

3RD GREEK-TURKISH WORKSHOP ON MIGRATION AND REFUGEES

Talking points Alexandra Stiglmayer – CHECK AGAINST DELIVERY

Let us start with the outcome of the EU Summit of 7 March – the EU-Turkey agreement ([Statement of the EU Heads of State or Government, 07/03/2016](#)).

- to return refugees and migrants crossing from Turkey to the Greek islands so they stop undertaking this dangerous, pricey and illegal journey;
- to resettle, for every Syrian readmitted by Turkey from Greek islands, another Syrian from Turkey to the EU Member States, within the framework of the existing commitments; and then to move to larger-scale resettlements;
- to speed up the disbursement of the initially allocated 3 billion euros to improve the conditions of refugees in Turkey;

And:

- to accelerate the implementation of the visa liberalization roadmap with all Member States with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016;
- to prepare for the decision on the opening of new chapters in the accession negotiations as soon as possible, building on the October 2015 European Council conclusions;
- to work with Turkey in any joint endeavour to improve humanitarian conditions inside Syria which would allow the local population and refugees to live in areas which would also be safe.

Why is this deal, or outline of a deal, good for Greece?

Because the alternative is disastrous. The alternative means that there is effectively a new Schengen border north of Greece. That Greece has de facto been pushed out of Schengen, that the other EU MS have abandoned it. That refugee numbers will keep accumulating in Greece, and that Greece will become a spring board for refugees illegally moving to other EU MS, with all the blame for Greece that it will come along with this.

As things stand, Greece cannot prevent refugees from arriving on its shores - it *cannot* because under international and EU law Greece must not push back refugees that have reached its territorial waters. And because, even if the law were disregarded, it is technically impossible to build a fence on water.

Now, what will the refugees in Greece do? They will find new routes to northern Europe, most likely via Albania and then Italy, or via Albania and then Montenegro and Bosnia. There are also long stretches of the GR-Macedonian that are not well guarded, and the GR-Bulgarian border would be another option...

If, on the other hand, Turkey takes back refugees that reach the Greek islands, then the refugees will soon stop risking their lives and paying smugglers. The inflow will peter out. It will become pointless to cross to a Greek island if the vast majority of the refugees is returned to Turkey shortly thereafter – returned either because they have no intention to request asylum in Greece, or, if they do, because their claim is assessed by Greek authorities – by Maria's people - and in most cases found to be inadmissible based on the notion that Turkey is a safe country for the refugee in question.

This, of course, presupposes that Turkey quickly creates the conditions to be a safe third country for refugees. At the moment, it is not yet there. I will discuss this in more detail later.

As a result of this type of readmission, very few refugees will come to Greece.

There is also another reason why at least Syrian refugees might stop crossing to a Greek island – because there should be resettlement from Turkey to EU MS of Syrian refugees. This is extremely important, and it must involve significant numbers to be meaningful.

As things look at the moment, this will be resettlement done by a coalition of willing member states – it will not be mandatory resettlement with a quota for all.

So, if Syrians know that they will have a chance to legally reach north European countries if they wait in Turkey, this will take some pressure off.

Why is this good for the EU?

Because it needs to stop the relentless flow of refugees illegally coming to the EU, it needs to stop refugees risking their lives and paying a lot of money to smugglers. It needs to regain control of a chaotic situation that has frightened EU citizens because their governments did not appear to have the situation under control.

Politically, it needs to stop a situation where right-wing, anti-EU, anti-liberal, anti-refugee, anti-Muslim political parties are rising in popularity.

The Alternative for Deutschland did well in the elections in 3 Länder on Sunday. (It won 15% of the vote in Baden-Württemberg, 12.5% in Rhineland-Palatinate and more than 24% in the east German state of Saxony-Anhalt.) In France, Marine Le Pen scored 28% of the national vote in the first round of the regional elections last December. In Austria, the Freedom Party of Heinz-Christian Strache won 30% of the vote in Vienna last October. In the Netherlands, the Freedom Party of Geert Wilders is polling between 22 and 26%, in Sweden the Swedish Democrats poll around 20%. Etc.

However, the EU has a legal and moral obligation to help Syrian refugees, and it has an obligation to share the refugee burden with Turkey if it wants Turkey's cooperation.

The EU-Turkey deal must therefore be accompanied by a significant resettlement programme. This programme must go beyond the 1:1 proposal that is now on the table – which means that EU MS have to resettle the same number of Syrian refugees that are returned from Greece. Because, as said before, after a while there will be very few refugees who will even try to reach a Greek island.

