, regulated the employment conditions for seasonal workers, and facilitated intra-corporate transfers. However, in the context of an economic crisis, EU member states held a general consensus that lower-skilled, permanent migrants could be brought in from within the EU; therefore, they did not develop EU rules on immigration outside the region (Parkes and Pauwels, 2016, pp. 22).

In 2010, due to pressure from Cyprus, Malta, Greece, and Italy (the Quadro Group), the Stockholm Programme established EUREMA, a relocation pilot initiative aimed to redistribute refugees to other EU countries (Parkes and Pauwels, 2016, pp. 23). Between 2011 and 2013, the Stockholm Programme revised and strengthened the five legal instruments utilized by CEAS. Finally, in 2011, it established the European Asylum Support Office (EASO) to improve cooperation on asylum and support member states struggling to implement CEAS (Parkes and Pauwels, 2016, pp. 23). While some progress was made regarding solidarity and responsibility sharing, less than half of Member States participated in EUREMA's relocation project, several struggled with limited reception capacity, and only seventy percent of pledges made were relocated in practice (European Commission, 2014a).

### **The EU's failed response to the 2015 crisis:**

In response to the “migration crisis”<sup>1</sup>, in April of 2015, the European Commission issued a ten-point plan of immediate actions to take place. With a focus on securitization of its borders, the plan strengthened Frontex’s Joint Operations in the Mediterranean; it granted Frontex financial resources and assets and extended their operational areas to encourage their efforts against irregular migration and smuggling operations and ensure the rapid return of irregular migrants (Parkes and Pauwels, 2016, pp. 27). The European Commission additionally presented a proposal for a European Border and Coast Guard (EBCG), constituted by an enhanced Frontex and national border authorities, to share responsibility for border management (Fitzgerald and Ruhrmann, 2016, pp. 25).

In May 2015, the European Commission established the European Agenda on Migration, combining the EU’s various internal and external policies and instruments to manage migration. The agenda built upon four medium to long term priorities: securing external borders and saving lives, developing a new policy on legal migration, strengthening the common asylum system, and reducing the incentives for irregular migration. Additionally, it developed EUNAVYFORMED, a naval mission to neutralize smuggling routes in the Mediterranean, and adopted a common list of third countries considered safe (Parkes and Pauwels, 2016, pp. 27).

Despite the stated goal to extend legal means of migration, the 2015 European Agenda on Migration focused on formal readmission and return agreements, a fight against smugglers and human trafficking, and the prevention of dangerous journeys and casualties. Despite initial focus on securitization efforts, the 2015 European Agenda on Migration’s stated long-term interests are

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<sup>1</sup> The EU began considering migration a crisis when in 2015, 1.6 million migrants, mostly of Syrian, Afghan, and Eritrean origin, attempted the journey to Europe through the Eastern Mediterranean and Western Balkan Routes. In the even more dangerous journey through the Central Mediterranean, approximately 60,000 migrants attempted to reach Europe in the first six months of 2015 alone, compared to the 3,000 migrant attempts during the same time period in 2014 (Parkes and Pauwels, 2016, pp. 26). During this time, the EU faced a crisis of policymaking and ultimately, its lack of common policy in an asylum system led to the EU’s failure in responding to unprecedented high waves of international protection seekers.

sustainable development in good governance, poverty reduction, and a focus on creating opportunity for youth, with the mission to tackle the root causes of migration (Koenig, 2017, pp. 7). To combat illegal border crossings along the Western Balkans and Eastern Mediterranean routes, where asylum seekers were travelling through to reach and seek international protection in more popular EU destination states, such as Germany and Switzerland, on October of 2015, the EU and third countries along the Western Balkan and Eastern Mediterranean routes agreed to a seventeen-point action plan to address illegal border crossings and the humanitarian crisis. The region's affected countries agreed to expand border and migration flows management, provide a permanent exchange of information regarding the migrant flows, increase humanitarian support to asylum seekers, and refrain from taking unilateral decisions. Nevertheless, disagreements between member states regarding procedures, reception conditions, and treatment of asylum seekers led transit and destination countries to take unilateral decisions, which reduced transit possibilities along the Balkans route, until it was entirely closed off to all migrants in March 2016 (Human Rights Watch, 2016b) (Parkes and Pauwels, 2016, pp. 29). This left more than 50,000 migrants stranded foremost in Greece but also in Bulgaria, Hungary, Slovenia, and Croatia (Parkes and Pauwels, 2016, pp. 29).

The Agenda on Migration also announced several changes to the EU budget and established new funding instruments. It proposed humanitarian assistance for international organizations such as UNHCR and World Food Program, as well as EU trust funds for Africa and EU trust funds in response to the Syrian Crisis (Parkes and Pauwels, 2016, pp. 28). The crisis led the EU to externalize the responsibility of the crisis by renewing focus on transactional bilateral migration partnerships and expanding on greater and more flexible collective funding to third countries, UN agencies, and international organizations (Benvenuti, 2017, pp. 5). A prime example of such externalization, the EU-Turkey Joint Action Plan of October 2015, was negotiated in the context of EU accession negotiations with Turkey, and was later revised as the EU-Turkey Statement of March 2016 (Benvenuti, 2017, pp. 5) (Koenig, 2017, pp. 5).

On the EU's external borders in Greece and Italy, the EU Migration Agenda established "hotspots", migrant registration and processing centers, which have since been transformed into detention centers to keep asylum seekers held in (Parkes and Pauwels, 2016, pp. 27) (Dimitriadi, 2016, pp. 4). Then, as an Emergency Relocation Mechanism, the EU agreed to a temporary relocation scheme for refugees from third countries with high recognition rates across the EU,

which provided for the relocation of 160,000 refugees from Greece and Italy to other member states (Parkes and Pauwels, 2016, pp. 27). In April of 2016, the European Commission proposed a “fairness mechanism” to share the responsibility for refugees proportionately among member states based on wealth and population (European Parliament, 2017). The scheme has been ineffective due to lack of implementation and member states’ rejection to accept asylum seekers, particularly central and eastern and increasingly southern European countries (Parkes and Pauwels, 2016, pp. 27). It is also flawed by design with regards to its qualifying nationalities. Only asylum seekers from countries with a seventy five percent or higher EU-wide refugee recognition rate are eligible. Disagreements among EU countries regarding the situation in countries of origin, quality of examinations, and individual circumstances and quality of legal representation for asylum seekers of the same nationality has led to problematic exclusions of certain nationalities, such as Afghans, and inclusions of other nationalities with very low rates of asylum, such as Costa Ricans (Human Rights Watch, 2016b).

Moreover, this scheme is problematic because one of its stated objectives is to “help achieve the Union’s foreign policy objectives by increasing the Union’s leverage vis-à-vis third countries,” (Human Rights Watch, 2016b). Accordingly, the “fairness mechanism” argues that the EU should resettle refugees based on the “effective cooperation” of these governments with EU migration control imperatives, including “efforts to reduce the number of third-country nationals or stateless persons irregularly crossing the Union’s border from its territory” and “cooperation with the Union on readmission and return of third-country nationals or stateless persons” (Human Rights Watch, 2016b). The EU’s practice to grant refugees resettlement options according to host countries’ level of cooperation with its interests conflicts with the EU’s principles to provide durable solutions and share the crisis’ responsibility (Human Rights Watch, 2016b).

