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EU Migration Crisis Actions with a focus on the EU-Turkey Agreement

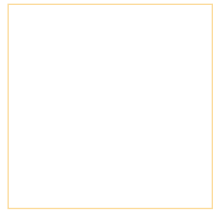
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POLICY
BRIEF

Evaluating EU Actions for the Migration Crisis

The Migration Crisis is today at the core of the EU agenda and yet poses a major challenge to intra-EU solidarity mechanisms. Since the beginning of the Syrian conflict, almost three million first-time applications have been registered in EU states (plus Norway and Switzerland), of which 650,250 and 199,205 are, respectively, Syrians and Iraqis. In the same period, 1.6 million migrants arrived on the southern borders of Europe by boat, while 13,179 people died in the waters of the Mediterranean¹. In this policy brief, EU *ad hoc* programmes for the management of the Crisis are discussed. At the time of writing, the core programmes consist of 1) a Relocation Scheme; 2) a Resettlement Scheme; and 3) the 18/03 EU-Turkey Agreement.

1. Source: Migration Policy Centre (<http://www.migrationpolicycentre.eu/migrant-crisis/>)



Relocation Scheme (started September 2015)

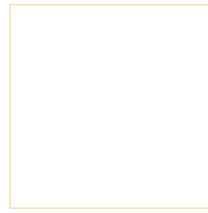
In September 2015, to alleviate the burden on Italy and Greece of mass arrivals of refugees, the Justice and Home Affairs Council decided to relocate **160,000 people in clear need of international protection** from those two countries. Two decisions were adopted to relocate **106,000** asylum seekers plus another **54,000** “unless a proposal is submitted by the Commission to the Council before 26 September 2016 to adapt the relocation mechanism”² (EU, 2015). In other words, asylum

seekers were to be relocated from Greece and Italy to other EU MSs where they would have their asylum applications processed. If these applications were successful, then applicants would be granted refugee status with the right to reside in the Member State to which they were relocated. All relocations would take place over **two years** and the scheme would be **mandatory** for all EU MSs with the exception of the UK and Ireland; Ireland subsequently chose to opt in. In addition, Norway, Switzerland, and Liechtenstein also gave their availability. Table 1 describes the state of play of the Relocation Scheme since its beginning (on September 2015) as of April 14.

- Accordingly, after the 18/03 EU-Turkey Agreement, on 21 March 2016 the Commission tabled a proposal to make the 54,000 places initially set aside for relocation, available for the purpose of admitting Syrians from Turkey to the EU through the resettlement scheme. The proposal is still pending.

Table 1 - Relocated migrants from Greece and Italy to other EU MSs by EU MS (as of 14 April 2016)

EU MSs	Places made available	Relocations			Remaining places from the 160,000 (2)
		From Italy (A)	From Greece (B)	Total (A+B)	
Austria (1)	-	-	-	-	1,953
Belgium	30	24	-	24	3,788
Bulgaria	1,302	-	4	4	1,298
Croatia	-	-	-	-	968
Cyprus	30	-	6	6	314
Czech Republic	30	-	-	-	2,691
Denmark	-	-	-	-	-
Estonia	46	-	7	7	322
Finland	270	148	111	259	1,819
France	1,300	137	242	379	19,335
Germany	40	20	37	57	27,479
Greece					
Hungary	-	-	-	-	1,294
Ireland	50	-	10	10	590
Italy					
Latvia	481	-	21	21	460
Lithuania	100	-	6	6	665



Luxembourg	150	-	30	30	527
Malta	131	15	6	21	110
Netherlands	200	50	48	98	5,849
Poland	100	-	-	-	6,192
Portugal	1,642	92	89	181	2,767
Romania	515	6	29	35	4,145
Slovakia	-	-	-	-	902
Slovenia	40	-	-	-	567
Spain	200	18	-	18	9,255
Sweden	300	39	-	39	3,727
UK (1)	-	-	-	-	-
Norway	-	-	-	-	-
Switzerland	30	-	-	-	-
Liechtenstein	43	-	-	-	-
Iceland	-	-	-	-	-
Total	7,030	549	646	1,195	97,017
<i>Foreseen total</i>	<i>160,000</i>	<i>39,600</i>	<i>66,400</i>	<i>106,000</i>	<i>160,000</i>
<i>% of foreseen total</i>	<i>4.39</i>	<i>1.39</i>	<i>0.97</i>	<i>1.13</i>	<i>60.64</i>

(1) In Austria, the agreement is suspended for one year. The UK did not take part in the agreement.