Why is this good for Turkey?

Turkey needs help with the Syrian refugees, both financially and through resettlement. It has shouldered this burden alone long enough.

The amount now discussed is 6 billion Euro over three years – 2016, 17 and 18.

There are many claims in the press and among right-wing political parties that the EU will pay a bribe Turkey.

This is not true. Firstly, so far Turkey has not received a single Euro. Secondly, the money will not be given to the government, but will be spent on projects for refugees.

On 4 March, the first projects were approved for 95 million Euro, providing education to 110,000 Syrian kids, and offering humanitarian aid – food vouchers - to some 735,000 Syrians. The education programme will be implemented by UNICEF and the food programme by the World Food Programme.

Is 6 billion Euro a lot of money? It is not. The costs that 1 million new refugees generate in Germany per year are estimated at 12 to 20 billion Euro. There are also higher estimates, but I am focusing on the more credible ones. So, over 3 years, Turkey will receive - for almost times as many refugees - what Germany spends on the 1 million refugees it has received in just half a year, based on the lower estimate of the costs.

Secondly, the EU will resettle Syrian refugees from Turkey, which is another form of burden-sharing.

Turkey will also have other advantages:

Turkey does not want to remain a transit country for tens of thousands of refugees, some of whom stay in Turkey for extended periods of time. It does not want to be the seat of a flourishing smuggling industry. It does not want to lose even more tourists – after bookings have already gone down due to terrorist attacks and the war with Kurdish forces.

Turkey is also not interested in the strengthening of anti-Muslim political parties in the EU, which remains its main trading partner and is a very important political partner.

As mentioned before, if the agreement is implemented well, then there will not be many refugees sent back to Turkey after a while since crossing the Aegean will become pointless.

Besides, Turkey has negotiated other perks like visa-free travel and an acceleration of the accession talks.

Lastly, **visa-free travel** for Turkish citizens. This is a long-standing demand of Turkey, and since 2013 it has conducted a visa liberalisation process with the EU to qualify for visa-free travel. Turkey has not yet met all the conditions, but there are ways to address this, e.g. by lifting the visa requirement this year, but extracting commitments from Turkey to implement the remaining conditions in the next 2 years and agreeing on a review with a possibility to suspend visa-free travel if they are not met.

Visa-free travel for Turkish citizens is in the EU's interest. One has to know that many people in Turkey already have visa-free travel. 2.7 million people, or almost a fifth (17%) of those who have a passport (17 million), have a green, service or diplomatic passport that allows for visa-free travel. Everybody who works for the state in Turkey, including e.g. teachers, is entitled to such a passport. So, the visa requirement hits people not working for the state, for example members of NGOs, civil activists etc. So the EU should allow particularly these segments to travel to the EU, to have more contacts with people in the EU.

Accession talks – benefit both sides, in particular chapter 23 on the judiciary and human rights.

Why is this good for the refugees themselves?

Even if their might no longer be 2.7 million Syrians in Turkey as some will have left, Turkey is still hosting a very large number of Syrian refugees. And their situation will improve – Turkey has already lifted the working ban, there will be education for the Syrian children, there will be more humanitarian assistance. Turkey must also ensure access to all the rights envisaged for asylum seekers and recognised refugees in its 2013 law on foreigners and international protection. This requires the adoption of a few by-laws and the operationalisation of access to these rights.

Then there will also be a possibility to be resettled to the EU, legally and orderly.

So far, the idea. But, as usual, **the devil is in the detail.**

The implementation of the agreement will be an enormous challenge.

Readmission:

How can Greek institutions return those who reach Greece from Turkey in accordance with the core principles of international asylum law? This requires individual assessments, which again require human resources. How can the EU support Greek efforts to achieve this? Can the EU find ways to send to Greece asylum case workers instead of (only) police officers and soldiers?

Greece can return *asylum seekers* only on the basis of considering Turkey a safe third country for refugees – a country where refugees are protected. But it needs to examine each case individually and issue a written decision. The refugee can also lodge an administrative appeal against the inadmissibility decision within 15 days and has a right to remain in Greece until he is notified of the final decision. If the appeals body upholds the first-instance decision, the applicant can appeal to a court. However, this court appeal has no suspensive effect; the applicant is still obliged to leave.

Maria told me yesterday that the Greek Asylum Service (260 staff, half care workers) does not have the capacity to process potentially thousands of asylum requests within a short time. It needs help – best by case workers from other EU MS. But this is legally tricky since they would be making decisions on behalf on another country. This is one issue that needs to be resolved.