Evidently, then, the lack of a collective policy with regards to migration is due to the preexisting divisions within the EU, the inadequacy of the Dublin Regulation’s existing framework, and the EU’s traditional tendency to externalize the responsibility of migration. The 2015 migration crisis confronted member states with their differences regarding procedures, reception conditions, and treatment of asylum seekers, and these divisions are at the roots of the failure of the EU asylum system (Human Rights Watch, 2016b). EU institutions’ and regulations’ inability to develop common solutions highlighted these divisions. After all, in a continent of five hundred million people, the number of refugees entering Europe and the allocation of

resources should have been manageable, if it had been addressed cooperatively. In 2015, the 1.3 million people who reached Europe represented only 0.26 percent of the EU's total population. Germany, praised for welcoming of the highest number of refugees out of any member state, alone accepted about 800,000 people, approximately one percent of its population (Nougayréde, 2016).

. While the Dublin Regulation processes individual asylum claims, it is ineffective in handling a mass influx of displaced persons, overburdening countries of first entry by not addressing the distribution of asylum applications between member states and consequently imposing disproportionate burden on countries of first entry, typically border countries. (Bordignon and Moriconi, 2017, pp. 2) (European Parliament, 2017). Border closures, border controls, and Member States' lack of responsibility sharing led asylum seekers to be trapped in Greece and Italy, and the failure of the emergency relocation scheme contributed to the deteriorating conditions and increased strain on both countries (Human Rights Watch, 2016).

The EU responded to the crisis by allocating additional resources, creating specific agencies, introducing a European Border and Coast Guard Agency, and attempting to further harmonize asylum procedures through the Asylum Procedures Directive (2012/32/EU) and through EASO. However, the EU's securitization and border management priorities to limit the number of asylum seekers in Europe and its Member States' deep disparities led to the failure in sharing responsibility for asylum seekers. Ultimately, the EU resorted to its traditional tendency to externalize migration matters by outsourcing the refugee crisis's responsibility to Turkey, through the EU-Turkey Joint Action Plan and ultimately the EU-Turkey Statement (Bordignon and Moriconi, 2017, pp. 2)

**Turkish asylum system:**

Until recent years, Turkey was considered a country of emigrants, which characterized its legal approach to migration. From 1934 to 2006, the Law on Settlement regulated the formal residence of foreigners in Turkey, granting asylum and immigration rights only to those of Turkish descent, even after a new Law of Settlement was adopted in 2006. Apart from the settlement law, Turkey had not adopted any specific migration management legislation until the 1950s when it joined the UN Convention Relating to the Status of Refugees and then adopted the Convention's 1967 Protocol (Library of Congress, 2018).

Turkey remains one of the few countries to maintain the geographical reservations of the 1951 Refugee Convention, which only internationally protects refugees fleeing “as a result of events occurring in European countries”. Effectively, under Turkish law, only a couple hundred in Turkey have refugee status, and this geographic reservation remains a critique of Turkish migration policy. After 1999, as relations between the EU and Turkey were reaching a turning point, the Turkish government began introducing new policies and laws regarding migration, among them the 2005 National Action Plan for Adoption of Acquis on Asylum and Migration, with the purpose of modernizing Turkey's legal structure on migration (Library of Congress, 2018).

Turkey's current migration and asylum law framework has only been developed in the past five years. At the center of the framework, two legal regulations grant different types of protection: the 2013 ratified Law on Foreigners and International Protection (LFIP), which grants international protection status based on an individual assessment of asylum seekers, and the 2014 issued Temporary Protection Regulation (TPR), providing temporary protection status on a group basis in mass arrival situations, created in the context of the Syrian refugee influx (Ministry of Interior) (Skribeland, 2016, pp.12).

The LFIP specifies three types of international statuses: refugee status, conditional refugee status, and subsidiary protection, all of which are offered based on individual assessment of an applicant. Because Turkey maintains the geographical reservations of the 1951 Refugee Convention, only European humanitarian migrants are provided refugee status (Amnesty International, 2016, pp. 19). Those not originating from Europe but who otherwise fall within the refugee definition under the 1951 Refugee Convention would legally be eligible for “conditional refugee” status, a lesser and more temporary protection provided most commonly to Afghans,

Iraqis, Iranians, and Somalians (Skribeland, 2016, p.12). While conditional refugees have limited rights, their status deprives them of family reunification and work rights and pends on their expected resettlement by UNHCR, which Turkey allows to operate in refugee status determination (RSD) procedures in cooperation with the Ministry of Interior despite its geographic reservations, with the condition that accepted refugees resettle in a third country (Skribeland, 2016, pp. 13) (Library of Congress, 2018). However, this process may take years as UNHCR struggles to handle the current numbers of asylum seekers in Turkey (Library of Congress, 2018). In effect, available resettlement quotas remain unchanged, despite the dramatic increase in the number of people seeking international protection (Skribeland, 2016, pp. 13).

The third LFIP status is subsidiary protection, offered to people who do not qualify for the first two statuses but nevertheless require protection due to threat in their home country. Following the EU Qualification Directive (2011/95/EU), these vulnerable people need protection because if returned to their home country, they would face one or more of the following: “(i) death sentence or execution of the death penalty, (ii) torture or inhuman or degrading treatment or punishment, or (iii) serious threat to self by reason of indiscriminate violence in situations of international or nationwide armed conflict,” (Ministry of Interior, 2015, pp. 65) (Skribeland, 2013, pp. 14). Unlike conditional refugees, subsidiary protection provides both family reunification rights and the right to work. However, it still does not offer long-term prospects in Turkey (Amnesty International, 2016, pp. 19).

As a secondary legislation, TPR was put into force in October 2014 in the context of the mass arrivals of Syrians in Turkey, which gained protection on a group basis rather than individual assessment. In the years following Erdogan’s 2011 discourse of an open-door policy of charity towards Syrian “guests” while they were thought to temporarily stay in Turkey until the Syrian conflict improved, the Turkish approach to Syrian asylum seekers lacked a human rights or international legal basis from its beginning. Temporary protection on a group basis was gradually developed as a *de facto*, and under TPR, it was legally implemented under a framework inspired by the 2001 EU Temporary Protection Directive (2001/55/EC), which until today has not been activated (Library of Congress, 2018) (Skribeland, 2016, pp. 15). However, following the enactment of the EU-Turkey Statement in 2015, TPR was amended to state that Syrians who irregularly migrated to Greece and were returned *may*, not shall, upon request, be offered temporary protection, diverging from the original provision that all fleeing Syria are entitled to

temporary protection (Human Rights Watch, 2016a). Despite its creation in the context of the Syrian influx, TPR can technically be applied to any situation of mass arrivals (Library of Congress, 2018).

Another product of LFIP is the creation of the Directorate General of Migration Management (DGMM), which has redirected migration asylum matters from state responsibility to that of this separate new entity established under the Ministry of Interior (Skribeland, 2016, pp. 16). Article 103 of LFIP grants DGMM the responsibility “to implement migration policies and strategies, ensure coordination among relevant agencies and organisations, and carry-out functions and actions related to the entry into, stay in and exit from of foreigners in Turkey as well as their removal, international protection, temporary protection and the protection of victims of human trafficking,” (Ministry of Interior, 2013, pp.102).