(2) Out of 160,000, 61,744 decisions need still to be allocated while 1,239 were excluded.

Source: Author's elaboration on European Commission data (http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/index_en.htm), retrieved on 22/04/2016

The Relocation Scheme has clearly been inefficient. The Scheme is to last for two years, i.e. from September 2015 to September 2017 and relocate 160,000 asylum applicants, or 6,667 persons per month. As of April 14, the total number of relocations stands at 1,195 persons – i.e. 0.7% of 160,000 – or around 171 migrants per month. So far, the most “generous” states have been France (31.7%), Finland (21.7%) and Portugal (15.1%). The lack of intra-EU solidarity appears to be the main obstacle to the correct functioning of the Scheme.

Resettlement Scheme (started July 2015)

On 20 July 2015, 27 EU Member States and Dublin Associated States agreed – on a voluntary basis – to resettle through multilateral and national schemes 22,054 displaced persons in clear need of international protection from states in the

Middle East, the North of Africa and the Horn of Africa. Following the EU-Turkey Agreement of 18 March 2016, it is expected that most of the remaining places will be filled up by those coming from Turkey (EC, 2015). Resettlements seem to be “functioning better” than relocations. The scheme is planned to last for two years, i.e. from July 2015 to July 2017 and to resettle a total of 22,504 persons: this corresponds to 938 persons per month. In the first nine months of the programme a number of people were resettled: 5,598 “under the 20 July scheme” plus another 79 persons “under the EU-Turkey Agreement” as of, respectively, 11 and 14 April (Table 2). This corresponds to 631 resettled people per month, i.e. 307 persons fewer than the planned number.

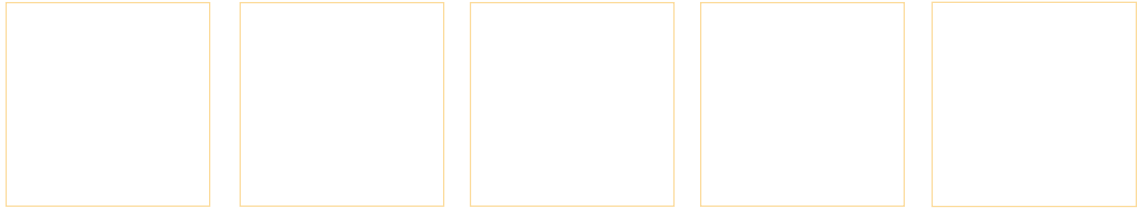


Table 2 – Resettled persons from Middle East, North of Africa and Horn of Africa to EU MSs under the “20 July scheme” and the “1:1 EU-Turkey Agreement” (as of 11 and 14 April 2016)

	“Normal” resettlements from Third Countries (under the 20 July Scheme) (Period: 20/07/2015 – 11/04/2016)	Resettlements of Syrians from Turkey (under the 1:1 EU-TUR Agreement) (Period: 04/04/2016 – 14/04/2016)
Austria	1,395	-
Belgium	212	-
Bulgaria	-	-
Croatia	-	-
Cyprus	-	-
Czech Republic	52	-
Denmark	481	-
Estonia	-	-
Finland	63	11
France	72	-
Germany	-	37
Greece	-	-
Hungary	-	-
Ireland	258	-
Italy	96	-
Latvia	-	-
Lithuania	-	-
Luxembourg	-	-
Malta	-	-
Netherlands	301	31
Poland	-	-
Portugal	-	-
Romania	-	-
Slovakia	-	-
Slovenia	-	-
Spain	-	-
Sweden	-	-
UK	1,864	-
Norway	323	-
Switzerland	413	-
Liechtenstein	20	-
Iceland	48	-
Total	5,598	79
Foreseen total	22,504	
% of foreseen total	25.23	

Source: Author’s elaboration on European Commission data (http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/index_en.htm), retrieved on 22/04/2016



The EU-Turkey Agreement (18 March 2016): the 1:1 resettlement-return scheme

On 18 April 2016, the EU and Turkey agreed on the following action points to end irregular migration along the Eastern Mediterranean route (EC, 2016):

