

## **EU-Türkiye migration cooperation that works** 12 September 2023

This is a moment of both danger and opportunity. As arrival numbers in the Aegean are rising rapidly, while Greek-Turkish relations are improving, a new EU-Türkiye Statement is urgently needed that improves on the March 2016 Statement and is fully implemented. This requires Greece and Germany, the EU countries with the strongest interest in a solution, to mobilise a coalition of willing member states to pre-empt the growing risk that the situation in the Aegean deteriorates and becomes a dominant issue in run-up to European Parliament elections 2024.

A way forward to agree to a new Statement in September:

GRE and GER agree at the highest levels on outlines of an offer. Like the March 2016 Statement (and unlike the EU-Tunisia Memo!) this draft should be short, precise and concrete (see annex).

GRE and GER discuss this outline directly with TUR President (GAC in New York?). This is best publicly presented as a joint initiative with Türkiye. The common goals: save lives, respect non-refoulement, solidarity with Türkiye, reduce irregular migration and breakthroughs on legal mobility ... and all before arrival numbers get out of control. Key elements:

**TAKE BACK:** TUR agrees to take back every migrant who irregularly crosses sea and land borders with Greece after date X (**1 October**). The common goal is to reduce all irregular migration from this date and to end deaths at sea.

**SAFE THIRD COUNTRY (and asylum):** For returns to TUR to work better than 2016-2020, Greece must be able to declare the applications from those who cross after date X *inadmissible*, in a way which respects ECHR and will not be challenged in courts.

**COURTS AND ASYLUM:** To be in line with EU legislation and ECHR requires credible verification that those who are returned to Türkiye are treated in line with ECHR requirements and have access to a fair asylum system there. One way to remove all doubts – without increasing burden on Türkiye – is to invite UNHCR to determine the status of those returned.

**SUPPORT:** the offer made to Türkiye must be more attractive than in 2016:

- Resettlement - Greece to resettle annually up to 20,000 Syrians/ other recognised refugees from Türkiye. Germany (and others) to resettle another X Syrians (or other refugees) annually from Türkiye.
- Work migration - Germany (and others) to offer an annual contingent for legal work migration similar to the “Balkan solution.”
- Visa facilitation - All members of coalition commit to immediate visa facilitation: all accepted visa applicants to obtain long-term visa; visa fees to be reduced; sufficient consular resources for fast processing.
- New 2-3 Billion Euro support from EU for communities/regions hosting refugees in Türkiye, with disbursement to begin fast.
- Visa liberalisation – a renewed serious effort to lift the visa requirements for Turkish citizens by XX if in return all human rights conditions are met (and ECtHR judgements implemented), and Türkiye cooperates in fast return of all its citizens irregularly in the EU.

## **Possible draft outline of EU-TUR Statement 2.0**

Türkiye and the European Union confirm the specific commitments to the implementation of the goals in the Statement of 18 March 2016, including those concerning the development of the Customs Union, the visa liberalisation process and EU-Türkiye relations.

Türkiye will accept the rapid return of all migrants not in need of international protection crossing from Türkiye into Greece and to take back all irregular migrants intercepted in Turkish waters. Türkiye and the EU agreed to continue stepping up measures against migrant smugglers.

To break the business model of smugglers and to offer migrants an alternative to putting their lives at risk, the European Union and Türkiye agreed on the following action points:

1) Migrants arriving in Greece will be duly registered and any application for asylum will be processed individually by the Greek authorities in accordance with the Asylum Procedures Directive and the UN refugee convention. All migrants will be protected in accordance with the relevant international standards and in respect of the principle of non-refoulement. Migrants not applying for asylum or whose application has been found unfounded or inadmissible in accordance with the said directive and who cross from Türkiye into Greece after [DATE] will be returned to Türkiye. This will take place in full accordance with EU and international law, thus excluding any kind of collective expulsion. The costs of the return operations of irregular migrants will be covered by the European Union.

Türkiye and Greece/EU will jointly [ASK COUNCIL OF EUROPE or NOMINATE TWO EMINENT PERSONALITIES] with the task to monitor that standards defined in the European Convention on Human Rights and in ECtHR judgements are respected in implementing these commitments by all sides, in Greece and Türkiye.

Türkiye and the European Union will ask UNHCR in Türkiye to process asylum requests of all those who are returned from Greece as part of this agreement and who do not, as Syrians, automatically qualify for temporary protection in Türkiye.

2) Türkiye will take any necessary measures to prevent new sea or land routes for illegal migration opening from Türkiye to the EU and will cooperate with neighbouring states as well as the European Union to this effect.

3) From the moment of conclusion of this Statement a Voluntary Humanitarian Admission Scheme is established, to resettle a total number of [TO BE INSERTED] in need of protection from Türkiye to European Union member states over the next four years. The number of irregular arrivals across the Aegean during this period who cannot be returned to Türkiye will be subtracted from the number to be resettled.

4) The European Union, in close cooperation with Türkiye, will mobilise and then disburse another [2-3] billion euros under the Facility for Refugees in Türkiye in

the coming five years to ensure funding of further projects for refugees and asylum seekers in Türkiye with swift input from Türkiye.

Concrete projects for refugees might also benefit vulnerable Turkish citizens in the communities which are hosting a large number of refugees. Projects in the field of health, education, infrastructure, food and other living costs that can be swiftly financed from the Facility will be jointly identified without delay.

5) The European Union and its Member States will work with Türkiye to improve humanitarian conditions inside Syria, in close cooperation with all relevant international organisations. Türkiye, the European Commission and interested EU member states will set up a permanent working group on the humanitarian crisis of IDPs in Syria to identify lasting solutions. They will also organise a global summit in 2024 to discuss the future of the refugee convention in light of the ongoing Syrian refugee crisis.

6) The fulfilment of Türkiye's visa liberalisation roadmap remains a common objective. Türkiye will take the necessary steps to fulfil the remaining requirements in 2023 to allow the Commission to make, following the required assessment of compliance with the benchmarks, an appropriate proposal on the basis of which the European Parliament and the Council can make a final decision latest in autumn 2024.

7) In parallel to the successful implementation of this statement the European Union will prepare to launch negotiations on a modernisation of the Customs Union before the end of this year, depending on finding a functioning conflict resolution mechanism for disputes in the Eastern Mediterranean.