In 2016, the Turkish government passed the Regulation of the Work Permit of Foreigners, which allows Syrians to apply and request work permits from the Labor Ministry after six months of their registration for temporary protection (European Parliament, 2016, pp. 6) In July of the same year, the government passed a second law, the International Labor Force Law, considering all migrants eligible to receive a work permit of one year, which may be extended with renewed application. If the foreigner is a long-term resident or owns a legal work permit for eight years or more, the individual may apply for an indefinite work permit, granting them similar rights to Turkish citizens, with the exception of the right to vote, stand for election or public service, and military service liabilities (European Parliament, 2016, pp. 20)

**Key issues with Turkey's asylum system:**

Despite Turkey's development in constructing a migration and asylum law, Turkey's adherence to its geographical reservation in considering refugee status fails to provide asylum seekers Refugee Convention level protection and long-term prospects in Turkey (Amnesty International, 2016, pp. 19). While Turkey has enacted migration laws and policies to foster cooperation with Europe, the LFIP, TPR, and laws regarding permission of work remain inefficient due to lack of implementation in practice, which has led to high inconsistency in the Turkish asylum system (Amnesty International, 2016, pp. 15) (Skribeland, 2016, pp. 13). Moreover, the TPR, as a secondary legislation with a basis found in LFIP, does not provide the legal certainty of an actual temporary protection law (Skribeland, 2016, pp. 19). Despite being the most protected group, Syrians under temporary protection suffer from the lack of implementation of Turkish legislation. For instance, while only Syrians under temporary protection are legally eligible for public healthcare, they do not automatically qualify. Factors such as lack of information and language continue to be crucial barriers to healthcare access and are problematic in creating misunderstanding and miscommunication with Syrians regarding their situation in Turkey (Human Rights Watch, 2016a) (Skribeland, 2016, pp. 24).

Turkey's lack of state-funded accommodation is especially concerning considering that the majority of asylum applicants already do not have the right to legally work (Skribeland, 2016, pp. 26). While Turkey's Disaster and Emergency Management Authority (AFAD) has built and manages twenty-six camps in southern Turkey, only ten percent of Syrians live in these camps. The remaining ninety percent of Syrians who are not in camps, under TPR, are not eligible for Turkey's satellite system. According to the satellite system, upon registration for international protection in Turkey, the Ministry of Interior assigns non-Syrian applicants to one of sixty-two designated provinces in certain "satellite cities", where they must register, reside, and report to Turkish authorities. (Skribeland, 2016, pp. 26).

Furthermore, those who are granted housing in the satellite system through international protection are restricted many human rights, including the freedom of movement, as they are not permitted to leave their province of registration without formal permission. This is a restriction not applied to European refugees (Skribeland, 2016, pp. 30). Given that migrants seeking international protection can't leave their registered provinces, their particular province determines the employment options available. Considering "satellite cities" are away from major metropolitan

areas, the lack of employment opportunities encourages asylum seekers to move to larger cities such as Istanbul; however, moving away from their province of registration is problematic because it eliminates asylum seekers' right to access public services (Brookings Institute, 2017). Unlike European refugees who receive travel documents, conditional refugees and subsidiary protection beneficiaries are not entitled to passport like or travel documents; the foreign passports that they may request only allow a single entry, exit, or round trip (Skribeland, 2016, pp. 30).

Under TPR, Syrians are also registered to a specific province where they must reside and obtain permission from DGMM to move within the country or leave Turkey. Unlike conditional refugees and subsidiary beneficiaries under the satellite system, Syrians do not need to report periodically and in the past, have moved within Turkey without permission and resistance from the authorities (Human Rights Watch, 2016a). However, such movement deprives their access to basic services promised, which are only in the provinces in their registration (Skribeland, 2016, pp. 26). Although they previously did not face resistance from authorities, since the EU-Turkey Statement, authorities have begun enforcing greater control over Syrian movement as well, with the objective of preventing them from attempting the journey to Europe (Human Rights Watch, 2016a)

While under the Regulation of the Work Permit of Foreigners and International Labor Force Law, migrants may apply for a work permit following six months of submitting their application for international protection, this would subject them to the same regulations as non-protected foreigners seeking work employment in Turkey, which permits them to work under "sponsored" permits (Skribeland, 2016, pp. 28). However, the extra cost and administrative burden of sponsoring a migrant dissuade potential employers from hiring foreigners, complicating their opportunities to find jobs and obtain work permits (Amnesty International, 2016, pp. 30). Moreover, even Syrians' access to the labor market remains highly restricted because migrants must work only in the province of registration and may not be employed in work a Turkish citizen is interested in, and Turkish employers may not have more than a ten percent Syrian labor force. Under most circumstances, Turkish employers find the costs of hiring Syrians who do not yet have work permits to outweigh the benefits (Kadkoy and Koru, 2017, pp. 114). As a result, many are illegally employed and work in exploitive terms, also depending on the employment options available in their particular province of registration (Amnesty International, 2016, pp. 30).

LFIP's creation of the DGMM has caused even greater inconsistencies. While the establishment of a separate organization to specialize in migration decision making positively develops local decision making and may foster efficiency in the future, it originally did not have the necessary resources and competent personnel to operate efficiently, as progress in these respects requires time (Human Rights Watch, 2016a) (Skribeland, 2016, p. 16). Additionally, the establishment of DGMM leads to a changing relationship with UNHCR; while the Turkish state followed UNHCR's refugee status determination (RSD) recommendations, DGMM has asserted it is the prime decision maker on asylum applications (Skribeland, 2016, pp. 17). These factors, in addition to the entity's separate obligation to manage TPR applications, leads it to be overburdened and expect inconsistencies and setbacks (Human Rights Watch, 2016a) (Skribeland, 2016, pp.16).

## **EU-Turkey Statement:**

Despite Frontex's reports having shown an increase of arrivals to Greece from Turkey since 2011, the EU was unprepared for the migration crisis (Benvenuti, 2017, pp. 8). As the EU was already in the process of negotiations of the EU-Turkey Joint Plan of Action, the EU pressured the Turkish government, as a long-standing candidate country, to control irregular migration and take responsibility for the migration crisis (Amnesty International, 2015, pp. 12). Consequently, as a last resort response, both parties signed the EU-Turkey Statement, modeled after the Greece-Turkey readmission agreement of 2002, in which the EU continued the externalization of its migration and border policies that began in the 1990s (Benvenuti, 2017, pp. 8) (Dimitriadi, 2016, pp. 6) (Ustubici, 2016, pp. 54).

Three important components make up the EU-Turkey joint statement: 1) the return of all new irregular migrants who have arrived to the Greek islands from Turkey, 2) a 1:1 mechanism: for every irregular migrant on the Greek islands that would be returned to Turkey, the EU will in exchange resettle one Syrian in Turkey to the EU, 3) financial aid to Turkey for improving refugee living conditions (Ustubici, 2016, pp. 54). The agreement incentivizes Turkey with promises of visa liberalization, revitalization of EU accession talks, an initial three billion euros in the first two years of implementation, in addition to another three billion euros after the initial period, to regulate the migration crisis; it is a continuation of diplomacy between Turkey and the EU (Ustubici, 2016, pp. 54-55). By enacting the EU-Turkey Statement and closing the Greek-Macedonian frontier and border crossing routes along the Balkans, the irregular entries from Turkey to Europe have significantly decreased (Willermain, 2016, pp. 138).

