

# Reality check

## **Eight reasons why Turkey need not fear readmission**

By Gerald Knaus and Alexandra Stiglmeier  
8 June 2014

In December 2013 the Turkish government signed a readmission agreement with the European Union. Three years after the agreement enters into force this will oblige Turkey to take back irregular third-country nationals – Afghans, Pakistanis, Bangladeshis and others – if the EU member state in question has evidence that they reached the EU via Turkey.

Signing this agreement has been a precondition for launching a visa liberalisation process for Turkey. Ratifying and implementing it remains a condition for the EU to grant Turkey visa liberalisation.

There are some in Turkey who fear that this readmission agreement might lead to tens of thousands of irregular migrants being returned to Turkey. Such fears are misplaced. A closer look at the agreement and at the experience of other countries shows why.

*First: Turkey already has a readmission agreement with Greece*

A bilateral readmission protocol has been in force since April 2002. Between 2002 and 2011, Greece submitted 101,500 readmission requests, almost all for third-country nationals. Turkey accepted 11,500 requests.<sup>1</sup> This makes 1,200 per year. There are very good reasons to assume there will be less requests from Greece in coming years because ....

*Second: when few migrants cross into the EU from Turkey, few can be returned.*

The number of illegal crossings from Turkey to Greece has significantly dropped since August 2012. In 2011 56,000 illegal crossings were detected. In 2013 this number was 12,500. This is the result of a combination of measures, including a fence along the easiest crossing point as well as better Turkish-Greek cooperation at the border.

*Third: until now EU's readmission agreements have led to very few returns anywhere ...*

Most EU member states only send migrants back to their countries of origin, and not to countries of transit. In February 2011, the European Commission presented an evaluation of all 12 readmission agreements then in force with the EU. It concluded that, leaving out Ukraine, a total of only 91 applications for the return of third-country nationals had been filed under all

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<sup>1</sup> In the end, only 3,700 migrants were actually returned to Turkey. Information provided to ESI by the Permanent Representation of Greece to the EU in Brussels, 4 April 2012.

the readmission agreements. The study concluded that “the third-country national clause is actually rarely used by member states, even with transit countries like the Western Balkans.”<sup>2</sup>

*Fourth: the Ukrainian experience shows that fears are misplaced*

Ukraine used to be a major transit country for irregular migrants destined for the EU, much like Turkey. More than 10,000 migrants were apprehended by Ukrainian authorities each year; many more were not detected.

Ukraine also concluded a readmission agreement with the EU as a step toward a visa liberalisation process. Some Ukrainians were convinced that this would “turn Ukraine into a storehouse for illegal migrants,”<sup>3</sup> as one tabloid wrote. One nationalist party leader warned that “the first wave of migrants that will be sent to Ukraine immediately after 1 January will reach 150,000 people.”<sup>4</sup>

Reality proved to be very different. The clause concerning third-country nationals became applicable on 1 January 2010. Instead of 150,000, only 398 third-country nationals were returned to Ukraine in 2010, according to the Ukrainian State Border Service. The numbers of returned third-country nationals dropped to 94 during the first 10 months of 2013.<sup>5</sup>

*Fifth: the Western Balkan experience confirms the lessons from Ukraine*

Virtually no third-country nationals have been returned to Western Balkan countries, which are also transit countries – Frontex recently termed them “a hot spot for illegal border crossings in Europe.”<sup>6</sup> For these countries, the provision concerning third-country nationals has been applicable since 2008. No EU member state has returned third-country nationals to Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia unless they are married locally or have lived there for long periods.

*Sixth: the readmission agreement makes no difference at all for Turkish citizens*

The Turkey-EU readmission agreement envisages the return of Turkish nationals if they are found to be illegally residing in an EU member state. However, Turkey has always taken back such cases, even without such an agreement. Here nothing changes.

*Seventh: Turkey remains in full control for the next three years – and after*

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<sup>2</sup> European Commission, [Evaluation of EU Readmission Agreements](#), COM (2011) 76 final, Brussels, 23 February 2011, p. 9. See also the relevant [table in an addendum](#) (SEC (2011) 210).

<sup>3</sup> [“The parliament has agreed to turn Ukraine into a storehouse for illegal migrants”](#) (translated from Ukrainian), *Segodnya* (weekly newspaper), 15 January 2008.

<sup>4</sup> [“Oleh Tyahnybok: The readmission agreement – a crime against the nation”](#) (translated from Ukrainian), *Svoboda* (weekly newspaper), 15 December 2009.

<sup>5</sup> In 2011, 243 third-country nationals and 149 Ukrainians were returned and in 2012, 108 third-country nationals and 180 Ukrainians. [“State Border Service of Ukraine reports that the number of people readmitted to Ukraine has steadily decreased”](#) (translated from Ukrainian), *Interfax Ukraine* (news agency), 22 February 2013, and information obtained from the State Border Service on 6 June 2014.

<sup>6</sup> Frontex press release, [Frontex publishes Annual Risk Analysis 2014](#), 15 May 2014.

The Turkey-EU readmission agreement has not yet entered into force. It would be useful if ratification happens as soon as possible. For the EU, it will be the sign that Turkey is truly committed to the visa liberalisation process. If Turkey then works on meeting the other requirements, its citizens should have visa-free travel in two to three years.

There is also no risk for Turkey. Under the terms of the negotiated readmission agreement it will be obliged to take back third-country nationals *only three years after the entry into force of the agreement*: In short: ratifying and implementing the readmission agreement would be an important signal, but it would not impose any significant costs on Turkey for at least three years.

In the first six years of the readmission agreement between Greece and Turkey, before the borders became porous for irregular migrants for a few years, the average annual number of requests for readmission from Greece was below 5,000. With current efforts on the border showing an effect, it is safe to assume that Greece will not be able to request more readmissions. Imagine the political signal if Turkey offered to effectively take back from Greece up to 5,000 third-country nationals a year as a measure of good will. Since there is no legal obligation under the readmission agreement to take back third-country nationals for three years, it remains up to Turkey to increase or decrease this figure.

What would the costs to Turkey be if it made such an offer? The negotiated agreement specifies that the country requesting the readmission of an irregular migrant has to bear "all transport costs incurred" until "the border crossing point of the Requested State." The costs in Turkey after readmission are manageable. In recent years, Turkey itself has apprehended more than 40,000 irregular migrants per year. It has deported around 25,000 people per year. It would thus be able to cope with an additional 5,000 migrants returned from Greece, given that it is already coping with hundreds of thousands of Syrian refugees.

*Eight: this need not be an open-ended process*

Turkey does not need to accept an open-ended process, but can set a deadline. Turkey could state that it expects the Commission to issue a positive assessment before summer 2016. Once this happens it expects the European Parliament and the Council to vote on lifting the visa requirement for Turkish citizens within no more than six months. By the end of 2016, at the latest, Turkish travellers should enjoy visa-free travel.

If in this period there is no vote, or if the vote is negative, Turkey will notify the EU that the readmission agreement will cease to be in force. This is a perfectly legitimate option under the negotiated text of the agreement:

"Each Contracting Party may denounce this Agreement by officially notifying the other Contracting Party. This Agreement shall cease to apply six months after the date of such notification." [69]

For Turkey such a deadline would also provide a powerful political argument to justify proceeding with the signature and ratification of the readmission agreement.