

Facts and figures related to visa-free travel for Turkey

Background reader

Brussels, 14 June 2012

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I. Introduction

Would you like to know how many Turkish nationals received Schengen short-stay visa in 2011 to visit the EU, and how many of those were multiple-entry visa? Are you wondering how many Turkish nationals were refused entry to the EU, and why? And how many Turkish citizens asked for asylum in the EU and received it?

Do you know which data EU interior ministers look at when they are trying to decide whether visa-free travel for Turkish citizens is a good idea – and what this data tells us?

When we decided to put together this annotated compilation of statistical material related to visa-free travel for Turkey, we had two aims in mind. Firstly, we would like to make known the wealth of data that is collected by the EU institutions, primarily Eurostat, the European Commission’s directorate-general for statistics. The answers to the questions asked here and a lot of other information are out there, one only needs to know where to find them.

Secondly, this data is examined by EU interior ministers when they think about visa liberalisation for Turkey. We believe that it is important to publicise the material and put it into a context since this allows the assessment of some of the claims in the public domain – such as the claim that a lifting of the visa requirement would lead to a wave of Turkish migrants destined for the EU. (As you will see, this is a rather unlikely scenario.)

We hope that you will enjoy this reader.

ESI,
June 2012

II. Visa applications by Turkish nationals

Turkish citizens are not allowed to enter the Schengen zone¹ without a visa. Even if they are going for just a short trip, they have to have a visa from the consular service of a Schengen country. They have to submit their passport and photos, documents justifying their trip such as invitations, tickets and bookings, evidence of income, proof that they have sufficient financial means for the journey, and evidence of a health insurance. The visa fee is 60 Euro – and the request can be denied.

The main Schengen visa is a short-stay visa, a so-called Schengen visa type C. It entitles to entry and a short stay of up to 90 days within a 180-day period. In 2011, Schengen states issued 591,950 short-term visas to Turkish citizens.² In total, they issued 12.64 million short-stay visas to applicants from across the world, which means that the Turkish share was 4.7%.

Not all applications of Turkish citizens are successful, as table 1 shows. In 2011, the rejection rates ranged from 0.5% by Greece to 14.3% by Belgium.

Table 1: Refusal of requests for Schengen short-stay visas by Turkish nationals in the 12 EU member states with the highest numbers of applications from Turkish nationals in 2011

Visa-issuing EU MS	Short-stay visas applied for	Short-stay visas issued	Refusal rate in 2011
Germany	156,165	141,114	9.6%
France	117,919	113,913	3.4%
Italy	100,242	99,032	1.2%
Greece	62,329	62,039	0.5%
Netherlands	41,523	38,601	7%
Spain	32,598	31,828	2.4%
Czech Rep.	18,027	16,728	7.2%
Hungary	14,314	14,116	1.4%
Austria	13,242	11,961	9.7%
Belgium	12,412	10,631	14.3%
Sweden	7,860	6,946	11.6%
Poland	7,414	7,111	4.1%
All Schengen countries	624,361	591,950	5.2%

¹ The Schengen zone comprises 26 countries: all 27 EU countries except Ireland, the UK, Bulgaria, Romania and Cyprus; as well as the non-EU members Iceland, Liechtenstein, Norway and Switzerland. Ireland and the UK do not participate in the borderless Schengen zone. Bulgaria and Romania are due to join, probably in 2012. Cyprus will join once the division of the island is overcome.

² The total number of Schengen visas issued to Turkish nationals was 592,616 in 2011, which means that 99.9% were short-stay visas. The remaining 0.1% were airport transit and land transit visa. Member states also issue long-term visas, but they do this in line with national legislation. The visa statistics for 2011 and 2010 are available on the website of the Directorate-General for Home Affairs of the European Commission, section “Borders and Visas”, subsection “Visa policy” (http://ec.europa.eu/home-affairs/policies/borders/borders_visa_en.htm). There the statistics are under “Info” in the right-hand bottom corner.

The rejection rate depends on the consular practices of the Schengen country in question and the type of travellers. Member states with high rejection rates claim that many of their applicants meet risk profiles, for example the profile of potential immigrants (young, unemployed, not married). Businesspeople are usually considered “safe”.

The rate of rejections of Turkish visa applications has been decreasing over the last three years, both in total and for most EU member states (see table 2). In particular Germany and Austria appear to have become less restrictive.