One of the most prominent of criticisms of the EU-Turkey Statement is its violation of the principle of non-refoulement under the 1951 Refugee Convention by designating Turkey as a safe third country to return asylum seekers. Turkey's safety has been increasingly questioned in past years due to significant recent events in the country. Since AKP lost its parliamentary majority in June 2015 and then regained single party rule in the November 2015 election, the government has pursued even greater consolidation of power than previously (Crisis Group, 2018). The EU-Turkey Statement was enacted in 2016, a year of deadly attacks for Turkey, escalations with the Kurdistan Worker's Party (PKK), several terrorist attacks claimed by ISIS, and a failed government coup, which made Turkey an especially unsafe country at the time (Skribeland, 2016, pp. 8). Furthermore, the turbulent events and coup attempt in 2016 created the grounds for President

Erdogan to claim greater presidential power, furthermore hindering the EU's motivation to grant visa liberalization for Turks traveling in the EU, as Turkey continues to fail achieving the seventy-two requirements constituting a "Roadmap towards a visa free regime with Turkey," (Skribeland, 2016, pp. 8). Since Erdogan won the June 2018 presidential elections, his powers have expanded, leading to the popular consensus that Turkey is an increasingly authoritarian country (Kingsley, 2018). Finally, the high levels of polarization, distrust, and accusation in Turkish national politics reflect its prominent ethnic, sectarian, and social tensions and divisions (Skribeland, 2016, p. 8).

This creates concern over the situation of migrants readmitted to Turkey under the EU-Turkey Statement. As of March 2018, 2,164 irregular migrants have returned to Turkey (European Commission, 2018d). The Statement transfers non-Syrian returnees to Kırıkkale city Pehlivan köy Removal Centre, where migrants are kept in cells, not permitted to contact families and lawyers, and often are denied access to UNHCR. Those who claim asylum live in detention for longer periods, and the others are held in detention from one to two months until the government returns them to their countries of origin (Ulusoy and Battjes, 2017). Between April 2016 and September 2017, only fifty-seven of 1,144 non-Syrian migrants returned to Turkish detention centers succeeded in filing an asylum application (Alpes, Tunaboşlu, van Liempt, 2017, pp. 7). Syrian returnees transfer to Düziçi Temporary Accommodation Camp, a removal center where they await the decision on their protection status, as under the agreement, Syrians returned *may*, not shall, upon request, be offered temporary protection (Ulusoy and Battjes, 2017) (Skribeland, 2016, pp. 15).

Though the EU-Turkey Statement has reduced irregular migration through the Aegean Sea, the Statement fails to offer safe and legal routes to those seeking international protection in the EU, the absence of these routes being a primary factor driving irregular migration. Migration management and cooperation between the EU and Turkey states to police the border and prevent irregular crossings, which have been factors in what has resulted in more migrants attempting the longer and more dangerous Central Mediterranean route (Amnesty International, 2015, pp. 2). Effectively, while arrivals in Greece have decreased, figures of irregular migrants reaching Italy by sea have dramatically increased due to the closing of EU member state borders and the lack of provision of legal and pragmatic migration. From the implementation of the EU-Turkey Statement in March of 2016 to August of the same year, irregular migration through the Central Mediterranean Sea to Italy exceeded 100,000. Effectively, 2016 was the deadliest year on record

in sea migration, as out of over 4,170 migrant deaths in the first seven months of 2016, 3,170 died on journeys across the Mediterranean (Willermain, 2016, pp. 138).

Moreover, implementation remains a key issue in the EU-Turkey Statement. Firstly, the Statement obliges individualized processing of each asylum claim before return to Turkey, as otherwise, this would entail a conflict of mass expulsions (Benvenuti and Toygür, 2017). The EU-Turkey Statement transformed Greece from a country of transit to the final destination. As the first country of entry, Greece is responsible for the individualized processing of these applications and lacks the necessary time and resources to commit such a demanding task. Member States have committed to providing Greece with financial support and additional personnel; however, this assistance has been materializing slowly, negatively impacting implementation (Dimitriadi, 2016, pp. 7).

Such lack of materialization affects the functioning of the Greek islands' hotspots. Officially, the hotspots can accommodate 6,835 people; however, in March of 2018, Human Rights Watch reported that 13,000 migrants remain trapped in hotspots on the islands, almost double the capacity limit (Alpes, Tunaboğlu, van Liempt, 2017, pp. 5) (Human Rights Watch, 2018). Lack of access to basic needs and services, inadequate security and protection, ethnic tensions and conflicts among migrants, and sexual violence continue being issues in these hotspots (Human Rights Watch, 2018).

The EU-Turkey Statement is also problematic in that it results in different standards for treatment of nationalities (Dimitriadi, 2016, pp. 9). The European Asylum Service (EASO) and Greek Asylum Office (GAS) First Reception Service registers arrivals by nationality rather than by date of arrival and vulnerability, prioritizing Syrians and leaving other nationalities without protection and the opportunity to register for asylum (Dimitriadi, 2016, pp. 7). Upon their arrival, authorities systematically detain individuals from lower recognized nationalities (Alpes, Tunaboğlu, van Liempt, 2017, pp. 8). However, even Syrians' placements are uncertain, as authorities employ an admissibility assessment to examine whether an asylum seeker's application will be accepted in Turkey as a third country, where Syrians should be under temporary protection (Alpes, Tunaboğlu, van Liempt, 2017, pp. 2). Furthermore, according to the EU-Turkey Statement, for every migrant returned to Turkey, the agreement admits one Syrian migrant to Europe, denying entrance of other nationalities. The initial three billion euros committed to improving refugee

conditions in Turkey prominently reaches Syrians; effectively, the deal does not obligate the EU or Turkey to protect non-Syrian vulnerable people from countries of high conflict.

Ultimately, externalizing the responsibility for asylum seekers creates a problematic dependence on third countries. The EU uses its funding practices to demonstrate its commitment to the migration issue. However, despite the European Union having committed financial responsibility towards Syrian refugees, the EU has neglected providing support to other nationalities in need of protection. Its monetary approach to the legal responsibility of asylum seekers and to the global humanitarian crisis is not only unsustainable in practice; it also questions the EU's values as a human rights defender (Benvenuti, 2017, pp. 14) (Hertog, 2016, pp. 2).

## **EU Facility for Refugees in Turkey:**

Under the EU-Turkey Statement, as financial assistance for Turkey to provide for refugees and asylum seekers, the EU and its member states promised three billion euros of aid within the first two years of the deal. In December of 2015, in the midst of negotiations with Turkey, the EU established the of the Facility for Refugees for Syrians under temporary protection, and this project provided a coordinated mechanism for the mobilization of the EU financial assistance to refugees in Turkey. From 2016 to 2017, the EU and its member states provided a budget of three billion euros for the facility, one billion from the EU budget and two billion from Member States' contributions. The establishment of the facility in the context of negotiations is meant to coordinate and streamline actions in humanitarian and non-humanitarian assistance financed from this budget (European Commission, 2018b). Contrary to popular belief, the majority of funds are contracted to UN agencies and international organisations rather than directly to Turkish institutions.