- 1) All new irregular migrants crossing from Turkey to the Greek islands, as of 20 March 2016, will be returned to Turkey;
- 2) For every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled in the EU;
- 3) Turkey will take necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU;
- 4) Once irregular crossings between Turkey and the EU end or have been substantially reduced, a Voluntary Humanitarian Admission Scheme will be activated;
- 5) The fulfilment of the visa liberalization roadmap will be accelerated with a view to lifting visa requirements for Turkish citizens, at the latest, by the end of June 2016. Turkey will take all the necessary steps to fulfil the remaining requirements;
- 6) The EU will, in close cooperation with Turkey, further speed up the disbursement of the €3 billion initially allocated under the Facility for Refugees in Turkey. Once these resources are almost spent, the EU will mobilize additional funding for the Facility up to an additional €3 billion till the end of 2018;
- 7) The EU and Turkey welcomed the ongoing work on the upgrading of the Customs Union.
- 8) The accession process will be re-energized, with Chapter 33 to be opened during the Dutch Presidency of the Council of the European Union and preparatory work on the opening of other chapters to continue at an accelerated pace;

Figure 1 – Resettlements and returns under the EU-Turkey 1:1 Mechanism, 4/04 - 15/04, 2016



Source: Author's elaboration on European Commission data (http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/index_en.htm), retrieved on 22/04/2016



9) The EU and Turkey will work to improve humanitarian conditions inside Syria.

Figure 1 shows some first statistics on the implementation of points 1) and 2), that is on the 1:1 relocation-return mechanism, according to which for every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled from Turkey. From its beginning – **from 4 to 15 of April 2016** –, a total of **79 Syrians** had been resettled from Turkey to three EU MSs, while **325 people had been returned** from Greece to Turkey.

As to the implementation and functioning of the agreement, several doubts emerge. First, the 1:1 mechanism has apparently failed. In the first ten days, there is a high number of returns (325) and a low number of resettlements (79). In other words, like for previous programmes, the intra-EU solidarity does not seem to work. **Why should we expect it to work in the future?**

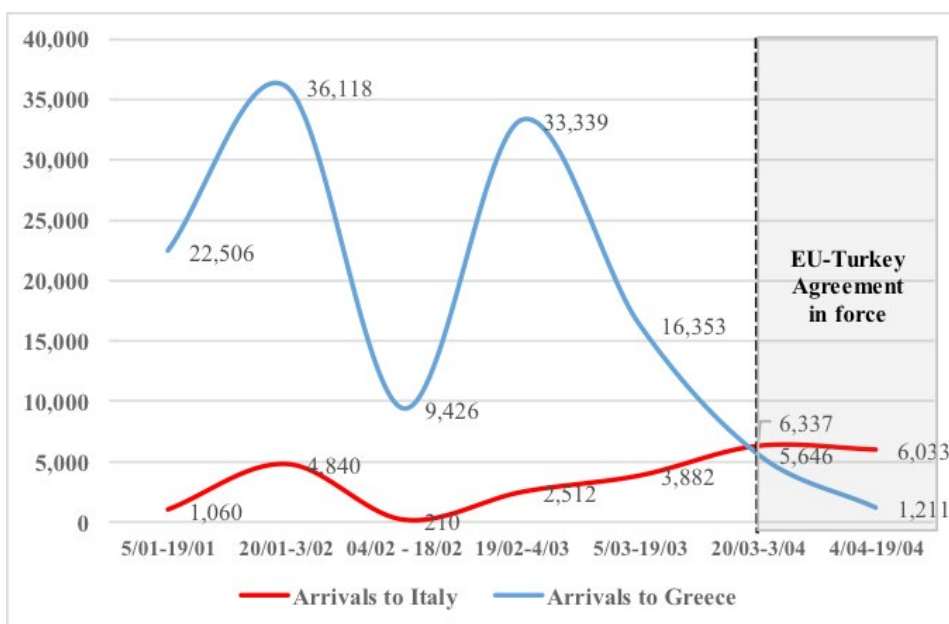
Though it is certainly too early to evaluate the impact of the EU-Turkey Agreement on irregular migration to the EU, some numbers may help in understanding

its first developments. Figure 2 shows arrivals at sea³ along the Central and the Eastern Mediterranean route in 2016 on a fifteen-day basis. From 5 January to 19 March, 90.4% of total arrivals (130,246) took place along the Eastern Mediterranean route. After the EU-Turkey Agreement – which took effect 20 March – a decrease of arrivals along the Eastern route was accompanied by a parallel increase in the (more perilous) Central route: from 20 March to 19 April 2016, the share of arrivals to Greek Islands out of total arrivals (19,227) dropped to 30.7%. **Will migrants simply opt for other routes – as already occurred many times in the past (Fargues, 2015) – in response to the EU-Turkey Agreement?**