Table 2: Rejection rates of visa applications by Turkish nationals 2009 to 2011³

Visa-issuing EU MS	Refusal rate in 2009	Refusal rate in 2010	Refusal rate in 2011
Germany	16.1%	13.5%	9.6%
France	4.8%	4.2%	3.4%
Italy	1.4%	1.2%	1.2%
Greece	0.6%	0.7%	0.5%
Netherlands	8.7%	7.3%	7%
Spain	4.1%	0.7%	2.4%
Czech Republic	5%	5.8%	7.2%
Hungary	3.4%	2.5%	1.4%
Austria	17.7%	12.9%	9.7%
Belgium	15.3%	34.3%	14.3%
Sweden	13.2%	10.7%	11.6%
Poland	8%	7.6%	4.1%
All Schengen countries	Not available	6.4%	5.2%

A short-stay visa can be issued for only one visit or for several visits. If it is valid for several visits, it is called a multiple-entry visa (MEV). Under the EU Visa Code,⁴ which regulates the procedures of issuing Schengen visas, a multiple-entry visa can have a validity of between 6 months and 5 years. During this period, the holder can enter and leave the Schengen zone for as many times as s/he likes, as long as s/he does not spend more than 90 out of 180 days in the Schengen zone.

³ The visa statistics for 2011 and 2011 are available on the website of the Directorate-General for Home Affairs of the European Commission, section “Borders and Visas”, subsection “Visa policy” (http://ec.europa.eu/home-affairs/policies/borders/borders_visa_en.htm). There the statistics are under “Info” in the right-hand bottom corner. The visa statistics for earlier years can be found on the website of the Council, at http://register.consilium.europa.eu/servlet/driver?page=Result&lang=EN&ssf=DATE_DOCUMENT+DESC&fc=REGAISEN&srm=25&md=400&typ=Simple&cmsid=638&ff_COTE_DOCUMENT=&ff_TITRE=Exchange+of+statistical+information&ff_FT_TEXT=&ff_SOUS_COTE_MATIERE=&dd_DATE_REUNION=.

⁴ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), Paragraph 8 of the preamble, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:243:0001:0058:EN:PDF>.

The Visa Code, which entered into force on 5 April 2010, encourages the use of MEVs:

“in order to lessen the administrative burden of Member States’ consulates and to facilitate smooth travel for frequent or regular travellers. Applicants known to the consulate for their integrity and reliability should as far as possible benefit from a simplified procedure.”⁵

It is interesting that a country such as Austria, which is politically sceptical about the notion of visa-free travel for Turkey and has a fairly high rejection rate of 9.7%, almost exclusively issues MEVs. The reasoning is that if an applicant has passed the check once and is considered “trustworthy”, he or she does not have to be checked again a few weeks or months later.

In particular Turkish nationals are supposed to benefit from MEVs. In 2011, the European Commission began to negotiate with member states in Ankara “practical improvements for Turkish visa applicants within the framework of the EU Visa Code,”⁶ a promise made by the Justice and Home Affairs Council in February 2011.⁷ Increased issuance of MEVs is one of these practical improvements.

Indeed, there has been an increase in the share of MEVs issued to Turkish nationals from 34% to 37% between 2010 and 2011 (see table 3). However, this might also be due to the fact that the visa-issuing countries have become more familiar with this type of visa. The discussions about issuing MEVs to Turkish nationals started only in 2011 and might not have had yet any effect.

Besides short-term visas, Schengen countries also issue long-term visas (for three months and longer) to Turkish citizens, for reasons of marriage, family reunification, education, work in the EU and international protection (asylum and other forms of protection). In 2011, they issued 55,480 *new* long-term visas to Turkish citizens.⁸ A total of 1,936,799 Turkish citizens were long-term residents in the EU at the end of December 2010.⁹

⁵ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), Paragraph 8 of the preamble, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:243:0001:0058:EN:PDF>.

⁶ These improvements include (a) a list of documents supporting the application that has been harmonised between the member states (see Commission Implementing Decision of 13 October 2011 establishing the list of supporting documents to be presented by visa applicants in Bosnia and Herzegovina, Sri Lanka, and Turkey (Ankara, Istanbul, Edirne and Izmir), C(2011)7192 final, Brussels, 13.10.2011; (b) a waiver of the visa fee for diplomats, children, and socially active young people; (c) multiple-entry visas for bona fide travellers; and (d) new application centres in Turkey’s countryside. Non-paper from the Commission services, Possible ways of facilitation to be recommended for Local Schengen Cooperation (LSC) in Turkey, Follow-up to the Council Conclusions on Turkey, October/November 2011.

⁷ Council of the European Union, Council conclusions on EU-Turkey Readmission Agreement and related issues, JHA Council meeting in Brussels, 24 and 25 February 2011, at http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/jha/119501.pdf.

⁸ Eurostat database, First permits by reason, length of validity and citizenship, Annual data, online data code: [migr_resfirst].

⁹ The data for Denmark, Luxembourg and the UK is missing. Eurostat database, A.; valid permits by reason, length of validity and citizenship on 31 December of each year, Annual data, online data code: [migr_resvalid].

What will change when Turkey is granted visa-free travel? Its citizens will then be able to enter the Schengen area, and transit through it, without a visa if they do not stay there for longer than 90 days within a 180-day period. When they cross the border, they will receive a stamp in their passports that shows the date and place of entry. They will not be allowed to work. If they want to spend a period longer than 90 days in the Schengen zone, they will need to apply for a long-term visa, and if they want to work, they will need a work permit.

Table 3: Multiple-entry visas (MEVs) among short-stay visas issued to Turkish nationals in 2010 and 2011¹⁰

Visa-issuing country	Short-stay visas issued in 2011	Among those: MEVs in 2011	Percentage of MEVs in 2011	Percentage of MEVs in 2010
Germany	141,114	18,863	13%	n.a.
France	113,913	20,467	18%	18%
Italy	99,032	90,763	92%	91%
Greece	62,039 (11,389 for Ankara and Edirne)	Total n.a. (7,242 for Ankara and Edirne)	64% (Ankara and Edirne)	25%
Netherlands	38,601	30,629	79%	66%
Spain	31,828	1,861	6%	25%
Czech Republic	16,728	4,647	28%	22%
Hungary	14,116	5,106	36%	31%
Austria	11,961	11,680	98%	99%
Belgium	10,631	3,504	33%	29%
Sweden	6,946	2,251	32%	n.a.
Poland	7,111	4,922	69%	69%
All Schengen countries	591,950	219,273	37%	34%

¹⁰ The visa statistics for 2010 and 2011 are available on the website of the Directorate-General for Home Affairs of the European Commission, section “Borders and Visas”, subsection “Visa policy” (http://ec.europa.eu/home-affairs/policies/borders/borders_visas_en.htm). There the statistics are under “Info” in the right-hand bottom corner.

III. Refusal of entry to the EU

Even if a traveller is in the possession of a visa, he or she can still be refused entry to the EU. At the EU's external borders, non-EU nationals undergo what is described as "a thorough check" in the Schengen Borders Code.¹¹ This means that the border guard checks the passport and, where applicable, the visa, residence permit and work permit. The border guard verifies whether there is an alert in connection to this traveller in the Schengen Information System (SIS), a database that holds information on suspicious individuals as well as certain types of lost and stolen property such as firearms, vehicles, bank notes and personal documents. In the future, the guard will also see if there is any information in the Visa Information System (VIS). Lastly, the guard can also ask a few questions related to the journey and the financial means for it. (EU nationals undergo a "minimum check", which means that only their travel documents are looked at.)

If EU border guards refuse entry to a person, they have to fill out a standard form described in the Schengen Borders Code,¹² where they state the reasons for preventing the person from entering the EU. These can be:

- A. Has no valid travel document(s);
- B. Has a false/counterfeit/forged travel document;
- C. Has no valid visa or residence permit;
- D. Has a false/counterfeit/forged visa or residence permit;
- E. Has no appropriate documentation justifying the purpose and conditions of stay. The following document(s) could not be provided: ...
- F. Has already stayed for three months during a six-month period on the territory of the Member States of the European Union;
- G. Does not have sufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit;
- H. Is a person for whom an alert has been issued for the purposes of refusing entry a) in the SIS; b) in the national registry;
- I. Is considered to be a threat to public policy, internal security, public health or the international relations of one or more of the Member States of the European Union.

The number of people from a certain country that are refused entry are of interest to EU interior ministry officials since they can show if and where there are migratory pressures and which groups of visitors are "problematic". In 2011, 3,595 Turkish nationals – including visitors with short-term visa as well as Turks who are resident in the EU - were refused entry to the EU. This is a relatively low number, particularly as Turkish citizens are the largest groups of foreign citizens in the EU27 - some 2.3 million Turkish citizens reside permanently in the EU¹³ - and nearly 600,000 Turks visited the EU in that year.

¹¹ Regulation (EC) No 562/2006 of the European Parliament and the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (consolidated version April 2010), at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R0562:20100405:EN:PDF#zoom=100>.

¹² Regulation (EC) No 562/2006 of the European Parliament and the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (consolidated version April 2010), Annex V, Part B, Standard form for refusal of entry at the border, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R0562:20100405:EN:PDF#zoom=100>.

¹³ After Turkish citizens, the next largest group of foreign citizens in the EU are Moroccans with 1.8 million. Eurostat Statistical Book, Migrants in Europe. A statistical portrait of the first and second

To put this number in a larger context: 8,770 Russians were refused entry to the EU in 2011, and so were 16,435 Ukrainians, 220,485 Moroccans (of whom 219,800 were refused entry at the Spanish borders), 405 Tunisians, 4,930 Brazilians and 2,535 US citizens.

The fact that the Turkish number is low can mean two things, or a combination of these two: Turkish citizens generally follow entry and visa regulations, and they are not considered high-risk by EU border guards.

Reinforcing this positive picture is the fact that the number of Turkish nationals refused entry to the EU has been decreasing over the last four years (see table 4).

Table 4: Turkish nationals refused entry to the EU 2008 to 2011¹⁴

2008	2009	2010	2011
5,850	4,745	4,285	3,595

The main reason why Turkish nationals were refused entry in 2011 was an invalid visa or residence permit (see table 5).

Table 5: Reasons for refusing entry to the EU to Turkish nationals in 2011¹⁵

Reason	Cases refused entry	Percentage
Invalid visa or residence permit	2,245	62%
Purpose and conditions of stay not justified	495	14%
Invalid travel document	270	7.5%
Alert issued in SIS or nationally	265	7.4%
No sufficient means	125	3.5%
Threat to public policy, internal security, public health, international relations	80	2.2%
False/forged travel document	65	1.8%
False/forged visa or residence permit	65	1.8%
Has stayed for more than three months in a six-month period in the Schengen area	45	1.3%

generation, 2011, p. 75, at http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-31-10-539/EN/KS-31-10-539-EN.PDF; and Eurostat database, Population by sex, age group and citizenship, data online code [migr_pop1ctz].

¹⁴ Eurostat database, Third country nationals refused entry at the external borders, Annual data (rounded), online data code: [migr_eirfs]. The data from the Czech Republic and Luxembourg is missing.

¹⁵ Eurostat database, Third country nationals refused entry at the external borders, Annual data (rounded), online data code: [migr_eirfs]. The data from the Czech Republic and Luxembourg is missing.

The EU countries that refused entry to the three largest numbers of Turkish nationals were Bulgaria, Hungary and Germany (see table 6).

**Table 6: Number of Turkish citizens who were refused entry in 2011
broken down by individual EU countries¹⁶**

	2008	2009	2010	2011
1. Bulgaria	1,855	1,525	1,500	1,400
2. Hungary	230	260	360	285
3. Germany	980	420	445	280
4. Greece	235	230	205	220
5. United Kingdom	250	290	265	205
6. Romania	865	725	545	200
7. Slovenia	315	185	190	180
8. France	285	315	155	160
9. Belgium	85	205	120	135
10. Italy	275	155	150	100
EU-27 in total	5,850	4,745	4,285	3,595

¹⁶ Eurostat database, Third country nationals refused entry at the external borders, Annual data (rounded), online data code: [migr_eirfs]. The data from the Czech Republic and Luxembourg is missing.

IV. Asylum claims by Turkish nationals

One of the issues feared by EU interior ministry officials in case of the establishment of a visa-free travel regime with Turkey is an increase in asylum applications. In 2010, 6,355 Turkish nationals claimed asylum in the EU. With this number of applicants, Turkey ranked 12th among all the countries whose citizens asked for asylum in the EU (see table 7).

Table 7: Asylum seekers submitting claims in the EU in 2010¹⁷

1. Afghanistan	20 580
2. Russia	18 500
3. Serbia	17 715
4. Iraq	15 800
5. Somalia	14 350
6. Kosovo	14 285
7. Iran	10 310
8. Pakistan	9 180
9. Macedonia	7 550
10. Georgia	6 860
11. Nigeria	6 745
12. Turkey	6 335
13. Sri Lanka	6 300
14. Bangladesh	6 175
15. China	5 655
TOTAL Non-EU	257 815

In 2011, the number of Turkish asylum applicants in the EU was 6,455.¹⁸ This constitutes a small increase of 1.7% compared to the number of claims filed in 2010 (6,350). However, overall the number of Turkish asylum claims has been, by and large, decreasing over the last four years (see table 8).

Table 8: Asylum claims from Turkish nationals in the EU 2008-2011¹⁹

2008	2009	2010	2011
7,115²⁰	7, 030	6, 350	6,455

¹⁷ Eurostat, Asylum applicants and first instance decisions on asylum applications in 2010, Data in focus 5/2011, May 2011, p.3, at http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-11-005/EN/KS-QA-11-005-EN.PDF.

¹⁸ Eurostat Database, Asylum and new asylum applicants by citizenship, age and sex, Annual aggregated data (rounded), data online code: [migr_asyappctza].

¹⁹ Eurostat Database, Asylum and new asylum applicants by citizenship, age and sex, Annual aggregated data (rounded), data online code: [migr_asyappctza].

²⁰ The data from the UK is missing for 2008.

The most popular EU countries of destination for Turkish asylum seekers have consistently been France and Germany (see table 9).

Table 9: Turkish asylum seekers in the seven main target EU countries, 2008-2011²¹

	2008	2009	2010	2011
France	2,935	2,610	1,975	2,200
Germany	1,775	1,845	1,710	1,895
Italy	500	500	855	610
Austria	415	555	370	415
Belgium	345	280	305	520
Sweden	260	270	225	135
Netherlands	115	85	105	110
TOTAL EU	7,115²²	7,030	6,350	6,455

EU member states grant mainly three types of international protection:

Refugee status is the highest form of international protection. Under EU asylum legislation, which is based on the 1951 UN Geneva Convention relating to the Status of Refugees and its 1967 Protocol, EU member states are committed to offering asylum, also called refugee status, to third-country nationals that have “a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group” in their home country.²³

Subsidiary protection is accorded to people who do not meet the UN definition of refugee, but nonetheless face “risks of serious harm” at home. The relevant EU Directive defines “serious harm” as “(a) death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.”²⁴

There is also **protection on humanitarian grounds**, also defined as “compassionate grounds”, which can cover a wide range of situations. Most often the authorities grant this type of protection to people suffering from a serious disease that cannot be treated in their home country.²⁵ It is at the discretion of EU member states to grant protection on humanitarian grounds, and Eurostat data about it is incomplete.²⁶

²¹ Eurostat Database, Asylum and new asylum applicants by citizenship, age and sex, Annual aggregated data (rounded), data online code: [migr_asyappctza].

²² The data from the UK is missing for 2008.

²³ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML>.

²⁴ Ibid.

²⁵ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need

Data on humanitarian protection does not allow for any conclusions about the human rights situation in the countries concerned. This is why we have disregarded it for Turkish nationals and have looked only at the percentage of claims in response to which EU countries have granted refugee status or subsidiary protection. This percentage has been stable with between 10 and 13 percent over the past four years (see table 10).

Table 10: Decisions on asylum claims by Turkish nationals at first instance in the EU 2008 to 2011²⁷

	2008	2009	2010	2011
Number of applications submitted	7,115	7,030	6,350	6,455
Number of decisions made	6,100	6,205	6,300	5,580
Refugee status under the Geneva Convention	520	570	715	465
Subsidiary protection status	90	170	105	85
Total number of cases in which refugee status or subsidiary protection was granted	610	740	820	550
Percentage of decided cases in which refugee status or subsidiary protection was granted	10%	12%	13%	10%

A rate of 10-13% of decisions in which refugee status or subsidiary protection was accorded is not very high, but it is also not insignificant. Overall, in 2010 EU countries granted refugee status or subsidiary protection to 21% of all asylum claims.²⁸ The recognition rate (both refugee status and subsidiary protection) for countries that produce large numbers of people in need of protection, such as Somalia and Iraq, was 55% and 49%, respectively. Countries with no significant human rights issues had rates of 1.7% (Serbia) or 0.9% (Macedonia). (Both were granted visa-free travel with the EU in 2009 following a formal visa liberalisation process.) Georgia, which is due to start a visa liberalisation process in 2012, had a rate of 1.8%. Turkey finds itself in a group of countries such as Armenia (9%), Azerbaijan (12%), China (14%) and Pakistan (10%).²⁹

international protection and the content of the protection granted, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML>.

²⁶ The data from Austria, Belgium, Bulgaria, France, Ireland, Latvia, Lithuania, Portugal and Spain is missing for the years 2008 to 2011. In most of these countries, authorities other than those granting asylum deal with humanitarian protection.

²⁷ Eurostat Database, First instance decisions on applications by citizenship, age and sex, Annual aggregated data (rounded), online data code: [migr_asydcfsta]. (The data on applications in the UK is missing for 2008; the data on decisions in Cyprus is missing for 2008; the data on decisions in Luxembourg is missing for 2009; the data on decisions in Luxembourg is missing for 2010; the data on asylum granted in Cyprus is missing for 2008; the data on subsidiary protection granted in Cyprus is missing for 2008.)

²⁸ Eurostat, Asylum applicants and first instance decisions on asylum applications in 2010, Data in focus 5/2011, May 2011, p. 3, at http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-11-005/EN/KS-QA-11-005-EN.PDF.

²⁹ Eurostat, Asylum applicants and first instance decisions on asylum applications in 2010, Data in focus 5/2011, May 2011, p. 3, at http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-11-005/EN/KS-QA-11-005-EN.PDF.

One set of requirements of a formal visa liberalisation process concerns human rights. Amongst other things, the third countries participating in such a process have to adopt and implement anti-discrimination legislation and minority policies. Turkey will be obliged to do the same if it is offered and accepts a visa liberalisation process. In this regard, the number of asylum claims in response to which EU countries grant refugee status or subsidiary protection can provide some indication about compliance with human rights standards (though one always has to look at the exact reasons why protection is extended to claimants).

V. Illegal residence in the EU

A generally very sensitive issue is the number of irregular migrants in the EU. A significant number of EU citizens have negative opinions about migrants, and the issue is used and abused by populist politicians. However, nobody knows how many undocumented migrants there are in the EU. Some of the most thoroughly researched estimates are the results of the Clandestino project, which was financed with EU funds. In 2008, it put the figure of irregular migrants in the EU27 at between 1.9 and 3.8 million (0.38% to 0.76% of the EU's population of 500 million people).³⁰

In the absence of hard data, EU interior ministers look at the numbers of foreigners caught without permission to be in the EU in order to estimate the real numbers and to assess migratory pressures and potential new inflows, for example in the case of a lifting of the visa requirement. Eurostat collects from the EU member states data about foreigners found in the EU without authorisation, which, according to Eurostat, includes:

“persons who have been found to have entered illegally (for example by avoiding immigration controls or by employing a fraudulent document) and those who may have entered legitimately but have subsequently remained on an illegal basis (for example by overstaying their permission to remain or by taking unauthorised employment). Only persons who are apprehended or otherwise come to the attention of national immigration authorities are recorded in these statistics. These are not intended to be a measure of the total number of persons who are present in the country on an unauthorised basis. Each person is counted only once within the reference period.”³¹

On a side note: at least half, if not more, of the undocumented migrants in the EU are believed to be “over-stayers” – people who came legally as tourists or on a visa and simply remained after the expiry of the permit. The number of irregular migrants who illegally crossed into the EU is believed to make up the other half or even a smaller share.³²

In 2011, 10,380 Turkish nationals were found illegally present in the EU.³³ This number is substantial. However, as said before, it has to be seen in the context that Turkish citizens are the largest groups of foreign citizens in the EU27 - some 2.3 million Turkish citizens reside permanently in the EU³⁴ - and that more than half a million of Turks visit the EU each year.

³⁰ Size and Development of Irregular Migration to the EU. Clandestino Research Project. Comparative Policy Brief - Size of Irregular Migration. October 2009, at http://clandestino.eliamep.gr/wp-content/uploads/2009/12/clandestino_policy_brief_comparative_size-of-irregular-migration.pdf.

³¹ Eurostat database, Explanatory texts (metadata), Enforcement of Immigration Legislation, 3.4 Statistical concepts and definitions, at http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/EN/migr_eil_esms.htm.

³² Kraler, Albert and Madalina Rogoz, Irregular migration in the European Union since the turn of the millennium –development, economic background and discussion, Database on Irregular Migration, Working paper 11/2011, pp. 8-9, at http://irregular-migration.net/fileadmin/irregular-migration/dateien/4.Background_Information/4.7.Working_Papers/WP10_2011_Kraler_Rogoz_Europ_e_IrregularMigration_Dec11_fin.pdf.

³³ Eurostat database, Third country nationals found to be illegally present - Annual data (rounded), online data code: [migr_eipre].

³⁴ In 2011, 2.3 million Turkish citizens lived in the EU; the next largest group of foreign citizens were Moroccans with 1.8 million. Eurostat Statistical Book, Migrants in Europe. A statistical portrait of the first and second generation, 2011, p. 75, at http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-31-10-539/EN/KS-31-10-539-EN.PDF; and Eurostat database, Population by sex, age group and citizenship, data online code: [migr_pop1ctz].

In other words: only 0.35% of the Turkish citizens living in the EU and their visitors³⁵ were found in the EU without authorisation in 2011.

One must also bear in mind that “illegal residence” includes minor transgressions such as when the holder of a valid Schengen visa visits another Schengen country without having announced and explained this when he applied for a visa. (Although a Schengen short-stay visa is valid for the entire Schengen area, visitors are supposed to obtain it from the country where they are going or from the country of first entry if they are travelling to several countries. If they are found in other Schengen countries, they can have problems.)

To put the number of detected irregular Turkish migrants in a wider context: in 2011, 9,345 Russians were caught in the EU without papers authorising their stay; 11,940 Ukrainians; 1,095 US citizens; 10,620 Brazilians; 28,850 Moroccans, 24,110 Tunisians; 17,930 Algerians; and 45,355 Afghans.

Concerning this indicator, too, there has been a positive trend involving Turkish nationals: over the last four years, the number of Turkish citizens found illegally present in the EU has dropped from 13,925 in 2008 to 10,380 in 2011, which is a 25% decrease (see table 11).

Table 11: Turkish citizens found to be illegally residing in the EU³⁶

	2008	2009	2010	2011
Germany	6,675	5,610	5,565	5,950
France	2,760	1,465	1,330	1,185
Austria	595	685	695	790
United Kingdom	545	480	375	415
Romania	1,110	1,030	515	375
Belgium	220	300	250	215
Netherlands	510	360	335	185
Bulgaria	285	335	280	180
Greece	235	380	325	160
Cyprus	155	130	100	95
Italy	275	160	145	80
EU 27	13, 925	11,760	10,725	10,380

³⁵ In 2011, Schengen countries issued 592,616 short-stay visas to Turkish citizens. The visa statistics for 2011 are available on the website of the Directorate-General for Home Affairs of the European Commission, section “Borders and Visas”, subsection “Visa policy” (http://ec.europa.eu/home-affairs/policies/borders/borders_visa_en.htm). There the statistics are under “Info” in the right-hand bottom corner.

³⁶ Source: Eurostat, Third country nationals found to be illegally present - Annual data (rounded), online data code: [migr_eipre].

VI. Immigration to the EU by Turkish nationals

While the flow of Turkish migrants used to go exclusively from Turkey to EU member states for many decades, this seems to be slowly changing now. For most of the past ten years, Turkey has seen high growth rates of between 8 to 10% per year, and the country has to offer economic opportunities and jobs. This makes it attractive for Turks who are resident in the EU, and some of them have decided to go back. This also makes a wave of Turkish migrants moving to the EU if the visa requirement is lifted rather unlikely.

However, reliable data on emigration and immigration is hard to come by. This is not just a matter of looking at how many Turkish nationals live in a given EU country; for example, their number might be declining because many are naturalised, or Turkish citizens might actually leave but remain registered for tax and other purposes.

We have looked at Germany, the EU country with the largest Turkish community.³⁷ Any citizen has to register in the municipality where he resides, and citizens also have to de-register once they leave (though, as mentioned, not all do). Based on the data available, Germany was a country of immigration for Turkish nationals until 2005. From 2006 on, the number of Turkish nationals who left each year has been larger than the number of new Turkish citizens who arrived in Germany (see table 12).

Table 12: Immigration to Germany and emigration from Germany of Turkish nationals³⁸

	New registrations of Turkish citizens in Germany (immigration)	De-registrations of Turkish citizens from Germany (emigration)	Net migration
2002	58,128	36,750	+21,378
2003	49,774	36,863	+12,911
2004	42,644	38,005	+4,639
2005	36,019	34,466	+1,553
2006	30,720	32,424	-1,704
2007	27,599	29,879	-2,280
2008	26,653	34,843	-8,190
2009	27,212	35,410	-8,198
2010	27,564	31,754	-4,190

³⁷ In 2010, 1,629,480 Turkish nationals lived in Germany. If the number of “former” Turkish migrants – people who used to have Turkish citizenship – is added, the number of Turkish migrants was 2,485,000. However, there are even more people of Turkish origin since members of the second and third generation might have never possessed Turkish citizenship. Data from the German Statistical Office.

³⁸ The data is taken from the annual “Migrationsberichte” (migration reports) from the German Federal Office for Migration and Refugees (BAMF), at <http://www.bamf.de/EN/DasBAMF/Forschung/Ergebnisse/Migrationsberichte/migrationsberichte-node.html>.

However, emigration might be even larger since, as mentioned, not all people deregister. All in all, it is safe to conclude that Germany is no longer exclusively a country of immigration for Turkish nationals.

VII. Readmission – return of Turkish nationals to Turkey

In the last couple of years, the conclusion of an EU-Turkey readmission agreement has received a lot of attention. Under this agreement, Turkey would be obliged to take back its nationals who are found to be illegally residing in the EU, but also, after a transitional period of three years, third-country nationals if the EU state requesting readmission could prove that the third-country national reached the EU via Turkey. So far, this agreement has not been concluded yet – in fact, it has become a stumbling block concerning the launch of a visa liberalisation process.³⁹

What is less known is that Turkish citizens detected as illegal residents in the EU and requested to leave have been returned to Turkey all along (see table 13).

The data collected by Eurostat does not distinguish between voluntary and forced returns (deportations) so the following table shows both. Voluntary returns are overwhelmingly *assisted* returns where the returnees – in many cases rejected asylum seekers - receive financial assistance; other voluntary returns are usually not recorded. The data in the table also does not include people transferred from one EU country to another under the Dublin Regulation, which establishes which EU member states is responsible for examining a person's asylum claim (usually the EU country of first entry, but there are also other rules).⁴⁰

Table 13: Turkish citizens returned from the EU to Turkey following an order to leave, with data for the five EU member states from which the largest numbers of Turkish citizens were returned

	2008	2009	2010	2011
EU27 total	8,415	6,740	5,375	4,790
Germany	1,505	1,040	1,030	950
France	1,485	910	800	705
United Kingdom	1,215	980	865	610
Romania	1,345	1,200	625	540
Netherlands	1,045	935	815	515

³⁹ The EU has tried to negotiate a readmission agreement with Turkey since 2002, but Turkey has been reluctant. Only in 2010, after Turkey had been told that a readmission agreement is a precondition for a visa liberalisation process, was the text of the agreement negotiated and agreed. However, Turkey's hope that the Council would in return formally announce a visa liberalisation process was disappointed. At the Justice and Home Affairs Council in February 2011, EU interior ministers only offered a non-committal "dialogue on visa, mobility and migration" and "practical improvements" for Turkish visa applicants within the EU Visa Code (see chapter 1). In response, Turkey decided not to initial and sign the agreement, declaring that it would do so only if the visa liberalisation process is launched. The EU, on the other hand, insisted that Turkey first sign and that it would then consider whether to launch the process.

⁴⁰ Eurostat database, Explanatory texts (metadata), Enforcement of Immigration Legislation, 3.4. Statistical concepts and definitions, at http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/EN/migr_eil_esms.htm.

Data collected by the Danish Presidency of the EU in early 2012 confirmed that the irregular Turkish migrants are returned to Turkey.⁴¹ Nineteen countries replied to a questionnaire sent by the Presidency to all EU member states as well as the four non-EU Schengen countries Iceland, Liechtenstein, Norway and Switzerland.⁴² Of those 19, only two have a bilateral readmission agreement with Turkey (Greece⁴³ and Romania) and another two have other readmission arrangements (Switzerland and UK). However, all 19 except Iceland confirmed that they are returning Turkish nationals to Turkey.

Concerning the return of *third-country nationals* who came to the EU via Turkey, most countries said they can only return Turkish citizens to Turkey. Greece and Romania can, and return, other nationalities, too. Belgium, Lithuania and the UK stated that they too can return other nationalities, but that usually they don't or that there are limitations.⁴⁴

For the EU, the return of third-country nationals is more relevant since they make up the lion share of the irregular migrants that enter the EU via the Turkish-Greek border. The following data illustrates how small the share of Turkish nationals is: Among the 730 migrants that Greece returned to Turkey in 2011, only 1 person was a Turkish national. In 2010, Greece removed 501 persons to Turkey, and only 23 were Turkish nationals.⁴⁵ The third-country national clause under the EU-Turkey readmission agreement is supposed to resolve the issue, though it is clear that, even if the agreement enters into force, it will be always at Turkey's discretion to accept or reject the return of migrants.

⁴¹ Note from the Presidency to the Working Party on Integration, Migration and Expulsion/Mixed Committee (EU-Iceland/Norway/Switzerland/Liechtenstein), Subject: Synthesis of Member States' practical experiences based on delegations' responses to the questionnaire discussed at the Working Party meeting on 1 February 2012, Council document 7260/12, 12 March 2012.

⁴² The countries that replied are: Belgium, The Czech Republic, Denmark, Estonia, Germany, Greece, Hungary, Iceland, Liechtenstein, Lithuania, Netherlands, Norway, Poland, Romania, Slovenia, Slovakia, Sweden, Switzerland, and the United Kingdom. Those that did NOT reply are: Austria, Bulgaria, Cyprus, Finland, France, Ireland, Italy, Latvia, Luxembourg, Malta, Portugal and Spain.

⁴³ The readmission agreement with Greece, which entered into force in April 2002, is largely dysfunctional. So far Greece has requested Turkey to readmit 101,537 migrants, the vast majority of them third-country nationals. Turkey has accepted the return of 11,425 persons (11 per cent), and in the end 3,686 (3.6 per cent) were returned. Information provided to ESI by the Permanent Representation of Greece to the EU in Brussels, 4 April 2012.

⁴⁴ Belgium replied that it is possible to return Turkish Nationals as well as third country nationals, but said third-country nationals can only be returned in application of the Chicago Convention (border cases). The United Kingdom is able to return both Turkish nationals and third country nationals, but replied that the priority is to return third-country nationals to their country of origin. Lithuania specified that it is in principle possible to return third country nationals but in practice only Turkish nationals are returned to Turkey.

⁴⁵ Note from the Presidency to the Working Party on Integration, Migration and Expulsion/Mixed Committee (EU-Iceland/Norway/Switzerland/Liechtenstein), Subject: Synthesis on Member States' practical experiences based on delegations' responses to questionnaire discussed at the Working Party meeting on 1 February 2012, Council document 7260/12, 12 March 2012.