As the original three billion euros funding the Facility for Refugees was fully contracted in 72 projects by the end of 2017, under the EU-Turkey Statement, EU member states agreed to mobilize an additional three billion euros to support projects in humanitarian assistance and non-humanitarian assistance, in areas including health, education, socio-economic support, and municipal infrastructure in the EU Facility for Refugees. On March 9<sup>th</sup>, 2018, following the ninth Steering Committee meeting of the EU Facility for Refugees in Turkey, the European Commission reported that 1.85 billion euros of the first three billion euros of operational funds have been disbursed fully, and the remainder of the promised funds will continue to be disbursed until mid 2021 to implement the 72 committed projects (European Commission, 2018b).

## **European Commission Humanitarian Aid (ECHO):**

As of April 6. 2018, the EU had disbursed 1.1 billion euros of the 1.3 billion euros contracted in humanitarian assistance, all of which are channeled through European Commission Humanitarian Aid (ECHO). One of the major projects through the EU Facility for Refugees, is the Emergency Social Safety Net (ESSN) (European Commission, 2018d). Implemented by the World Food Programme, 998 million euros are contracted to the Emergency Social Safety Net, in order to provide monthly transfers to a special debit card for the most vulnerable of refugees, permitting them to buy essential items (European Commission, 2018c). So far, 798.4 million euros have been disbursed to the ESSN program, which already supports 1.2 million refugees. An additional 40-

million-euro project had been contracted and fully disbursed to give Syrians food assistance (European Commission, 2018b) (European Commission, 2018d).

Besides the World Food Programme, UN agencies are the biggest beneficiaries of humanitarian assistance programs in the EU Facility for Refugees. 84 million euros serve to develop the Conditional Cash Transfer for Education (CCTE) project by UNICEF, of which 67.2 million have been disbursed, making it the largest Education in Emergencies program to ever be financed by the EU (European Commission, 2018c) (European Commission, 2018d). This project provides cash to refugee families, on the condition that they register their children for school; it currently supports the education of the families of over 167,000 children and strives to aid 250,000 children during its first year (European Commission, 2017). The facility has provided UNICEF an additional 10 million out of a committed 12.5 million euros to increase non-formal learning programs to gradually integrate vulnerable refugee children back into formal education as well as disbursed 6.4 million of 8 million euros to increase protection and basic needs of vulnerable families and children (European Commission, 2018d).

The second UN agency most funded by the Facility is the United Nations High Commissioner for Refugees (UNHCR), to which the European Commission has disbursed in a total of two projects 54.6 million of a committed 68.25 million euros to for refugees' and asylum seekers' protection and improved access to services and solutions. The Commission also contracted 30 million euros in three projects to the United Nations Population Fund (UNFPA), of which 24 million euros have been disbursed. These projects focus primarily on facilitating access to sexual production health (SRH) and sexual and gender based violence (SGBV) services as well as providing social services to the most vulnerable refugees (European Commission, 2018c).

The remaining humanitarian financial assistance funds non-profit organizations, primarily the International Federation of Red Cross Societies. In two projects worth 17.1 million euros, the Commission has disbursed 15 million euros to provide refugee response to protection needs, food assistance, and education support for Syrians. The Commission has disbursed Médecins du monde 2.9 million euros, the contract total, to provide migrants and refugees healthcare. It has also disbursed 4.5 million of a contracted 9 million euros to strengthen migrants' and refugees' mental, physical, and emotional well-being and disbursed 2.4 million of a contracted three million euros to facilitate access to health and psychosocial services. Relief International also provides mental health, psychological, and specialized health services through two contracts worth 7 million of

which 4.7 million euros have been disbursed, in addition to a two-million-euro contracted and fully disbursed as a comprehensive health provision for Syrian refugees in Gaziantep and Sanliurfa. In three separate projects to provide healthcare to vulnerable refugee populations, International Medical Corps has overall been disbursed the total of funds the Commission committed it, 8.86 million euros. The remaining 77.1 million euros contracted, of which 69.98 million euros have been disbursed, fund the following organizations' projects, IOM, Mercy Corps, Danish Refugee Council CARE, Welthungerhilfe, World Vision, WHO, Diakonie, Federation Handicap, Concern Worldwide, and GOAL, to serve basic needs, protection, food, shelter, health, education, and information management for refugees and migrants, especially Syrians. The remaining 5.9 million euros disbursed of the 13.59 million committed fund technical assistance and administrative expenditure (European Commission, 2018c) (European Commission, 2018d).

Non-humanitarian assistance under the Facility for Refugees:

While all humanitarian assistance from the Facility for Refugees is channeled through ECHO, non-humanitarian assistance through the Facility is channeled through the Instrument for Pre-Accession (IPA), EU Regional Trust Fund in Response to the Syrian Crisis, and the Instrument contributing to Stability and Peace. Of the 1.597 billion euros committed to non-humanitarian assistance, 1.591 billion have been contracted in projects, and 824.6 million euros have been disbursed (European Commission, 2018c).

Instrument for Pre-accession Assistance (IPA):

The majority of non-humanitarian assistance, 1.28 billion euros worth, is channeled through IPA. In cooperation with the Turkish Ministry of Health, the Facility has disbursed 120 million of 300 million euros contracted in the SIHHAT project to ensure access to healthcare services for refugees (European Commission, 2018c) (European Commission, 2018d). As of December 2017, the project has resulted in 12 migrant health centers operating to improve primary healthcare services, 763,963 refugees benefitting from primary health care consultations, and 217,511 refugee infants being fully vaccinated. Moreover, the SIHHAT project provides rehabilitative mental health services for up to one million refugees. In the future, the project plans to offer family planning, prevention of communicable diseases, recruitment and training of healthcare staff, and outreach activities (European Commission, 2018a, p. 10)

While the SIHHAT projects tackle immediate healthcare services, in effort to develop health infrastructure to facilitate medium and long-term health care services, the European Commission has signed a 50 million-euro contract with the Council of Europe Development Bank, of which 30 million has been disbursed, to construct a three hundred bed hospital in Kilis (European Commission, 2018a, p. 11) (European Commission, 2018c) To further improve health infrastructure, the Commission has provided 14.1 million of a 50 million euro contract to Agence française de développement to construct a two hundred fifty bed hospital in Hatay (European Commission, 2018c) (European Commission, 2018d).

Furthermore, to promote socio-economic support, the European Commission has committed 55 million euros to World Bank in two projects, of which 17.5 million euros have been disbursed, and contracted an additional 50 million euros to Kreditanstalt für Wiederaufbau (KfW), of which 7 million euros have been disbursed, with the purpose to improve refugees' and host communities' employability (European Commission, 2018c). An example of such services includes the development of the Ministry of Education's Technical and Vocational Training program (TVET)'s workshops (European Commission, 2018d) (EU Facility for Refugees in Turkey, 2017). In March of 2018, these projects were reported to have provided vocational training to 15,100 people and job search and counselling sessions to 7,400 people. Moreover, they plan to support entrepreneurship through advisory support activities, such as micro-grants (European Commission, 2018a, pp. 11). Community centers providing training courses, information and referral services, and cultural and networking events plan to encourage the future employment of refugees and foster their self-reliance (European Commission, 2018a, pp. 11).

Additionally, to develop education infrastructure, the European Commission has committed 255 million euros to KfW, of which 60 million euros have been disbursed, and 150 million euros to World Bank, of which 53 million euros have been disbursed, to build and equip new schools in refugee concentrated provinces (European Commission, 2018c) (European Commission, 2018d). A signed contract addendum with KfW in November 2016 promised the construction of fifteen schools and the future construction of an additional fifty prefabricated schools (EU Facility for Refugees in Turkey, 2017).

