

Tracing the Effects of the EU-Turkey Deal

The Momentum of the Multi-layered Turkish Border Regime

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Abstract: Against the background of a recent ethnographic research project on the effects of the EU-Turkey deal and yearlong research activities in Turkey, the article will re-visit the changing dynamics of the recent Turkish border and migration regime in relation to the externalization policies of the EU. We argue that academic narrations, which tend to reduce Turkey's role to a simple externalization of EU border politics, are insufficient to explain the current Turkish migration regime. Rather, the article elaborates how the recent history of Turkey's migration and border regime has become interwoven with other multi-layered dynamics, shaped by different national, regional, and international developments and aspirations. Furthermore, it analyzes the effects of the EU-Turkey deal in regard to the current asylum and migration regime in Turkey.

Keywords: border regime, externalization, EU-Turkey deal, regionalization, deceleration of mobilities

Located on the Turkish Aegean coast near several Greek islands, Izmir has been a springboard for migrants attempting to make their journey to Europe by boat (see also Düvell/Wissink/van Eerdewijk 2013) for many years. Here, migrants generally meet in Basmane, an inner-city neighborhood next to one of Izmir's two main railway stations. The district is a lively agglomeration of Syrian shops and restaurants, tea houses, internet and telephone cafés, and cheap hotels. Long before the onset of the civil war in Syria, there was already a small Syrian community in Izmir (Interview with Muhammed Ali Salih, Association for Solidarity with Syrians, Izmir, May 2, 2016). Now, the cafés around Basmane Square are known for hosting a well-established network of facilitators and smugglers, which the migrants need to cross over to Greece.

During the summer of 2015, the number of transiting migrants rose steeply. About 850,000 people, half of them Syrians, made the crossing from the city (IOM 2016: 5). Almost every day, hundreds of migrants arrived in Izmir to pursue their journeys towards Europe. Since not all of them could find an affordable hotel room, people started to camp in the streets surrounding Basmane Square.

In order to stem these movements, on March 18, 2016, the EU Commission together with Germany and Turkey eventually introduced the so-called EU-Turkey deal, which we will describe in fuller detail later in this article. With its implementation in April 2016, movements through the city slowed down, but they have never completely stopped (UNHCR 2016, 2017).¹

TRAPPED IN LIMBO

It was in this neighborhood that we met Mohammad. He, his wife Mariam, and their two sons arrived in Izmir from Egypt in late autumn of 2015, with the intention of crossing the Aegean to Europe. When they arrived, Syrians still did not need a visa to enter Turkey by air. Three years before, the family had left Damascus for Lebanon, then continued on to Egypt shortly thereafter — quite a familiar step-by-step regional flight-migration biography which corresponds to that of many other migrants we met during our research.

Upon their arrival in Turkey, Mohammad quickly found a job as a cook at a Syrian restaurant in Basmane. While working to save up money for the trip, he and Mariam saw news of fatal shipwrecks and the implementation of the EU-Turkey statement of March 2016. Eventually, the couple decided not to risk the lives of their children on a perilous boat trip, just to be stuck once again, this time on a Greek island.

Mohammad and Mariam saw that they were left with no options to move to Europe. However, remaining in Turkey did not offer many prospects either. So, they arranged a trip to go back to Egypt. This time, however, Egyptian border policies towards Syrians had changed following the overthrow of Egyptian President Morsi (UNHCR 2014: 2).² To get back, they would have to be smuggled from Sudan over the border into Egypt. For this journey, they paid a total sum of 4,000 USD. However, before departing Turkey, they realized that they had been cheated, and their money was gone. One year later, unable to move in any direction, Mohammad is saving money once again and still hoping to make it to either Europe or to Egypt. He wants to leave Turkey, as living conditions there remain precarious on several levels (see also Baban/Ican/Rygiel in this issue).

1 | According to UNHCR statistics, 1,920 migrants reached the Greek islands in July 2016, and in August the figures increased to 3,447 (UNHCR 2016: 2). In the first five months of 2017, 7,607 migrants arrived in Greece (UNHCR 2017).

2 | On July 8, 2013, visa restrictions were imposed on all Syrians entering Egypt (UNHCR 2014: 2).

Mohammad is one interview partner whom we met several times. Like him, many of the others we interviewed expressed a sense of being trapped in limbo. This is certainly due to the introduction of the EU-Turkey deal and its effects on the regional migration and border regime, which gave Turkey a pivotal role in the so-called European ›refugee crisis.‹ But, as we will argue, Turkey is hardly a passive recipient of the EU's will to border its territory and curb the movements of migration.