Greece also needs the capacity to manage readmission – this also requires interaction with the refugees, writing requests etc.

Another issue is accommodation for the refugees during the procedure.

Resettlement:

How can a voluntary humanitarian resettlement scheme by a coalition of willing states (going far beyond the one-for-one exchange offered by Turkish prime minister Davutoglu), which has been negotiated in parallel for weeks, be implemented rapidly? Germany indicated that it is willing to take the lead – but when will this begin?

How will it be done in practice, so it does not become a lengthy and cumbersome process lasting many months for each refugee?

Turkey as a safe country for refugees:

How can the EU support the creation of better conditions for the large number of refugees now in Turkey, who are likely to remain in the country for the foreseeable future?

As mentioned, Turkey has a good law from 2013, the Law on Foreigners and International Protection, but important bylaws on operationalising access to social services and the labour market for non-Syrian refugees have not been adopted yet. Also, the Turkish asylum authority, the Directorate-General for Migration Management, is not issuing enough decisions in response to asylum claims. So far it has issued few, and they were overwhelmingly negative. This needs to change.

The EU-Turkey deal has the potential to show that border control and management of refugee flows can be combined with compassion and respect for human rights. If it does this, it will be truly ground-breaking. But a lot of work remains ahead.

Material:

Back in 1951, the Refugee Convention recognised that:

“the grant of asylum may place unduly heavy burdens on certain countries, and ... a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation,” (4th recital)

Table: Detections of illegal border crossings into the EU via Turkey – Greece 2007-2015¹
(Sources: Frontex and Hellenic Police)

Border	2007 ²	2008 ³	2009 ⁴	2010 ⁵	2011 ⁶	2012 ⁷	2013 ⁸	2014 ⁹	2015 Jan- Aug ¹⁰
Greek-Turkish land border	16,789	14,461	8,787	47,079	54,974	30,433	1,109	1,903	1,136
Greek-Turkish sea border	16,781	30,149	27,685	5,190	1,030	3,651	11,447	43,518	244,928
Total Greek- Turkish borders	33,570	44,610	36,472	52,269	56,004	34,084	12,556	45,421	246,064
All detections at EU external borders ¹¹	n.a.	159,092	104,599	104,060	141,051	72,437	107,365	282,669 ¹²	500,000 ¹³

¹ Hellenic Police, Ministry of Public order & Citizen Protection, at http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=24727&Itemid=73&lang=

² http://www.astynomia.gr/images/stories/2009/DIAFOR09/110609_syllhpseis_lathrometanastwn_apo_Toutkia_xers_aia_thalassia%20.pdf

³ http://www.astynomia.gr/images/stories/2009/DIAFOR09/110609_syllhpseis_lathrometanastwn_apo_Toutkia_xers_aia_thalassia%20.pdf

⁴ The data was found at <http://www.astynomia.gr/images/stories/2010/300110meta2.pdf>

⁵ The data was found in an Excel document under the title “Πίνακας συλληφθέντων μη νόμιμων μεταναστών, για παράνομη είσοδο & παραμονή από αστυνομικές και λιμενικές αρχές ανά μεθόριο” , at link: http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=5071&Itemid=429&lang=

⁶ The data was found in an Excel document under the title “Πίνακας συλληφθέντων μη νόμιμων μεταναστών, για παράνομη είσοδο & παραμονή από αστυνομικές και λιμενικές αρχές ανά μεθόριο” , at link: http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=5071&Itemid=429&lang=

⁷ http://www.astynomia.gr/images/stories/2012/statistics2012/paranomhmetanasteush/ethsia/2012ethsio_ana_methorio.JPG

⁸ http://www.astynomia.gr/images/stories/2014/statistics14/allod2014/statistics_all_2014_et.JPG

⁹ http://www.astynomia.gr/images/stories/2014/statistics14/allod2014/statistics_all_2014_et.JPG

¹⁰ http://www.astynomia.gr/images/stories/2015/statistics15/allodapwn/8_statistics_all_2015_et.JPG

¹¹ Frontex’ “[Press Pack May 2011](#),” p. 9, at; [Frontex Annual Risk Analysis 2012](#), April 2012, p. 14); [Frontex Annual Risk Analysis 2013](#), April 2013; [Frontex Annual Risk Analysis 2014](#), http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2014.pdf

¹² [Frontex Migratory Route Map](#).

¹³ <http://frontex.europa.eu/news/more-than-500-000-migrants-detected-at-eu-external-borders-so-far-this-year-fGa82v>