Since October 2017, under the “Promoting Integration of Syrian Children into Turkish Education System” project, the European Commission has committed and contracted three hundred million euros to the Turkish Ministry of Education, of which 270 million have been

disbursed, to integrate Syrian children into the Turkish education system (European Commission, 2018c) (European Commission, 2018d). In ensuring access to primary and secondary education, assistance in education has provided 312,151 children with Turkish language training provided by 5,486 Turkish language teachers, 93 Arabic language teachers, and 489 counselors employed by the project. To facilitate children's entry to school, 10,085 Syrian children not enrolled in school are given catch-up training, 43,388 students are benefiting from on-going back up training, and 32,351 students are provided school transportation. Furthermore, 500,000 students have been distributed stationary and course books thus far, with more to benefit in the future (European Commission, 2018a, p. 10). Considering education projects are crucial to long-term strategies, as they tend to provide both emergency and development aid, a primary objective of this project is to avoid a lost generation of Syrians and to promote the long-term development of refugees (European Commission, 2018b).

The remaining 60 million euros under IPA contract the Turkish Directorate-General for Migration Management (DGMM) to manage migration and support migrants returning to Turkey from Europe following the EU-Turkey Statement, covering their food, health care, transport, and accommodation expenses (European Commission, 2018c) (European Commission, 2018d). This has led to the management of returns of 212 Syrians and 1,076 non-Syrians, the logistical equipment, and the development of a removal center for 750 people. From August to October 2017, the Facility funded the assistance of 16,733 migrant removals (European Commission, 2018a, p. 11). Part of its management of returns includes its aid to increase the capacity of the Turkish Coast Guard to commit search and rescue operations (European Commission, 2018a, pp. 11). The remaining 18.37 million euros contracted under IPA, of which 9 million have been disbursed, fund monitoring, evaluation, audit, communication, and administrative expenditures (European Commission, 2018d)

EU Regional Trust Fund in Response to the Syrian Crisis (EUTF):

Through the EU Regional Trust Fund in Response to the Syrian Crisis (EUTF), the Facility promotes education, education infrastructure, socioeconomic support, and health (European Commission, 2018a, p. 10). Through the EU Regional Trust Fund in Response to the Syrian Crisis channel, the European Commission has disbursed UNICEF over 33 million of a contracted 36.95 million euros to support refugee children's education (European Commission, 2018c) In another

project with UNICEF, the Commission fully disbursed a 31.38 million euro contract to increase access to formal and non-formal education opportunities, psychosocial well-being, and a protective environment for refugees and vulnerable Turkish children (European Commission, 2018c) (European Commission, 2018d). Programs such as the United Nations Children's Fund has already conducted psychosocial support and social cohesion programs for over 35,000 youth (European Commission, 2018a, p. 10). In addition, the Commission has disbursed Concern Worldwide over 11.7 million of a 17.28-million-euro contract to support education and livelihood opportunities to increase the resilience and integration of Syrian refugees (European Commission, 2018c) (European Commission, 2018d).

In respect to higher education, the European Commission has disbursed 1.5 million of 2.7 million euros contracted to Deutscher Akademischer Austauschdienst (DAAD) to provide opportunities for Syrian refugees in higher and further education through scholarships, credit-based courses, personal and virtual education, and language courses. It also disbursed 2.25 million euros of 5 million contracted to Stichting Spark to provide refugees access to higher education through support in language education and bachelor programs, in addition to another contracted 5.9 million euros of which 1.7 million euros have been disbursed to provide higher, vocational, and distance education (European Commission, 2018c). Finally, tackling both education and socio-economic support, the Commission contracted Gesellschaft für International Zusammenarbeit (GIZ) 18.2 million euros, of which 12.1 million euros have been disbursed, to strengthen the resilience and livelihoods of refugee hosting countries in the education and social sector, specifically in community centers (European Commission, 2018d). To develop education infrastructure, in cooperation with KfW, the Commission has disbursed 10.2 million of 40 million euros contracted to improve and secure living conditions of refugees and their host communities and contribute to climate protection by providing sustainable energy to public schools (European Commission, 2018c) (European Commission, 2018d).

To promote health, the Facility has disbursed 5.79 million of a contracted 11.5 million euros to increase the Syrian health staff's capacity and improve refugees' and host communities' access to quality and equitable healthcare. Promoting both healthcare and socioeconomic support, the Facility disbursed Danish Red Cross 9.45 million of a contracted 32.399 million euros to improve the wellbeing, resilience, and peaceful coexistence among vulnerable refugees and host communities. Additional projects to foster socioeconomic support include a 50-million-euro

contract to UNDP, of which 40.4 million euros have been disbursed, as well as a 15-million-euro contract to the Union of Chambers and Commodity Exchanges of Turkey (TOBB), of which 4 million euros have been disbursed, to strengthen refugees' host communities', and institutions' economic and social resilience through education and livelihoods opportunities (European Commission, 2018c).

The Facility further promotes integration through the Association for Solidarity with Asylum Seekers and Migrants, specifically focusing on Iraqi refugees and strengthening local authorities' capacities, which the Commission disbursed 4.82 million euros of a 10-million-euro contract. The Facility disbursed 2.38 million of a 5-million-euro contract to UN Women to encourage women's access to work and women's and girls' participation in host communities as well as increase protection and provide access to basic services. Another organization facilitating refugees' and host communities' work access is ILO, whom have been disbursed 5.4 million euros of a 11.6-million-euro contract to stimulate training and entrepreneurship opportunities and strengthen labor market institutions (European Commission, 2018c) (European Commission, 2018d).

Instrument contributing to Stability and Peace:

Finally, through the Instrument contributing to Stability and Peace channel, the remaining nineteen million euros disbursed of a 20-million-euro contract finance migration management through IOM, which is enhancing the Turkish Coast Guard capacity to carry out search and rescue operations (European Commission, 2018c) (European Commission, 2018d). As a result of these efforts, 939 Turkish Coast Guard staff have been trained on humanitarian standards for border management, and six boats have been delivered (European Commission, 2018a, pp. 11).

## **Instrument for Pre-accession Assistance (IPA II)**

Through IPA II, the EU finances both refugee aid and deterrence. All IPA projects in Turkey are prominently financed by the EU, while Turkey partially funds the projects with a national contribution. In the European Commission Strategy Paper for Turkey, migration management is discussed under the Home Affairs sub-sectors, which has three priority areas: migration and asylum, integrated border management, and fight against organised crime. The two priority areas of migration and asylum and integrated border management both address migration management. Under Chapter 24 of the IPA II strategy for Turkey, Justice, Freedom, and Security, the EU supports “(1) improving the legal and administrative infrastructures in the field of migration and asylum in line with EU standards to effectively manage migration flows and (2) achieving substantial progress in implementing institutional reform on integrated border management (IBM) via enhancement of technical and personnel capacity of borders and interagency coordination,” (European Commission, 2014b, pp. 10).