In spring and summer 2016, we carried out ethnographic research in Ankara, Istanbul, Izmir, and Gaziantep on the »Destabilization and Re-stabilization of the European Border Regime« in the wake of the so-called ›refugee crisis.‹³ During our research, we learned a lot about the inconsistencies and pitfalls of the various kinds of humanitarianism at play in Turkey, and the complexities of pro-migration political practice. We also observed the harsh effects of the EU-Turkey deal, which we will roughly outline later on. However, several talks and experiences in the wake of our research point to different trajectories of Turkish domestic as well as foreign policy and the importance of the repercussions of the Syrian crisis for/in Turkey. Against this background, we hope to challenge conventional interpretations of the EU-Turkey deal in Western Europe as just another example of the power of the EU to simply externalize its border control policies. Therefore, we will analyze and discuss the changing dynamics of the Turkish border and migration regime, following the question of how much the EU actually drives the Turkish border and migration regime. Looking anew at the genealogy of the Turkish border and migration regime in relation to EU interests and politics as part of the context of EU accession negotiations, culminating — so to speak — in the EU-Turkey deal, we will challenge one of the central paradigms of border studies itself, namely externalization (Lavenex 2004; Lahav/Guiraudon 2000; Bialasiewicz 2012). This has been mainly characterized as a one-way, top-down process, initiated by the European Union on its neighboring countries. As such, we will also draw on research findings we made in the course of previous research projects in Turkey, which reach back to the beginning of the 2000s.

As we witnessed in the first research we did in the context of the Transit Migration Research Group on the implementation of the externalizing EU border regime in the region (Hess/Karakayali 2007), there was hardly any awareness of the topic of migra-

3 | This multi-sited research project was funded by the Fritz Thyssen Foundation (transmigration-2.org.) The research in Turkey was carried out by Fırat Genç, Gerda Heck, and Sabine Hess. Alongside participant observation at NGO-run centers and fieldtrips to migrant settlements, we conducted over 30 ethnographic structured interviews as well as conversations with migrants, political activists with Turkish and Syrian backgrounds, workers in international and Turkish NGOs, and representatives of government bodies.

tion and migration politics, either from the Turkish state, or in academia, or among the public up to the first years of the 2000s.⁴ Interest in migration appeared slowly during the course of Turkey's EU accession negotiations, and Europe's pressure on Turkey to regulate migration flows. However, it never has been just a top-down relationship (ibid.; Hess 2012; Heck 2013). Rather, as we will show in the following chapters, academic narrations, which tend to reduce Turkey's role to a simple enlargement of the EU border regime and a passive object of the EU's externalization policies, are insufficient when attempting to explain the current Turkish migration regime. Therefore, in the first part of this article, we will elaborate on how the recent history of Turkey's migration and border regime has become interwoven with other multilayered dynamics. In the second part, we will sketch the effects of the EU-Turkey deal in regard to the current asylum and migration regime in Turkey.

EXTERNALIZATION REVISITED

The arrival of nearly 800,000 refugees, who crossed the Aegean Sea during the ›summer of migration‹ in 2015 (Kasperek/Speer 2015) and targeted northern countries in Western Europe, has not only undermined the basis of the EU border regime. It has also provided an opportunity to reopen the discussion of Turkey's role and position within international migration flows and the EU-driven border regime.

The introduction of the EU-Turkey deal, more accurately the »EU-Turkey statement« (European Council 2016) of March 18, 2016, has again shown the increasingly significant role of Turkey in governing migration at the international and regional level, especially for European governments and international governance institutions. But this is not new. Since the late 1990s, controlling borders and migrants' mobility has been a matter of negotiations between the Turkish state and the EU, with very mixed outcomes (İçduygu/Kirişçi 2009; Özçürümez/Şenses 2011). Particularly in recent years, there has been evolving academic interest⁵ focusing on the impact of

4 | Some of the few exceptions of people who had already been writing on migration at that time were Ahmet İçduygu and Kemal Kirişçi.

5 | There are also many research projects that have emphasized the social conditions and realities of migrants and refugees in Turkey (Şenses 2016; Baban/İlcan/Rygiel 2016; Düvell/Wissink/van Eerdewijk 2013; Heck 2013; İçduygu 2015; Özden 2013; see also Baban/İlcan/Rygiel in this issue). Another body of research focuses on the legal aspects of the developing Turkish migration and border regime, such as the recent implementation of the Law on Foreigners and International Protection (Soykan 2011, 2012; Kirişçi 2012).

European externalization policies on Turkey. These are mainly driven by the question of how the EU and international and intergovernmental organizations have urged the Turkish state to follow the rationale of these policies (Düvell/Wissink/van Eerdewijk 2013; Hess/Karakayali 2007; Kirişci 2007; İçduygu 2007, 2011, 2014; Hess 2010). Thereby, many rely on the paradigm of ›externalization‹ as a more or less top-down, EU-driven process, which according to Lahav and Giroudon (2000) can be regarded as one of the central rationales of the European border regime.⁶ Since the beginning of the 2000s, there have been growing concerns in the EU with respect to irregular migrants transiting through Turkey. This had already been expressed by the British government at the 2002 Seville Summit, which asked for sanctions against Turkey, should Ankara not adopt stricter measures against the uncontrolled movements on the Aegean Sea and the land borders along the Evros River (Hess/Karakayali 2007; İçduygu/Kirişci 2009).