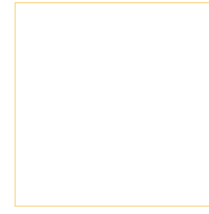
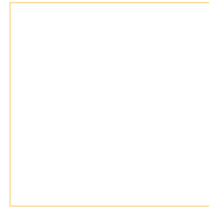
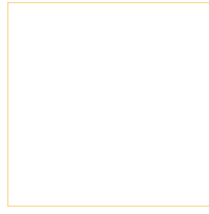
Additional concerns apply to the status of returned people. **What will happen to returned people as Turkey is not a full member of the Geneva Convention?⁴ What will their legal status be? On**

3. Only arrivals at sea (and not by land) are here shown in order to control for seasonal effects and thus to correctly compare the Eastern with the Central Mediterranean routes.
4. In Turkey non-European refugees are eligible only for

Figure 2 – Arrivals at sea along the Eastern (Greece) and Central (Italy) Mediterranean route, 5 January-19 April 2016



Source: UNHCR (Greece), Ministry of Interior (Italy)



what legal basis can people in need of international protection be returned? Is the “inadmissibility clause” a valid – and fair – solution for people in need of protection? According to the EC (2016), people are returned Greece to Turkey according to two different legal frameworks: 1) for irregular migrants who do not have a right to international protection, they are returned immediately under the bilateral readmission agreement between Greece and Turkey, which will be succeeded by the EU-Turkey Readmission Agreement from 1 June 2016; 2) for people who apply for asylum, Greece will make use of the **inadmissibility of applications** clause. Apparently, the EU asylum rules allow Member States in certain clearly defined circumstances to declare an application “inadmissible”, that is to say, **to reject the application without examining the substance**. There are two legal possibilities that could be envisaged **for declaring asylum applications inadmissible in relation to Turkey** (EC, 2016):

- **first country of asylum** (Article 35 of the Asylum Procedures Directive): where the person has been already recognized as a refugee in that country or otherwise enjoys sufficient protection there;
- **safe third country** (Article 38 of the Asylum Procedures Directive): where the person has not already received protection in the third country but the third country can guarantee effective access to protection to the readmitted person.

In accordance with this framework, Greece recently adapted “its legislation to provide a legal framework for the implementation of the ‘first safe country of asylum’ and ‘safe third country’ principles” before starting returning people to Turkey on 4 April. **Does this mean that Turkey became a “safe country” overnight? Moreover, is Turkey a safe country for refugees and asylum seekers?** According to field

temporary asylum. But the 2013 Law on Foreigners and International Protection provides them, at least on the paper, with rights close to those guaranteed by the Convention (Fargues, 2015).

research conducted by Amnesty International, since September 2015, perhaps hundreds of refugees and asylum seekers have been transported by Turkish authorities to isolated detention centres. Some of them reported being shackled for days on end, beaten and forcibly transported back to the countries they have fled (Amnesty International, 2015). And finally, **what to expect for Syrians, but also Iraqis and Afghans to whom Turkey does not apply the Geneva Convention?** Since mid-January 2016, the Turkish authorities have been rounding up and expelling groups of around 100 Syrian men, women and children to Syria on a near-daily basis. Moreover, at the end of March, Amnesty International researchers gathered multiple testimonies of large-scale returns from Hatay province (Amnesty International, 2016).

To conclude, despite there still being many uncertainties, what is clear about the EU-Turkey Agreement is that international economic migrants, refugees and their children, who risk their lives crossing the Mediterranean, have scarce or no safeguards against this plan; and being returned to Turkey is likely to jeopardize their lives. Once again, EU leaders have attempted to displace the problem elsewhere. Meanwhile, no concrete action is offered for the root causes of global refugee displacements: be these the Syrian conflict; endemic violence in Afghanistan and Iraq; poverty in Kosovo; or a myriad of other crises to the south and east of Europe.

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Migration Policy Centre

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