In respect to sub-action one, migration and asylum, the first priority concerns the refurbishment and maintenance of removal centers, which Activity 1.1 first established in 2014 in a ten-million-euro project in the context of increasing irregular migration to Europe. In a 4.5-million-euro project, the EU plans to support Activity 1.2, Capacity building for Effective Nationality Determination. Activity 1.3 and 1.10 both address Assisted Voluntary Return and Reintegration of Irregular Migrants in Turkey. In 2014, IPA II planned to support Activity 1.3 in a 5.4-million-euro project, and to finance Activity 1.10, in 2016, it allocated an additional six million euros to assisted voluntary returns of irregular migrants and their reintegration. Activity 1.4 regards the Cooperation with Civil Society in the field of migration and international protection. Effectively, as of 2014, the IPA II project “Developing Cooperation with Non-Governmental Organizations Operating in the Field of Migration and International Protection” allocates two million euros to Activity 1.4. To promote Activity 1.5, “Migration and international protection matters-promoting public awareness”, EU-Turkey collaboration has developed a 1.5-million-euro project to increase migration and international protection awareness (Ministry of Interior).

In accordance with Activity 1.6, since 2014, the EU and Turkey have agreed to take individual measures to alleviate the Syrian refugee crisis effects on in Turkey by contributing 40 million euros. IPA II funds have allocated an additional 40 million euros to implement Activity

1.7, the “Construction of Removal Centers for the Effective Implementation of the EU-Turkey Readmission Agreement”. To continue implementing the EU-Turkey Readmission Agreement and Activity 1.8, in 2015, IPA II began a one-million-euro project to furnish contact offices for the readmission of third country citizens. Activity 1.9 established the 2016 five-million-euro project plans to supply removal centers. With the exception of Activity 1.6 in providing basic services to Syrians under temporary protection, which is a continuing project, the remaining projects under sub-action 1 are in the bidding process and therefore, the funding has not yet been disbursed (Ministry of Interior) (Ministry for EU Affairs).

In respect to border management, another priority of home affairs, EU-Turkish collaboration under IPA II is carrying out several activities under sub-action 2 of home affairs. Activity 2.1, 2.4, 2.9, and 2.10 all focus on “Increasing Border Surveillance Capacity” in Turkey’s various borders. Activity 2.2, 2.5, and 2.6 respectively address “Improvement of Customs Enforcement Capacity”, “Improving the Container Control Capacity at Customs Enforcement”, and “Improving the Capacity of Customs Enforcement Coordination Centre”. Activity 2.3 concerns the “Establishment of a National Coordination & Joint Risk Analysis Centre (NACORAC) and an Integrated Border Management Integrated Database”. Activity 2.7 regards “Enhancing the Capacity of Turkish Coast Guard Command on Fighting against Irregular Immigration and Organised Crime by Sea”. Activity 2.8 focuses on the “Second Generation Turkish e-Passport Project”. Finally, Activity 2.11’s mission is “Enhancing Capacities of Turkish National Police and other law enforcement agencies in Detection of Forgery in Travel Documents and Risk Analysis” (Ministry for EU Affairs).

For the year 2016, under the Commission Implementing Decision adopting an Annual Action Programme for Turkey under the IPA II, the European Commission expected the following results in its activities in border management: “Border surveillance and fight against irregular migration at Turkey’s eastern borders increased, Border surveillance equipment procured and capacity of the authority in charge of land border surveillance increased, Capacity of Turkish National Police (TNP) and related institutions in detecting forged travel documents, and passenger profiling and conducting risk analysis increased” (European Commission, 2016b, 11).

## **Comparison:**

Evidently, the EU is inconsistent in its different approaches to migration. On the one hand, through the EU Facility for Refugees, the EU focuses on both humanitarian and non-humanitarian assistance for refugees, with only sixty million euros to fund migration management, using the IPA channel. However, upon delving deeper into IPA II strategies in the migration and asylum and border management sub-sectors of home affairs, there is a greater priority of migration deterrence, for instance, through the funding of removal centers for administrative detention and voluntary assisted returns as an alternative to deportation.

IPA II funds in migration management prioritize the construction and maintenance of removal centers. The expected results of this activity are the “enhanced capacity for removal of irregular migrants in line with EU best practices and international standards”. However, the EU’s mission to deter migration and its detention of asylum seekers in hotspots question what EU best practices and international standards are. Turkey’s Law on Foreigners and International Protection permits administrative detention on certain grounds, primarily during an asylum claim assessment or pending deportation. Effectively, in accordance with the Turkish government, the EU finances the removal centers where foreigners and asylum seekers are held in administrative detention (Ministry of Interior, 2013, pp. 58).

According to LFIP, asylum seekers must be informed of the cause of their detention, and Amnesty International’s report, *Europe’s Gatekeeper Unlawful Detention and Deportation of Refugees from Turkey*, states that in interviewing dozens of detainees in Turkey, none were provided with a reason for their detention (Amnesty International, 2015, pp. 6). Amnesty International collected evidence of detainees being treated poorly physically by officials (Amnesty International, 2015, pp. 7) The organization also reports that while asylum seekers were detained in Düziçi and Erzurum, they were prohibited communication with the outside world, violating Article 59 of LFIP, which grants detainees permission to see relatives and legal representatives and have access to phone services (Amnesty International, 2015, pp. 6). (Ministry of Interior, 2013).

Another priority of IPA II funds in migration management is assisted voluntary returns (AVR) of irregular migrants in Turkey. AVRs are typically conducted in cooperation with the International Organization for Migration (IOM), and while IOM provides returnees financial and reintegration assistance, several cases demonstrate that return was the only option for migrants.

Authorities threaten to detain asylum seekers who do not voluntarily return to their countries of origin, violating the principle of non-refoulement by sending them where they would be at risk (Amnesty International, 2015, pp. 11). Because migrants sign voluntary return documents, the Turkish government and the EU may qualify these returns as voluntary. However, the center's harsh conditions, the lack of information migrants have about their rights, and the lack of access to translators informing migrants what these documents agree to question how voluntary these returns really are (Pitonak and Beşer, 2017)

International human rights organisations found Turkey to have worsened its treatment of migrants during the EU-Turkey Joint Action Plan negotiations and the enactment of the EU-Turkey Statement, both with the objective to prevent irregular migration into Europe (Amnesty International, 2015, pp. 13). While Article 58 of LFIP states that removal centers may be operated by the Turkish Red Crescent Association or nonprofit organizations with expertise in the field of migration, the reality of the center's conditions and treatment towards migrants illustrate a different reality (Ministry of Interior, 2013, pp. 61). The return of migrants to administrative detention in Turkey and their poor treatment in these centers, prominent since the EU-Turkey Statement, suggest that the logistical challenges that the EU gave Turkey in accepting and preventing the migration of hundreds of thousands of asylum seekers encouraged Turkey to unlawfully treat migrants. Moreover, the political challenge of being financed to prioritize the prevention of irregular migration enabled the Turkish government to take extreme measures such as detention and deportation (Amnesty International, 2015, pp. 13).