However, though Turkey's legal and institutional architecture in the field of migration and border policies has been constructed within the context of the membership negotiations with the EU since 1999 (Kirişci 2007: 8), there has always been a certain autonomy, and different, endogenous geopolitical interests of the Turkish nation-state in the process.

Therefore, we propose characterizing Turkey's emerging border regime as a much hybridized formation, in which the intersection of different layers, scales, interests, and actors does not produce a linear process. The result, conversely, is a highly contradictory regime, full of cracks and ruptures, leading to a specific securitarian-humanitarian dispositif.⁷ Applying the term ›border regime,‹ we aim to overcome a simplistic understanding of the border as a line surrounding national territories. Instead, we conceptualize it as a deterritorialized and pervasive ›borderscape‹ or assemblage of technologies, laws, institutions, representations, discourses, and practices. The Transit Migration Research group defines the »border regime« as a »more or less ordered ensemble of practices and knowledge-power-complexes« resulting in a space of heightened contestation and conflicts, with the movement of migration as

6 | See the formulation of a comprehensive EU externalization policy (European Commission 2005; Home Office 2002).

7 | Applying the notion of ›securitarian-humanitarian dispositif‹ we not only refer to the growing literature on humanitarianism within border studies (Fassin 2007; Cuttitta 2014; Ticktin 2011), but also to the understanding that security policies are highly interwoven and entangled with humanitarian policies, best reflected in the case of Greece and the transnational attempts to stabilize and enforce a specific, highly restrictive asylum system.

one of the driving forces of the border regime (Karakayali/Tsianos 2007: 3). The erratic history of the Turkish border regime can be perceived as an exemplary case.

THE RISE OF THE TURKISH MIGRATION AND BORDER REGIME

Since the 1980s, Turkey has been an important link for migration movements towards Europe from neighboring countries in the Middle East and from more distant countries in Asia and Africa. The Özal governments of the 1980s and 1990s pursued a pragmatic approach in their foreign policy, introducing a liberal visa regime to the citizens of Balkan, ex-Soviet, and Middle Eastern countries to enhance cross-border movements and increase trade (Kirişçi 2005: 351; Genç 2015: 535). This liberal approach to international migratory flows was based on the idea of the »trading state« (Kirişçi 2009), but contained limitations and contradictions within itself. The Turkish state's security concerns, especially in regard to its Kurdish population and the transborder activities of their organized factions/parties, had restrictive impacts on bordering processes that targeted certain groups and nationalities (Genç 2015).

Since 2002, the AKP (Justice and Development Party) governments have largely adopted this liberal approach to migration, in accordance with their political, economic, and geostrategic inclinations. At the same time, increased numbers of undocumented migrants in Turkey have become a major theme of the accession negotiations with the European Union (Kirişçi 2005; Özçürümez/Yetkin 2014). As such, the economic, political, and geostrategic dynamics that have made Turkey both a transit and immigration country have also led towards a certain institutionalization of the migration and border regime in close interaction with the European Union since 2000.

The accession negotiations for full membership with the EU since 1999 have represented the institutional context of this new phase, as the EU has demanded the adoption of the so-called ›Schengen acquis‹ as part of the *acquis communautaire* regarding visa policy and practice, asylum, border protection, law enforcement, anti-trafficking politics, and the introduction of a new migration law as a requirement for accession (Kirişçi 2007: 8). However, from the very beginning, this institutional and political process has intrinsically been accompanied by contradictions, obstacles, and delays (Özçürümez/Yetkin 2014: 448).

On one hand, Turkey has fulfilled crucial demands by the EU, and has introduced a series of new laws in recent years (Tolay 2012: 40); it has revised its laws on work permits and naturalization, adopted the ›Palermo Protocols‹ regarding human trafficking, expanded deportation facilities with the financial support of the EU, and

intensified the ›protection‹ of Turkish borders in 2006 within the scope of the National Action Plan for the Implementation of Turkey's Integrated Border Management (IBM) Strategy (Haase/Obergfell 2013: 35). In order to create an effective coordination and collaboration in accordance with IBM, the Ministry of Interior established the Directorate of Project Implementation on Integrated Border Management in 2004. This unit, responsible for planning, preparing, and administering EU projects on IBM, conceded these tasks to the Bureau for Border Management in 2012 (Sert 2013: 177). Finally, visa regulations have been reformed in accordance with the visa allocation policies of the EU (Tolay 2012: 45).

On the other hand, geopolitical and economic interests within the context of Turkey's approach towards the Middle East and Africa led to a revision of its restrictive visa policy in 2005 (Genç 2015: 536). This turn was driven by Turkey's new foreign policy orientation, which has aimed to intensify trade and investment opportunities, that play a greater role in regional and international affairs, with increasing efforts to align the country with non-Western states (Açıkgöz 2015: 102; Aksel/Danış 2014; Börzel/Soyaltın 2012: 14). Accordingly, Turkey began to establish and intensify economic relations with various African states, and, as part of this endeavor, lifted visa restrictions.⁸

In a similar manner, Turkey and Syria introduced a mutual visa exemption agreement in 2009. This agreement applied to both states and included the formulated aim to create a Schengen-type joint visa policy together with Iran and Iraq, which would be called ›Şamgen‹ (Gökalp Aras/Şahin-Mencütek 2015: 199; Özler 2013: 52). The fact that Turkey maintained visa agreements with a series of third countries that were listed on the EU's ›negative list‹ has caused persistent displeasure on the part of EU authorities (Haase/Obergfell 2013: 6).⁹

The Turkish state's refugee and asylum policy has been another item producing constant tension with the EU. Turkey is a signatory to the UN's 1951 Geneva Convention and the 1967 Protocol, but it has maintained the geographical limitation clause of the Convention. It therefore only accepts applicants coming from Europe — the borders of which are defined by the European Council — as ›convention refugees‹

⁸ | In 2003, a strategy on the development of the economic relations was compiled by the Undersecretariat for Foreign Trade, and, in 2005, the Turkish government declared the ›Year of Africa.‹ In the following years, the Turkish state put significant effort into a range of different measures to intensify relations with various African states (Republic of Turkey Ministry of Foreign Affairs).

⁹ | Turkey has also abolished visa requirements with countries such as Jordan, Lebanon, Russia, and Serbia, which have been also on the EU's negative list (Canefe 2016: 23).

(Brewer/Yükseker 2009: 650). In the case of non-Europeans, this implies that the procedure to gain refugee status must be channeled through the UNHCR. This geographical limitation to European citizens for the full recognition of refugee status was also retained in the new Law on Foreigners and International Protection, which went into effect on April 12, 2014. The EU has frequently demanded the abolition of this restriction as a requirement for EU accession (Council of Ministers of the EU 2001: 21–22; Kirişci 2012: 75).

Turkey, however, has resisted such demands, arguing that the country could become a reservoir for asylum seekers who have been rejected from the European Union, without having ensured Turkish accession to the EU, since the adoption of the current EU *acquis* would turn Turkey into a so-called ›country of first reception‹ for asylum seekers. Therefore, Turkey, as a third country confronted with deportations from the EU, opted to keep the main lines of its asylum procedure intact before full membership has been granted (Kirişci 2012: 75). Added to that, although the EU had already started negotiating an EU-Turkey readmission agreement in 2002, it took more than a decade until it was finally signed in December 2013 (Kirişci 2014).

In 2013, Turkey passed the Law on Foreigners and International Protection alongside the negotiations with the EU as the primary legal framework on which current regulations on asylum and international protection are based. The Directorate General of Migration Management (DGMM), the main state regulatory institution to administer the field of migration, was established in compliance with this law, and has been given highly centralized authority regarding the registration, protection, detention, and/or deportation of both documented and undocumented migrants.

While in the midst of revising the legal and administrative system regarding migration and asylum, the Syrian civil war erupted in 2011. This has had a huge impact on the orientation and implications of Turkey's new migration and border regime.

THE SYRIAN CRISIS AND THE CREATION OF ›GUEST‹ STATUS

In spring of 2011, the Turkish state's initial response to the growing war in Syria was the introduction of an unconditional ›open door policy.‹ With this, they welcomed all Syrian refugees crossing through the southern land borders *en masse*, formally designating them as ›guests‹ — a category that is not defined in either international or national refugee law.

However, this initially optimistic response began to shift by November 2011, when the government signaled the implementation of ›temporary protection status‹ for Syr-

ians, which was legally defined and later adopted by the Ministry of Internal Affairs in October 2014 (Gökalp Aras/Şahin-Mencütek 2015: 201). The 2013 Law on Foreigners and International Protection introduced two forms of international protection for non-Europeans, which were meant to be temporary: ›conditional refugee status‹ in the case of persons who are under direct personal threat, and ›subsidiary protection status‹ in the case of persons coming to Turkey from countries where a general situation of violence prevails.

Syrian refugees, however, were excluded from these categories, because they have been granted ›temporary protection status‹ (TPS) (see also Baban/Ilcan/Rygiel and Sarı/Dinçer in this issue). This special category refers to the European Council Directive on ›Temporary Protection‹ of 2001 for migration *en masse* (Gökalp Aras/Şahin-Mencütek 2015: 201). The category of TPS creates severe legal, political, and social ambiguities and disenfranchisement, since its temporal scope and prospects for naturalization have not been properly defined (Mülteci-Der/Pro Asyl 2016). In short, the legal framework and practice relating to non-European refugees in Turkey is two-fold: Syrians and non-Syrians are subjected to two separate legal and administrative systems, which have varying effects on their statuses, material conditions, daily life experiences, and expectations.

It would be reasonable to argue that the Turkish state's initial ›open door policy‹ towards Syrian refugees implied a different approach from the current global trends in terms of border regimes. It also looked different from Turkey's previous reactions to similar massive refugee movements as exemplified during the first Gulf War in the early 1990s, which had been primarily based on securitization perspectives.¹⁰ Researchers and political analysts have argued that this approach, which was justified by the national authorities on the basis of humanitarian aspirations and geopolitical priorities, enabled Turkey to appear, during the first years of the Syrian civil war, as a regional power and a model state that sought to play the role of a regional mediator in the face of acute humanitarian problems. However, in the wake of the failure of the mediating attempts of Minister of Foreign Affairs Ahmet Davutoğlu in 2011 (Aras 2012), Turkey has increasingly relied on the prospect that the Syrian opposition could gain power soon (Erdoğan 2014; Genç/Öner 2015: 1; Gökalp Aras/Şahin-Mencütek 2015: 201).

By 2013, it became obvious that the war in Syria would not end soon. With that, the ›guests,‹ a term framed and justified in reference to the notion of religious frater-

10 | In response to Iraqi refugees at the beginning of the 1990s, Turkey intensified its border enforcement and introduced restrictive asylum regulations after 1993 (Şahin-Mencütek 2012: 140).

nity as well as indicating a temporary stay, would not return to Syria soon. Complicated by the shifting balances of military power and increasing geostrategic anxieties spurred by the Kurdish forces' military and political influence in northern Syria, the features of the Turkish state's approach to Syrian refugees began to change in a dramatic way. Consequently, since the beginning of 2014, Turkey has undertaken more systematic steps to register Syrian refugees, and more importantly, canceled the ›open door policy‹ for Syrian refugees (Gökalp Aras/Şahin-Mencütek 2015: 205). This has occurred despite credible accounts demonstrating that the southern land borders were open in a limited and selective way until the autumn of 2015 (ibid.: 194).

Meanwhile, the dynamics of long-term military and political conflicts between the Kurdish population and the Turkish state have had impacts on the AKP's Syrian policy and thus on the border regime in regard to Syrians. In the aftermath of the widespread popular mobilization among Kurdish citizens of Turkey against attacks by the so-called Islamic State (IS) on Kurdish-populated territories in Syria, peace negotiations between the Turkish state and the armed forces of PKK came to an end in 2015. This resulted in an intensification of ethnic rivalries and conflicts, and eventually restrictions on cross-border movements (see Şenoğuz in this issue).

THE EU-TURKEY DEAL

By the summer of 2015, Turkey was once again a focal point for European migration control politics. With a rising number of migrants reaching Europe via the Aegean Sea, the EU Commission discussed including Turkey in the group of ›safe countries of origin‹ as early as June 2015 (Bendel 2015: 25).

In 2015, after several hundred thousand people entered Western Europe via the ›Balkan Route,‹ the EU states and Turkey reached a consensus on an ›EU-Turkey joint action plan.‹ This agreement on migration control came during a special summit held on 29 November in Brussels (European Commission 2015).

The agreement was that Turkey would control its borders facing Europe and improve the conditions for Syrian refugees in the country. In return, Turkey would receive three billion Euros as well as visa liberalization for the Schengen area for Turkish citizens. Furthermore, the EU accession negotiations would be resumed (Müller 2015). In response, on January 8, 2016, Turkey implemented visa restrictions for Syrians entering the country through air or sea borders, aiming to prevent newcom-

ers arriving to Turkey who had the goal of reaching the EU countries in clandestine ways.¹¹

Finally, during a summit in March 2016, the EU countries and Turkey signed a further common statement — the »EU-Turkey statement« (European Council 2016). This action allows the deportation of all migrants who would arrive on the Greek islands via the Aegean Sea after March 20, 2016 back to Turkey. These deportations would follow an asylum fast-track procedure for the migrants based on the question of whether Turkey is a ›safe third country‹ or a ›country of first asylum‹ for applicants. This procedure is based on Article 60(4) of the newly introduced Greek Asylum Law (L 4375/2016), which allows the Greek Ministries of Interior and Defense to implement exceptional measures in cases of large numbers of arrivals filing asylum applications at the border. Only vulnerable applicants (e.g. disabled persons, persons with chronic diseases, or single mothers with children) are exempt from this procedure (and the following deportations) and have a chance to claim asylum under the regular asylum procedure (AIRE Center/ECRE 2016: 10).

The deal itself lacks any international consensus and is only based on an older readmission agreement between Greece and Turkey. In return, the EU has promised to accept up to 72,000 Syrians from Turkey via quotas; specifically, for every Syrian deported from the Greek islands, another Syrian from the Turkish camps is accepted in the so-called »1:1 Procedure« (Peers 2016). The deal states that migrants who had not tried to reach Europe clandestinely would be prioritized. Furthermore, Turkey would enhance its border controls towards Europe as well as the living conditions for Syrians within the country in order to render crossing a much less desirable option. In response, the EU promised Turkey to increase its financial support to six billion euros to be spent to improve physical infrastructure and the institutional capacity of the Turkish state institutions. In addition to the lucrative monetary incentives, the political discourse employed by the Turkish government to justify the agreement publicly was based on the prospect of visa liberalization for Turkish citizens for the Schengen area and acceleration of the EU accession negotiations.

Regardless of the great expectations projected onto the deal in spring of 2016, it has proven ineffective to some extent. However, one effect of the deal is indeed that the number of crossings drastically diminished, even though they have also been on the rise again since the *coup d'état* attempt in Turkey on July 15, 2016. At that point, Turkish citizens themselves also started to use the same route to escape the

11 | However, the government also announced that visa restrictions would not apply to Syrian refugees crossing the Syrian-Turkish border by land to flee the war zones in Syria (Hürriyet Daily News, January 10, 2016).

deteriorating political conditions in the country. It can also be said that as an effect of the deal and the implementation of the EU ›hotspot approach‹ as laid down in the European Agenda of Migration (Antonakaki/Kasperek/Maniatis 2016; Tazzioli 2016), the arriving migrants are generally locked down on the islands under very poor living conditions (Heck/Hess 2016), and the asylum procedure has been reduced to a so-called ›inadmissibility‹¹² check (Antonakaki/Kasperek/Maniatis 2016).

By the end of April 2017, only 5,035 Syrian refugees had been resettled from Turkey to the EU, since many EU countries refuse to admit them. During the same period, only 1,094 migrants who had arrived on the islands via Turkey had been returned as part of the EU-Turkey statement (Danish Refugee Council 2017). Since its introduction, it has become clear that the deal itself is very fragile and in danger of failing for various reasons. Already in May 2016, a Greek appeals committee stopped the deportation of some Syrian refugees, stating that Turkey is an unsafe country (The Guardian 2016; see Gkliati in this issue). This jurisdictional contingency strikes at the core of the deal.

Meanwhile, the fact that the deal was so deeply connected with the prospect of visa liberalization for Turkish citizens stimulated increased reactions among many local EU citizens. These reactions are due to various political motivations deriving from liberal-democratic objections to manifest signals of mounting authoritarianism in Turkey and to xenophobic and anti-Muslim populist reactions in Europe aggravated by the so-called »migration crisis« (Die Zeit 2016). All of this made the deal a point of contention within Europe.

Following the political turmoil that occurred in the aftermath of the recent *coup d'état* attempt, EU politicians and bureaucrats publicly announced that visa-free travel for Turkish citizens did not seem likely under the resulting circumstances. Ankara has expressed multiple threats in response, saying it would renounce its obligations should there be no progress on the visa waiver front (see Eurotopics 2016). Overall, we can define the effects of the EU-Turkey deal in combination with the hotspot approach and the official closure of the Balkan route as resulting in a manifest deceleration of the migrants' movements. As an outcome, many of our interview partners, such as Mohammad, felt stuck.

12 | Under the conditions of the EU-Turkey statement and the newly introduced Greek Asylum Law (L 4375/2016), Turkey can be considered either a ›safe third country‹ or a ›country of first asylum.‹ A ›safe third country‹ means a country where the applicant could apply for asylum. A ›country of first asylum‹ is a country that has already granted protection status to the applicant. In both cases, the applicant is declared inadmissible to the Greek Asylum system and accordingly has to be readmitted to Turkey (Antonakaki/ Kasperek/Maniatis 2016)

The genealogy of the Turkish border and migration regime clearly shows that the implementation and further Europeanization of migration control policies have not followed a clear and straight path in the case of Turkey. Instead, as we have outlined so far, the Turkish border and migration regime can be understood as a contingent product spurred by complex national and international dynamics and political interests in the field of geopolitics, security, the economy, and the biopolitical aspirations of the Turkish state. Paradoxically, the dynamics of externalization of migration control politics have opened up space for a certain degree of autonomy for the Turkish government. There, it strategically and pragmatically seeks to benefit from anxieties triggered by the recent massive migration movements to and through Europe. Especially in the months following the failed *coup* attempt in Turkey, European leaders had been increasingly criticized by human rights organizations and opposition leaders for not speaking up more clearly against the post-*coup* purges, arguing that the EU-Turkey deal made them susceptible to blackmail by Turkey, and that the EU has put itself in a difficult position of dependency (Hauge 2017).

... AND ITS EFFECTS: THE COLLAPSE OF THE ASYLUM SYSTEM IN TURKEY

According to the TPS, Syrians are entitled to access to basic health care services, education and a work permit, and are not forcibly encamped¹³ like most asylum seeking refugees in European countries. Nevertheless, the actual living conditions in Turkey are harsh for all migrants (Şenses 2016), as many interviewees stated during our field research. For Syrians, the main reason to leave Turkey is the temporary nature of their legal status; this entails constant legal and social insecurity (Baban/Ilcan/Rygiel 2016) and casts dark shadows on their future prospects. This is accentuated by the fact that in Turkey, the time spent under the TPS does not qualify them for a long-term residency permit (Boček 2016: 4). Furthermore, it prevents Syrians from applying for >international protection< since the UNHCR and Turkey agreed that persons subject to >temporary protection< would not be registered by the UNHCR and would not be processed for refugee status determination under its mandate (Mülteci-Der/Pro Asyl 2016).

13 | Only about 240,000 Syrian refugees, i.e. 10 percent of the Syrian refugee population, live in the camps, which are mostly situated along the Syrian border and run by the Disaster and Emergency Management Presidency of Turkey (AFAD) (European Commission 2017).

As a rule, the UNHCR only resettles Syrian refugees classified as ›vulnerable‹ to third countries.¹⁴ This means for the male Syrians we met, although some of them are prototypical political refugees, who have experienced long imprisonment and torture, they can apply for neither ›international protection‹ nor ›resettlement,‹ since they do not match the vulnerability criteria of the UNHCR (see Fassin 2016 concerning the effects of this humanitarian narrative). Hence, these people are also excluded from the international resettlement program. Being stuck in this state of legal limbo applies not only to Syrian migrants, but also to other international asylum seekers who see themselves trapped under the disempowering circumstances resulting from the EU-Turkey deal, the Turkish bureaucracy, and UNHCR policies.

The current dynamics of the asylum system and the changing policy orientation of the UNHCR involve further obstacles and disenfranchisement for refugees in Turkey. In principle, asylum seekers are eligible for resettlement in third countries according to quotas determined by states such as the US, Canada, or Sweden if they are granted refugee status (Biehl 2015).¹⁵ However, in practice, the scope and limit of the UNHCR's RSD and resettlement procedures have been narrowed to such an extent that asylum for certain nationalities and social groups is no longer a viable option. During our field research, we had the chance to observe that refugees who had been recognized by the UNHCR a few years earlier were still waiting for their resettlement due to the low limits of the quotas.¹⁶

In 2013, the UNHCR suspended asylum applications for Afghans, citing a backlog of cases. They have only been registered by the UNHCR, and RSD interviews have not been conducted. Moreover, as we were told during our interviews with UNHCR

14 | The latter category has priority within the scope of the 1:1 procedure defined in the Turkey-EU deal.

15 | The ultimate decision is given after the Refugee Status Determination (RSD) interviews have been completed by the UNHCR. Thereafter, the applicant needs travel documents to be granted by the DGMM, which evaluates each applicant's file separately in order to go on with resettlement. There are documented cases where applicants cannot obtain the travel documents and be resettled, even though they have been granted refugee status. This is due to their unregistered status in Turkey, since they left their assigned ›satellite city,‹ the city in which they have to live during their asylum procedure at some point. The UNHCR has a differentiating policy of application and interviews for different nationalities (also see Sarı/Dinçer in this issue).

16 | One example is the case of a Congolese refugee, Christian Kinangu, whom we met several times in Istanbul. Although being accepted as refugee by the UNHCR in 2012, he, with his wife and two children, has been waiting for resettlement since 2012, in economically and legally precarious conditions.

officials, due to the tremendous increase in the number of asylum seekers in the last few years,¹⁷ the UNHCR has come to a decision to suspend applications from all nations and restrict access to resettlement only to vulnerable cases that by definition exclude certain profiles.¹⁸ Even in particular cases where the applicant is under a severe and immediate personal security threat, the process might only be initiated after a wait of two years due to the extreme workload of the UNHCR.

INTERNATIONAL PROTECTION VS. OPPORTUNITY

On April 4, 2016, the first migrants were returned from the Greek islands Lesbos and Chios to Dikili under the mandate of the EU-Turkey readmission agreement. Among the 66 migrants deported from Chios was a group of migrants from different African countries with whom we got in contact. Upon their arrival in Turkey, they were directly transferred to the Kırklareli Gaziosmanpaşa Removal Center at the Bulgarian border, which has been in use since 2014.

In the interview, they described in great detail how in Greece they were systematically hindered from applying for asylum and were, without being informed previously, summarily deported back to Turkey. Once in Turkey, national authorities tried to prevent them from seeking ›international protection.‹ Only after the involvement of lawyers connected with a refugee rights organization were they finally able to submit their application after seven weeks of imprisonment. Then, in summer 2016, they were granted ›international protection‹ by the UNHCR according to the Geneva Conventions, released and sent to the satellite city of Konya, where they were obliged to reside and report to the police every week (Interview with M. Elaka, Kırklareli, May 19, and Istanbul, July 5, 2016).

As Turkey only accepts refugees coming from European countries as ›convention refugees,‹ all non-Europeans (except Syrians) must apply at the UNHCR for refugee status, which operates in parallel to the DGMM.¹⁹ Upon the initial registration by the

17 | In 2012, new asylum applicants at the UNHCR Turkey numbered 26,500; in 2015, the number of new asylum applicants increased to 133,300 (UNHCR 2015: 40).

18 | The only exception are Iraqi refugees, whose cases are evaluated by the UNHCR under the scope of a procedure termed »simplified RSD« (Interview with UNHCR official, October 15, 2016).

19 | The primary aim of this initial registration is to record basic information on behalf of the UNHCR and then file a case to be evaluated by UNHCR personnel. At the same time, asylum seekers must register a second time at the DGMM in Ankara.

UNHCR and the DGMM, asylum seekers are obliged to settle in a so-called ›satellite city‹ assigned by the DGMM and must continue to stay there so as not to lose their registration status, and the status of being under ›international protection.‹²⁰ Like Syrian refugees, they have access to basic health care services and the public education system. After the recent legal changes, which regulate work permits for foreigners, they also have access to formal employment.

Yet in stark contrast to the recent legal reforms, the social realities are very different. The overwhelming majority of the asylum seekers and Syrians under TPS have no access to adequate social and economic opportunities, condemning them to dire, precarious arrangements (Şenses 2016; Baban/Ilcan/Rygiel 2016; Eder/Özkul 2016). Furthermore, residing in a satellite city in inland Turkey, where economic prospects are much more limited, worsens the troublesome circumstances that define migrants' lives. Therefore, risking their legal status, many of them leave the satellite cities for metropolises such as Istanbul, so as to be in an economically viable environment and close to established networks of migrant communities, or they repeatedly try to cross the border.

Not seeing any possibility for making a living in Konya and not knowing when and if they ever would be resettled to another country, our interview partners decided to give up on ›international protection status,‹ moved to Istanbul, and eventually successfully left the country headed towards Europe.

The last news we received from them was to inform us that they had again reached Greece, and some of them even had headed on towards Western Europe.

CONCLUSION

In this article, we described how the dynamics of the EU-Turkey deal have decelerated movements of migration (Panagiotidis/Tsianos 2007). This deceleration is exemplified in the case of Mohammad and his family, who are still waiting for their chance to move on. It is also reflected in the case of the sub-Saharan migrants, who had been deported and detained, and who journeyed on again half a year later.

Despite slowing down, the migrant movements have never stopped, as UNHCR statistics show. We argue that the deceleration of migrant movements is not only influenced by the EU-Turkey deal, but also by Turkey's own dynamics regarding its

20 | Even though the implementation depends on attitudes of local officials, refugees are expected to prove their presence by regularly visiting local Foreigners' Police Departments, reporting two or three times a week.

asylum system and other Middle Eastern political dynamics. Furthermore, the case of Mohammad illustrates the complexity of individual cases and conditions, which result in »fragmented journeys« (Collyer 2010). Initially fleeing to Lebanon, the economically extremely precarious situation in which they found themselves led them to move on to Egypt. Following the overthrow of President Morsi in 2013, the hostility against Syrians rose in the country, leading to the exodus of many Syrians, like Mohammad, and the introduction of strict visa obligations against them.

Like them, numerous migrants are trapped both by the EU pressure on Turkey regarding the sea-crossing route towards the Greek islands and its visa policies. At the same time, the most obvious obstacle for Syrians, but also for other non-European refugees, remains their exclusion from rights of citizenship and the prospect of a secure future in Turkey.²¹ Different rationalities and trajectories have led to a highly hybrid formation of legal provisions, and social and political rights. With the implementation of the new immigration law and the system of Temporary Protection Status in 2014, migrants residing in Turkey acquired more rights concerning labor, education, and social health care, with the government endeavoring to implement some integration measures as well. Still, these migrants reside, for the most part, in very precarious social and economic situations (although it has to be stressed that most of the refugees are not encamped and therefore can draw on and live with their communities and networks).

It has become apparent that Turkey is now in a situation in which asylum has essentially collapsed. This has been brought about by the disintegration of UNHCR Turkey, which has been woven into the very nature of the formation of the Turkish migration regime. With the UNHCR no longer capable of dealing with the rising numbers of asylum seekers and a policy of excluding certain nationalities from resettlement, and given that the international community largely refuses to accept more refugees from Turkey, the country and its asylum-seeking population are reaching an impasse.

The cases of most asylum seekers are now no longer being processed, and even if one is granted »international protection« in Turkey, the lack of real prospects and the prevailing social and economic conditions induce people to move on, if or when they can. Added to that, by turning the right to claim asylum into a »favor,« as Didier Fassin has put it (2016), we can observe a paradigmatic shift within the asylum regime

21 | Moreover, rights of citizenship are under severe threat and are being radically curtailed for Turkish citizens as well in the context of the state of emergency following the attempted *coup* in July 2016.

towards a shift to ›vulnerability‹ (see further Baban/Ilcan/Rygiel in this issue), since only vulnerable persons have any chance to be resettled in a foreseeable timeframe.

Furthermore, as delineated in this essay, the Turkish border regime has always been shaped by different national, regional, and international developments and aspirations. Therefore, the notion of externalization, that by definition prioritizes the strategic inclinations of the EU, is insufficient to explain the level of autonomy the Turkish state has assumed in a context where the further regionalization of migration politics on supranational and international scales has ironically opened up a space for maneuvers for such transit countries. With respect to Turkey-EU relations, this can be termed a »boomerang effect« (Hess 2008), as the Turkish government has also understood how to use the ›migration card‹ quite well, not just since the recent ›European refugee crisis‹ and the EU-Turkey agreement. Counted together, we are now in a situation where Turkey has gained some sort of a *carte blanche* vis-à-vis the EU.

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Turkey's Changing Migration Regime
and its Global and Regional Dynamics

[transcript]