Over all, despite EU projects relating to migration having given greater funding to humanitarian and non-humanitarian assistance through the EU Facility for Refugees in comparison to migration and border management through IPA II, humanitarian and non-humanitarian assistance to refugees in Turkey are ultimately supported to reduce migrants' incentives to make the journey to Europe. The Facility for Refugees officially became a coordination mechanism for such funding as a result of the EU-Turkey Statement, a last resort effort to stop irregular migration through the Aegean Sea. The March 2018 *Communication from the Commission to the European Parliament and the Council* declares that the EU-Turkey Statement "continues to deliver concrete results in reducing irregular and dangerous crossings and in saving lives in the Aegean Sea. Overall, 41,720 migrants arrived via the Eastern Mediterranean route to the EU in 2017, compared to 182,227 in 2016. The number of lives lost at sea has been significantly reduced, with 62 persons

lost at sea in 2017, compared to 434 in 2016,” (European Commission, 2018a, pp. 4). Not only does this statement mislead the public to consider that migration has become safer, as migrants are dying at a quicker rate by taking the even more dangerous Central Mediterranean route, it also demonstrates that the EU-Turkey Statement’s prime indicator for success is the reduction in irregular migration to Europe.

Of course, the indicators for success of the EU-Turkey Statement should not be equivalent to the indicators for success of the aid provided through the Facility for Refugees in Turkey; however, the EU Facility for Refugees is vague in its indicators for success. These lack of indicators, in addition to the conditionality of the implementation of financial assistance upon Turkey’s compliance with the EU-Turkey Statement, suggest that the Facility is openly linked to the EU-Turkey Statement’s purpose to reduce irregular migration. Consequently, implementation and transparency of the Facility’s projects become problematic. Nevertheless, by the end of 2018, the European Court of Auditors will publish its final report on the performance and audit of the Facility, focusing on “the complementarity of Facility Assistance, its delivery and monitoring, and a sample of humanitarian projects” (European Commission, 2018a, pp. 12)

In regards to IPA II, the European Commission expects the following results in the Home Affairs action specifically in respect to migration and asylum and border management: “i. Six removal centres equipped and in function; ii. Comprehensive and sustainable assisted voluntary return and reintegration established; iii. Border Surveillance and fight against irregular migration at Turkey’s eastern borders increased; iv. Border surveillance equipment procured and capacity of the authority in charge of land border surveillance increased; v. Capacity of Turkish National Police (TNP) and related institutions in detecting forged travel documents, passenger profiling and conducting risk analysis increased,” (European Commission, 2016b, pp. 11). The following indicators clearly measure performance measurement in this action “Number of removal centers furnished and functioning in line with international standards; Number of irregular migrants benefitting from gender-sensitive Voluntary Return and Reintegration Assistance, Km of Turkey’s border area covered by modernized surveillance at eastern borders; Number of surveillance cameras at south-eastern borders; Number of staff trained for detecting forged travel documents, passenger profiling,” (European Commission, 2016b, pp. 11).

The indicators for success for migration and asylum and border management actions are meaningful because of their clarity in comparison with the Facility for Refugees’ vague indicators

for success. Because there are no real indicators for success for the funding under the Facility, it is challenging to compare the success of the Facility's humanitarian and non-humanitarian projects with the success of IPA II's projects in migration and asylum and border management. However, the lack of indicators for success for the Facility in its implementation of humanitarian and non-humanitarian projects reveals that these projects are not the ultimate priority of the EU.

**Conclusion:**

Although IPA II projects in migration and asylum and border management have been developed, the Turkish Ministry of Interior and Ministry for EU Affairs report that the EU has not yet disbursed its financial contribution to these projects. In respect to the Facility for Refugees, the Turkish government criticizes the EU's speed in disbursing funds and its choice to channel aid to UN agencies and non-profit organizations above Turkish institutions. Nevertheless, on the 29<sup>th</sup> of June 2018, EU member states agreed on how to contract the second installment of three billion euros for the EU Facility for Refugees before the original installment has been fully disbursed. The second installment of funds plans to shift focus from humanitarian assistance to non-humanitarian aid, as the migration crisis has evolved into a development and integration issue in Turkey (European Council, 2018). With a focus in non-humanitarian assistance to integrate refugees in Turkey in order to prevent their migration to European countries, many of these new contracts are likely to be channeled through the IPA channel, despite the EU having not yet disbursed the funds planned to support IPA II projects. Finally, on the 4<sup>th</sup> of July 2018, the European Council approved the allocation of five hundred million euros from the EU budget to extend the facility's actions in education for children in 2018 (M'tiri, 2018).

Clearly, then, the European Union's approach to migration is consistent in being inconsistent. The EU demonstrates mixed priorities in its funding for the Facility for Refugees and IPA II. On the one hand, the EU boasts its role as a human rights defender. On the other, it strives to prevent asylum seekers from arriving to and gaining protection in Europe. Ultimately, the extreme mistreatment of refugees through detention and forced returns, the commitment to humanitarian and non-humanitarian assistance projects as part of a greater agreement to deter irregular migration, and the indicators for success for the EU Facility for Refugees and IPA II's projects and activities in migration and asylum and border management all illustrate the reality of the EU's priorities in migration; while certain member states have been crucial recipients of those seeking protection, this political and economic union, overall, is not interested in accepting asylum seekers.

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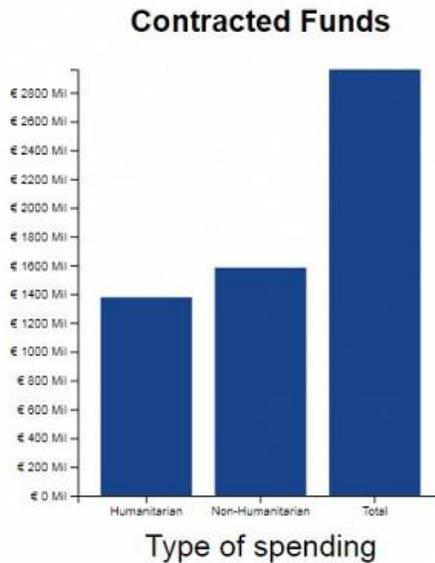
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## Appendix

The European Commission has provided the following graphs to better understand the contracts of funds in projects through the EU Facility for Refugees.



graphics by @IoannisAntypas

### EU Facility for Refugees in Turkey - Where Funding Has Been Disbursed



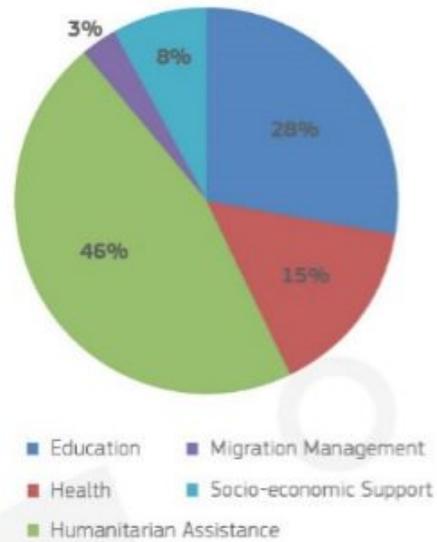
- Disbursed Facility Funding to Top 4 Individual Funding Recipients (WFP, WB, UNICEF, UNHCR)
- Disbursed Facility Funding Directly to Government of Turkey
- Disbursed Facility Funding to Other IGOs/NGOs/Govt. owned organizations (Non-Turkish Govt.)



## Education Sector

-  **500,000** Syrian refugee children have access to education
-  **5,500** Turkish language teachers employed in 23 provinces have provided language training to **312,000** children
-  **125** solid structure and **50** prefabricated schools built
-  **Almost 45,000** students benefit from on-going back-up trainings
-  **Over 32,000** children benefitted from school transportation

Breakdown of funds per priority area



## Non-humanitarian assistance projects:

