



**SOCIAL SCIENCES UNIVERSITY OF ANKARA INSTITUTE FOR
GRADUATE STUDIES IN SOCIAL SCIENCES**

H. DENİZ KAÇMAZ

**EFFECTS OF THE RE-ADMISSION AGREEMENTS ON TRANSIT
COUNTRIES AND IRREGULAR ILLEGAL IMMIGRANTS: TURKEY**

MASTER THESIS

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THESIS SUPERVISOR

Assoc. Prof. Dr. Meryem HAKİM

TEZ ONAY



PLAGIARISM

I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all materials and results that are not original to this work. I declare that this thesis is written according to the writing rules of Social Sciences University of Ankara, Institute of Social Sciences.



H.DENİZ KAÇMAZ

Signature:

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TABLE OF CONTENT

TEZ ONAYI.....	ii
PLAGIARISM.....	iii
ACKNOWLEDGEMENTS.....	iv
TABLE OF CONTENTS.....	vi
ÖZET.....	ix
ABSTRACT.....	xi
LIST OF FIGURES.....	xvi
LIST OF MAPS.....	xvi
LIST OF TABLES.....	xvi
LIST OF ABBREVIATIONS.....	xvii
CHAPTER I:.....	1
INTRODUCTION.....	1
1.1. PROBLEM STATEMENT.....	3
1.2. RESEARCH QUESTIONS.....	4
1.3. RESEARCH AIM.....	4
1.4.SIGNIFICANCE AND THE PURPOSE OF THE RESEARCH.....	5
1.5.RESEARH METHODOLOGY.....	5
1.6.RESEARCH SCOPE.....	6
1.7.LIMITATIONS OF THE THESIS.....	6
1.8.LITERATURE REVIEW.....	6

CHAPTER II: THEORITICAL FRAMEWORK OF MOGRATION THEORIES	10
2.1.BRIEF HISTORY OF MIGRATION IN WORLDWIDE.....	10
2.2.DEFINITION OF MIGRATION.....	12
2.3.THEORIES OF MIGRATION.....	13
2.3.1. Traditional Migration Theories.....	13
2.3.2. Economy-Based Migration Theories.....	14
2.3.3. Migration theories with Historical Perspective.....	16
2.3.4. New Migration theories.....	19
2.4.LINKAGES BETWEEN THE THEORIES AND THE MIGRATION FLOWS.....	21
CHAPTER III: MIGRATION POLICY OF TURKEY.....	23
INTRODUCTION:	23
3.1. MIGRATION POLICY OF TURKEY.....	23
3.2.MIGRATION MOVEMENTS TO TURKEY.....	24
3.3.IMMIGRATION FLOWS TO TURKEY.....	27
3.3.1. Immigration Flow of Afghan People Through Iran to Turkey.....	27
3.3.1.1. How to Struggle with The Irregular Migration Through Iran..	27
3.3.2. Immigration Flow of Iraqis to Turkey.....	29
3.3.3. Immigration Flow of Syrians to Turkey.....	31
CHAPTER IV:..	33
INTRODUCTION.....	33

4.1. TERMINOLOGY OF READMISSION AGREEMENTS:5W1H..	34
4.1.1. What is Readmission Agreement.....	34
4.1.2. Actors of Readmission Agreements.....	35
4.1.3. Where and When Do Readmission Agreements Take Place?.....	36
4.1.4. Why Do States Sign It?.....	37
4.1.5. How Does The Process Act?.....	39
4.2. TYPES OF READMISSION AGREEMENTS, ADVANTAGES AND DISADVANTAGES.....	39
4.2.1. Types of Readmission Agreements.....	39
4.2.2. Advantages and Disadvantages of Readmission Agreements.....	41
4.2.2.1.Advantages.....	41
4.2.2.2.Disadvantages.....	42
4.3. READMISSION AGREEMENTS OF THE EUROPEAN UNION.....	42
 CHAPTER V: READMISSION AGREEMENT BETWEEN TURKEY AND THE EU.....	 45
INTRODUCTION:	45
5.1.ROOT CAUSES OF THE EU’S ATTEMPTS TO COMBAT WITH IRREGULAR ILLEGAL MIGRATION FLOWS.....	46
5.2.READMISSION AGREEMENTS OF TURKEY.....	47
5.2.1. Readmission Agreement Between Turkey and the EU.....	47
5.2.1.1.Readmission Obligations of Turkey for Its Nationals.....	48
5.2.1.2.Readmission Obligations of The EU for Its Nationals.....	49
5.2.1.3.Readmission Obligations of Turkey for Third Country Citizens or Stateless Person/s.....	49
5.2.1.4.Readmission Obligations of the EU for Third Country Citizens or Stateless Person/s.....	50
5.2.2. Readmission Protocol Between Turkey and Greece.....	51

5.3. EFFECTS OF READMISSION AGREEMENTS ON TRANSIT COUNTRIES AND TURKEY.....	52
5.3.1. Effects on Transit Countries in a General Perspective.....	52
5.3.2. Effect on Turkey.....	52
5.4.SUSPENSION THE READMISSION AGREEMENTS OF TURKEY.....	54
 CHAPTER VI.....	 56
CONCLUSION.....	56
 BIBLIOGRAPHY.....	 58



ÖZET

GERİ KABUL ANLAŞMALARININ TRANSİT ÜLKELER VE DÜZENSİZ YASADIŞI GÖÇMENLER ÜZERİNE ETKİSİ: TÜRKİYE

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OCAK, 2022

Geri kabul anlaşmaları, düzensiz ve yasadışı göçle mücadele çerçevesinde taraflar arasında sınır güvenliği de dahil olmak üzere ulusal ve uluslararası güvenliğin sağlanması ve etkinliğinin artırılması amacıyla ülkeler ve/veya birlikler arasında imzalanan anlaşmalardır. Buna ek olarak, geri kabul edilecek kişiler için gerekli uygulama ve prosedürleri içeren kapsamlı bir çerçeveyi de kapsar. Yasadışı ve düzensiz göçler transit ülkeleri birçok yönden etkilemektedir. Bu anlaşmalar düzensiz yasa dışı göçten etkilenen hedef ülkeler için koruma sağlarken, idari, teknik, mali ve yasal alanlarda birçok yönden sorumlulukları olan transit ülkelere yük getirerek ek zorluklar getirmektedir.

Yakın tarihe bakıldığında Türkiye, düzensiz yasadışı göçlerle mücadele etmek zorunda kalmış ve bugün bile mücadelesini sürdürmektedir. Söz konusu göç dalgalarına

baktığımızda, Türkiye'den Avrupa Birliği ülkelerine giden düzensiz göçmenler, geldikleri ülkelerdeki savaş ya da çatışma sonucunda yaşam alanlarını değiştirmek zorunda kalan ya da değiştirmek zorunda kalan kişileri ifade etmektedir. Bu nedenle Türkiye'yi doğrudan ya da dolaylı olarak etkileyen komşularında yaşanan savaş, siyasi ve sosyal olaylar göz önüne alındığında, düzensiz göçmenlerin Türkiye üzerinden Avrupa ülkelerine neden ve nereye gitmeye çalıştıklarını anlamamıza yardımcı olacağı düşünülmektedir. bu çalışmanın amaçları arasında yer almaktadır.

1979'da Sovyet ve Sosyalist Cumhuriyetler Birliği'nin Afganistan'ı işgalinden sonra, 1991'de Birinci Körfez Savaşı ve 2003'te İkinci Körfez Savaşı sonucunda ve son olarak 2011'de Suriye İç Savaşı'nın çıkmasından sonra Türkiye karşı karşıya kalmıştır. birçok göçler zaman zaman akar. Söz konusu savaşlardan etkilenen insanlar doğrudan veya komşu ülkeleri geçerek hedef ülkelere ulaşmaya çalışmışlardır. Türkiye, göç etmek zorunda kalan birçok göçmene ev sahipliği yaptı ve etmeye de devam ediyor. Göçmenlerin bir kısmı yasal olarak Türkiye'de yaşamayı hedeflerken, bir kısmı da Türkiye üzerinden yasal ya da yasadışı yollardan Avrupa ülkelerine geçmeyi amaçlıyor.

Düzensiz ve yasadışı göç sorunlarının üstesinden gelmek için Türkiye geri kabul anlaşmaları imzaladı. Bu kapsamda 2001 yılında Türkiye ile Yunanistan arasında Geri Kabul Protokolü imzalanırken, Avrupa Birliği ile Türkiye arasında da 16 Aralık 2013 tarihinde Geri Kabul Anlaşması imzalanmıştır. Her iki Geri Kabul Anlaşması da, taraflardan herhangi birinin kıtasında yasal olarak kalma hakkına sahip olmayan bir göçmenin o ülke sınırları içinde tespit edilmesi halinde, kişinin bulunduğu hedef ülkeye girmeden önce ülke tarafından geri kabul edileceğini ifade eder. o sunar. Göç dalgasının rotasına bakıldığında, doğu ülkelerinden gelen göçmenlerin Avrupa'ya yönelmesi Türkiye'ye bir "transit ülke" imajını getirmiştir. Anlaşmaya göre, tüm taraflar, yasadışı yoldan geçen bir göçmenin yakalanması durumunda yabancıyı geri kabul etmeyi taahhüt eder. Bu açıdan hedef ülkeler açısından oldukça anlamlı ve koruyucu olarak anlaşılan anlaşma, göçmen yolculuğunda transit ülke konumunda olan Türkiye ve Türkiye gibi birçok transit ülke için farklı açılardan zorluklara neden oluyor.

Son yıllarda Devletlerin ve/veya Birlik/lerin tercih ettiği yasadışı göçle mücadele araçlarından biri Geri Kabul Anlaşmaları'dır. Aktör devletlerin konjonktürlere dayalı olarak birçok dinamiği ve karmaşık belirleyicilerini bünyesinde barındıran göç politikası çalışmalarında yeni bir olgudur. Sınır güvenliği de dahil olmak üzere hem ulusal hem de

uluslararası güvenliđi sađlamak ve etkinliđini artırmak iin etkilenen taraflar arasında imzalanmaktadır. Bu faktörler, anlaşmaların Devletlerin siyasi kararlarına yansımalarının/anlaşmaların ve varsa anlaşmadaki ilgili güncellemelerin (varsa) sık sık izlenmesini gerektirmektedir. Bununla birlikte, ilgili gö akışının ve konjonktürünün temel nedenlerini dikkate almak bir zorunluluk olduğundan, bunlar tüm Yeniden Kabul Anlaşmalarının uygulanması ve temel alınması iin tek tip bir model oluşturmayı zorlaştırmaktadır.

Geri Kabul Anlaşmaları, hedef ve transit ülkelerle koordinasyon iinde uygulanıyor olsa da, birçok yönden doğrudan veya dolaylı olarak transit ülkeleri daha fazla etkilemektedir. Geri Kabul Anlaşmaları, düzensiz göçten etkilenen hedef ülkeler iin daha fazla koruma sađlarken, transit ülkeler iin de birçok açıdan zorluk teşkil etmektedir. Gö dalgasının güzergâhına bakıldığında, göçmenlerin ağırlıklı olarak Orta Dođu ve Afrika ülkelerinden Avrupa'ya yönelmesi Türkiye'ye 'transit ülke konumunu' getiriyor. Bu nedenle Türkiye, AB ile imzalanan Geri Kabul Anlaşması'na taraf ülke olarak transit ülke olmanın zorluklarını üstlenmiştir.

alışmanın konusu, Türkiye'nin taraf olduğ u Geri Kabul Anlaşmaları'nın Türkiye Cumhuriyeti üzerindeki etkilerinin araştırılmasıdır. Ayrıca, üçüncü bir ülkede veya transit ülkede sığınma başvurusu reddedilen yasa dışı göçmenlerin akıbetine ilişkin özel ve ortak bir prosedürün olmaması, bu durumun ilgililer iin yarattığı zorluklar ve bunlara ilişkin çözümler de çalışmanın hedefler arasında yer almaktadır.

Anahtar Kelimeler: Geri Kabul Anlaşması, Avrupa Birliđi Sınır Güvenliđi, Gö, Afghanistan Savaşı, Körfez Savaşı, Arap Baharı, Suriye Krizi.

ABSTRACT

EFFECTS OF THE RE-ADMISSION AGREEMENTS ON TRANSIT COUNTRIES AND IRREGULAR ILLEGAL IMMIGRANTS: TURKEY



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Readmission agreements are the agreements signed between countries and/or unions in order to both ensure national and international security including border security between the parties within the framework of combating irregular and illegal migration, and to increase their effectiveness. In addition to that, it also covers a comprehensive framework that includes the necessary practices and procedures for individuals who will be readmitted. Illegal and irregular migrations affect the transit countries in many ways. While these agreements provide protection for the target countries affected by irregular illegal migration, they bring additional difficulties by bringing burdens on the transit countries with responsibilities in many aspects such as administrative, technical, financial, and legal areas.

Looking at the recent history, Turkey has had to struggle with irregular illegal migrations and been continuing to struggle even today. When we look at the aforementioned migration waves, irregular migrants from Turkey who went to European Union countries refer people who had to change their living area or being forced to do so as a result of the war or conflict in their country of origin. For this reason, it is thought that considering the war, political and social events that took place in the neighbors of Turkey which directly or indirectly affect it, will help us understand why and where irregular migrants try to go to European countries through Turkey, which is among the objectives of this study.

After the invasion of Afghanistan by the Union of Soviet and Socialist Republics in 1979, because of the First Gulf War in 1991 and the Second Gulf War in 2003, and finally after the emerge of the Syrian Civil War in 2011, Turkey has faced many migrations' flows in time to time. People affected by the aforementioned wars tried to reach their target countries directly or by transiting neighboring countries. Turkey has hosted many immigrants who had to migrate, and it continues to do so. While some of the migrant people aim to live in Turkey legally, some of them aim to go to European countries through Turkey, legally or illegally.

To overcome irregular and illegal immigration issue, Turkey has signed readmission agreements. In this context, while the Readmission Protocol was signed between Turkey and Greece in 2001, Readmission Agreement was signed between the European Union and Turkey on 16 December 2013, too. Both Readmission Agreements express that if an immigrant who does not have the legal right to stay on the continent of any of the parties is detected within the borders of that country, the person will be readmitted by the country before entering the target country where he or she presents. Considering the route of the migration wave, the arrival of immigrants from eastern countries and moving towards Europe has brought the image of a "transit country" to Turkey. According to the agreement, all parties undertake to accept the foreigner back in case an illegally crossing immigrant is caught. From this point of view in terms of target countries, the agreement, which is understood as very meaningful and protective, causes difficulties in different aspects to Turkey, which

is in the position of a transit country in the migrant journey, and to many transit countries such as Turkey.

In the recent years, Readmission Agreements are one of the tools to struggle with the illegal migration preferred by the States or/and Union/s. It is a new phenomenon in migration policy studies which has been including many dynamics and complex determinants of actor states based on the conjunctures. It is being signed between affected parties to ensure both national and international security including border security and increase its effectiveness. These factors require tracking the reflection/s of the agreements on the political decisions of the States and relevant updates in the agreement (if there is any) frequently. In addition to that, these make it difficult to create one type of model to implement and take bases for all the Re-Admission Agreements since it is a must to take into consideration the root causes of the relevant migration flow and its conjuncture.

Although, Readmission Agreements are being applied within the coordination with target and transit countries, it directly or indirectly affects more the transit countries in many ways. While Readmission Agreements provide more protection for targeted countries affected by irregular migration, they also pose challenges to transit countries in many aspects. Considering the route of the migration wave, immigrants are mostly from Middle Eastern and African countries towards Europe which brings ‘transit country position’ to Turkey. That is why, Turkey has carried out the challenges of being a transit country as a result of contracting country of the Readmission Agreement with the EU.

The subject of the study is to explore the effects of the Readmission Agreements on the transit countries by considering Turkey. In addition, the lack of a specific and common procedure regarding the fate of illegal immigrants and people whose refugee applications are rejected in a third country or transit country, the difficulties that this situation creates for the persons concerned, and related solutions are among the objectives of the study.

Keywords: Readmission Agreement, European Union Border Security, Migration, Afghanistan War, Gulf War, Arab Spring, Syrian Crisis.

LIST OF FIGURES

Figure 1: Number of apprehended migrants by years.....13

Figure 2: Resident permit statistics in Turkey as of August 2021.....13

LIST OF MAPS

Map 1: Agri-Iran Border.....15

Map 2: Van-Iran Border.....15

Map 3: Turkey-Syria Border.....19

LIST OF TABLES

Table 1: The European Union Readmission Agreements.....29

LIST OF ABBREVIATION

BENELUX	:Belgium, Netherlands, Luxemburg
DGMM	:Directorate of General Migration Management
FRiT	: Facility for Refugees in Turkey
IDP	:Internally Displaced People
IOM	:International Organization for Migration
IFRC	:International Federation of Red Cross and Red Crescent Societies
USSR	:Union for Soviet Social Republics
UN	:United Nations
UNHCR	:United Nations High Commissioner for Refugees
WW2	:The Second World War



CHAPTER I

INTRODUCTION

Readmission agreements are the agreements signed between countries and/or unions in order to both ensure national and international security including border security between the parties within the framework of combating irregular and illegal migration, and to increase their effectiveness. In addition to that, it also covers a comprehensive framework that includes the necessary practices and procedures for individuals who will be readmitted. Illegal and irregular migrations affect the transit countries in many ways. While these agreements provide protection for the target countries affected by irregular illegal migration, they bring additional difficulties by bringing burdens on the transit countries with responsibilities in many aspects such as administrative, technical, financial, and legal areas.

Looking at the recent history, Turkey has had to struggle with irregular illegal migrations and been continuing to struggle even today. When we look at the migration waves, irregular migrants from Turkey who went to European Union countries refer people who had to change their living area or being forced to do so as a result of the war or conflict in their country of origin. For this reason, it is thought that considering the war, political and social events that took place in the neighbors of Turkey which directly or indirectly affect it, will help us understand why and where irregular migrants try to go to European countries through Turkey, which is among the objectives of this study.

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Events happened in the Middle Eastern and North African countries increased the concern of the European people about facing immigration flows in their territories apart from the economic difficulties as the result of the economic crises that emerged in 2008 in Europe and xenophobia with the increasing of extreme right opinion in the society.

To stop the mass irregular illegal migration to the EU, signing a readmission agreement with the countries who might be a transit country used by the immigrants was a critical tool in terms of both Turkey and the EU.

In this context, while the Readmission Protocol was signed between Turkey and Greece in 2001, Readmission Agreement was signed between the European Union and Turkey on 16 December 2013, too. Both Readmission Agreements express that if an immigrant who does not have the legal right to stay on the continent of any of the parties is detected within the borders of that country, the person will be readmitted by the country before entering the target country where he or she presents. Considering the route of the migration wave, the arrival of immigrants from eastern countries and moving towards Europe has brought the image of a "transit country" to Turkey. According to the agreement, all parties undertake to accept the foreigner back in case an illegally crossing immigrant is caught. From this point of view in terms of target countries, the agreement, which is understood as very meaningful and protective, causes difficulties in different aspects to Turkey, which is in the position of a transit country in the migrant journey, and to many transit countries such as Turkey.

In the recent years, Readmission Agreements are one of the tools to struggle with the illegal migration preferred by the States or/and Union/s. It is a new phenomenon in migration policy studies which has been including many dynamics and complex determinants of actor states based on the conjunctures. It is being signed between affected parties to ensure both national and international security including border security and increase its effectiveness. These factors require tracking the reflection/s of the agreements on the political decisions of the States and relevant updates in the agreement (if there is any) frequently. In addition to that, these make it difficult to create one type of model to implement and take bases for all the Re-Admission Agreements since it is a must to take into consideration the root causes of the relevant migration flow and its conjuncture.

Although, Readmission Agreements are being applied within the coordination with target and transit countries, it directly or indirectly affects more the transit countries in many ways. While Readmission Agreements provide more protection for targeted countries affected by irregular migration, they also pose challenges to transit countries in many aspects. Considering the route of the migration wave, immigrants are mostly from Middle Eastern and African countries towards Europe which brings ‘transit country position’ to Turkey. That is why, Turkey has carried out the challenges of being a transit country because of contracting country of the Readmission Agreement with the EU.

The subject of the study is to explore the effects of the Readmission Agreements on the transit countries by considering Turkey. In addition, the lack of a specific and common procedure regarding the fate of illegal immigrants and people whose refugee applications are rejected in a third country or transit country, the difficulties that this situation creates for the persons concerned, and related solutions are among the objectives of the study.

1.1. PROBLEM STATEMENT

People emigrate from their country of origin to target countries due to some reasons. While some of them plan to reside formally under the residence permission permanently, some tries illegal ways to reach the target countries. There are two main scenarios for those people most probably they will face. If emigrants arrive in target countries through illegal ways and this country is part of a readmission agreement, the arrived country has the right to resend the person/s to the country where they came through, which is the transit country. The bottleneck starts after this stage of the migration journey of the individuals, namely the transit country.

Although relevant measurements are taken place in the signed Readmission agreements, there are some gaps regarding the process after the readmission of the persons by the transit country. Readmitted individuals might apply for being a refugee at the readmitted country, might prefer living illegally, may/cannot desire to return to the country of origin, as such. There are no clear indications and definitions for readmitted countries about actions that need to be taken in these kinds of scenarios. This study targets to search for a possible solution or suggestion to this point that might be contributive to the policies of readmission agreements including the role of transit countries and countries of origin.

1.2. RESEARCH QUESTIONS

This thesis will attempt to find responses to the following questions:

- The questions to be answered throughout the study can be listed as follows: What are the reasons that push people to migrate according to Migration Theories?
- What difficulties come from because the readmission agreements are being contracted bilaterally?
- Why is it important to involve the source countries as a party of the Readmission Agreements?
- What are the targets of the Migration Policy of Turkey?
- Are there any linkages between the migrations waves Turkey faced in its territory and the conflicts happened/happening in the its neighbour countries?
- What are provisions of the Readmission Agreement signed between Turkey and the EU?
- What are the effects of this agreements on the relations between Turkey and the EU?
- Is the current structure of the Readmission Agreements useful for both the State parties and the migrants?
- What kind of amendments are needed to improve the current versions of the Readmission Agreements?

1.3. RESEARCH AIMS

This study aims to explain the effects of Readmission Agreements on people who are readmitted, and to emphasize the importance of making Readmission Agreements with at least three actors, including the source countries, together with the transit and target country. While many readmission agreements are carried out bilaterally, this study deals with the idea that the signing of Readmission Agreements should be contracted with three at least three actors which might provide a concrete roadmap in terms of both the parties and the fate of the people who are readmitted.

1.4. SIGNIFICANCE AND THE PURPOSE OF THE RESEARCH

Readmission Agreements are being signed bilaterally or multilaterally which means that there are at least two parties to sign any kind of Readmission Agreement. This study states that Readmission Agreements are supposed to be signed with at least three parties including target country, transit country, and country of origin.

Migrants may apply for having a refugee status to a country and/or they might prefer following illegal ways to reach the target country. In case their refugee application is refused, and they are caught by the authorities in the land of the target country if they migrate illegally, those individuals are being readmitted by the transit country where the latest location before arriving in the target country. In this case, there is vagueness about the next step after those individuals are being readmitted by the transit country and there is no clear indication to clarify the role of transit countries in terms of responsibilities on the fate of the irregular illegal migrants.

This study suggests a new perspective that Readmission Agreements should be signed at least with three actors to bring more clarity on the role of the transit countries in terms of the readmitted persons and the fate of the individuals in case their refugee application is refused, or they illegally migrate to a country.

1.5. RESEARCH METHODOLOGY

The research study was carried out with the deductive method by using the 'secondary data review' methodology under qualitative research methods. Sources used for the study are related books with migration and readmission agreements, research reports of the migration institutions, articles of the field experts, statistics of the public institutions of Turkey, annual reports and activity reports of the international humanitarian organizations including the agencies of the United Nations, international Federation of Red Cross and Red Crescent Societies, and reports of the European Union.

After reviewing the relevant sources by keeping in mind the research questions, I focused on what the bottlenecks are and what can practically be a solution to them. Some key documents have placed some suggestions about involving the source countries to the readmission agreement processes as one of the parties. This idea inspired me to dive in it

and keep researching on this path by considering its possibility to implement and advantages in case of being involved source countries into the readmission process.

1.6. RESEARCH SCOPE

Scope of this study is to contribute to Turkey's Migration Management policies and regulations. As a case study, Turkey will be taken into consideration as a transit country. Findings and suggestions which will be reached out at the end of the study are expected to support to the visions of the Turkish authorities on the subject by bringing different perspectives. It is assumed that it will also play a supportive role in producing permanent solutions for emigrants to continue their lives within the framework of humane living principles. All these studies are expected to add an inclusive aspect to Turkey's national and international refugee policies.

1.7. LIMITATIONS OF THE THESIS

The role of the Readmission Agreements in migration studies is a new phenomenon with its complex and multi-dimensional dynamics that are different for each country and based on the conjuncture of the time period. These features of the selected research area make difficult to standardize the definition of the readmission agreement, and provisions and responsibilities of the parties.

Because of the reasons mentioned above, the idea of involving the countries of origin into the Readmission Agreement processes can be a generalized opinion by considering the conjunctures, dynamics, priorities, and interests of parties.

1.8. LITERATURE REVIEW

I benefitted from many sources while studying my topic. However, the ones indicated below are the ones that provided more contribution and support to explore my research topic. Apart from the ones specifically stated below, there were also other sources that feed my direction and help me to proceed on the true path.

Göç Sosyolojisi, Yusuf Adıgüzel (Oct 2016), GÖÇ TEORİLERİNİN KARŞILAŞTIRMALI ANALİZİ, İbrahim Ethem AKYILDIZ (Dec 2016)

These two studies have very detailed information regarding migration theories. Apart from the other sources helping me to understand the main points of the migration theories, these source have provided me with a more comprehensive understanding of each theory. Although they explain the migration theories detailly, they also have a very explanatory approach to indicated its dynamics including pushing and pulling factors of migrations.

On the other hand, the studies might have been better to express the correlation between the theories and today's migration flows. Nevertheless, it might be difficult to take base specific points to link with today's migration flows since there are many dynamics to take a decision for migrating. Although there is no specific statement about which theory mostly cover the conjuncture of today's migration flow, readers can easily understand each migration theory and form the linkages with the theories and today's migration flows.

Toolkit on International Migration, Department of Economic and Social Affairs Population Division Migration Section, June 2012

Apart from other sources regarding the definition of migration and its related terms, this study helped me a lot to cover the means of the basic terms of migration. The source explains the definition of migration by considering five main criteria and under short/long term categories. It also provides a clear explanation about the terms of migrants, emigrants, and immigrants which is one of the significant pieces of information given by the source.

Statistics of Presidency of Migration Management (PMM)

Publicly shared statistics by the Presidency of Migration Management are one of the key and significant sources of this study since it provides an easy access to the official up-to-date statistics about the number of immigrants in Turkey.

Detailed statistics of the Syrians can be easily reached on the website, but there is no the same opportunity for reaching the statistics of other nationals. While there is information regarding the number of applicants for having international protection by taking into consideration the data of the previous year, it cannot provide us with the most updated figures. In addition to that, there is no information regarding the number of immigrants under International Protections, but the number of applicants is.

The number of irregular immigrants has been sharing nationality-based by years and by months. However, visitors cannot be able to reach any information about actions taken by the Turkish Government as per the policies and regulations towards, and current status of the captured irregular migrants. On the other hand, it might be very useful for the researchers in this field to have information about where these irregular immigrants were captured and how many of them are being evaluated under the provisions of the Readmission Agreement signed between Turkey and the EU.

Manual on Readmission for Experts and Practitioners: Selected Foreign Readmissions and Return Practices

The study provides very clear definitions for the terms of readmission agreements. It has helped me to absorb the critical information about the readmission agreements (RA) including aims, evaluation of the RAs signed by the EU, types, provisions, advantages and disadvantages, rights and obligations of the contracting parties, as such. Since RAs are the new tool to combat the irregular illegal migration flows by countries, this source helps us to capture the terms and their meanings before diving into more detailed and comprehensive studies.

This study has suggested that the country of origin of the migrants are supposed to be included in the process for signing readmission agreements as well apart from target and transit countries. With this aspect, the study is on the same page with the aim of the thesis.

Avrupa Birliği'nin Geri Kabul Anlaşmaları: Türkiye İle AB Arasında İmzalanan Geri Kabul Anlaşması Çerçevesinde Hukuki Bir Değerlendirme, Kerem Batır, 2017

This study has been providing a different aspect about the type of readmission agreements (RA). It segregates the RAs under three generations which are the first, second, and the third ones by historical perspective and dynamics of that periods. This approach brings a clear picture to the researcher about the importance of the conjuncture of the periods and different root causes of each.

In addition to that, the study states the roles and responsibilities of Turkey towards its citizens and third country citizens under the signed RA with the EU.

A STEP BACKWARD FOR TURKEY?: THE READMISSION AGREEMENT AND THE HOPE OF VISA-FREE EUROPE, Seçil Paçacı Elitok

The author expresses her observations by criticizing the Readmission Agreement signed between Turkey and the EU which helps researchers to look at the disadvantages of the agreement on Turkey compared to the EU side. The study touches upon the promises given by the EU and bottlenecks till today. The main points she indicated are; barriers created by the EU for the visa liberalization for Turkish citizens, shifting the burden of the irregular illegal migration flows on Turkey rather than sharing the burdens, blaming the EU with nonequivalent behaviors towards Turkey which was not shown to the other candidate States to be able to be the member of the EU member and the perspective of the EU which desires to solve the immigration issue beyond its territory. Those are being reflected in the study as the main disadvantages of the RA signed between Turkey and the EU.

Although the study is very comprehensive in terms of criticizing the RA agreement with its disadvantages, it has not been providing suggestions to Turkey about what steps Turkey should take in a political way. This part would have given an inspiration to the researchers to create concrete suggestions by considering the disadvantages of the agreement.

CHAPTER II

Academic studies on migration theories will help to figure out the term of migration in a wider perspective and to combine it with the logic of border security of countries.

Migration has many components in itself to explain its causes, targets, and effects. Another point is that these components interlinked with each other. While the causes explain the reasons of migrating, targets refer the motivation of the individuals based on their own causes. Effects can be indicated as one of the outcomes of the migration process. Effects on individuals, effects on transit countries, and effects on the targeted countries can be named as some of the significant areas which need to be elaborated. Migration Theories will bring important analysis and help to capture the dynamics of migration in a more detailed angle.

On the other hand, Border Security is one of the responsibilities of the Governments towards their citizens to protect them against any threat which may come from out of their country. Providing border security is necessary due to many different reasons for each country based on the internal dynamics, geographical advantages, socio-economic opportunities, geographical borders, and as such. Theories for Border Security is another aspect to understand the reactions of the countries to deal with migration and keep its responsibility on providing security towards its citizens in case migration brings damages in their country. Ways of providing border security in terms of targeted countries or countries who have potential to be targeted will show the linkages between migration and border security.

2.THEORITICAL FRAMEWORK OF MIGRATION THEORIES

2.1. BRIEF HISTORY OF MIGRATION IN WORLDWIDE

The first major mass migration event in history is the Migration of Tribes who are considered to have laid the foundations of today's European states. In the middle of the 4th century, the Huns, who moved to the west to get rid of the domination of the Chinese state, settled in the north of the Black Sea and it is expressed as the invasion of the European Continent for years by the Germanic tribes migrating from here.

These mass migrations between different regions led to the formation of new countries and the establishment of empires/states in Europe. Intercontinental migration

events gained an overseas dimension with the discovery of the American continent. People migrated and settled in the land of America where is beyond the ocean with the hope of a new life from Europe.

Between the 15th and 18th centuries, European traders brought about 15 million people from North Africa to South America, the Caribbean Islands and Brazil to work as a slave. Thus, the Europe has guided the world's migration movements for three centuries. England, Spain, Portugal, the Netherlands, and France established colonies to provide new settlements for their developing populations while 55-60 million of Europeans migrated overseas between 1830 and 1930.

The United States has been the main target country for this wave of immigration, relative to Canada, Brazil, and Argentina. It was recorded that 8.2 million immigrants entered the United States between 1900-1909, and international migration reached its peak with total ~20 million immigrants between the period of 1892-1924. In 1830-860, the British, Irish and Germans made up the majority of those who immigrated to the America.

These international migration waves have significantly changed the demographic, ethnic and cultural structure of the world. Immigrants of the Europe led to the formation of new states in Canada, the United States of America, Australia, and New Zealand. In these new states, the natives were reduced to minority status. In the 19th century, millions of people were sent as contract workers from China and India to America and Europe. Followingly, two major world wars in the 20th century displaced millions of people. The 1920s and 1930s witnessed massive population exchanges and exiles.

European countries, which were trying to stand up again after the Second World War, started to accept labor migration from both underdeveloped and developing countries to meet their labor force needs. Germany accepted labors as a manpower from Greece, Spain, Portugal, and Turkey between the years of 1954 to 1970 while France met its labor force need from Morocco, Tunisia and Algeria. It is possible to evaluate this migration flows by relating with the desire of voluntarily migration.

As a result of Pakistan's secession from India in 1947, the largest immigration wave happened which the world has ever seen experienced, and the world witnessed that approximately 18 million Hindus and Muslims were moved.

With the construction of the Berlin wall between 1945 and 1961, about 3.7 million East Germans fled to the West. After the establishment of Israel, thousands of Jews immigrated to Israel in a short time, while hundreds of thousands of Palestinians sought asylum in neighboring countries. Due to the Romanian-Bulgarian border organized after the Second World War, Bulgarians migrated to Bulgaria and Romanians to Romania. Since 1979, many Afghans became refugee in Pakistan due to the USSR occupation. During the Iran-Iraq War and the Gulf Wars, hundreds of thousands of Iraqis left their countries and became refugees and asylum seekers in Turkey and Iran. Millions of people migrated to Iran, Iraq, Turkey, Kuwait, and Saudi Arabia due to the Gulf Crisis.

After the fall of the Berlin Wall and the collapse of the USSR in 1991, millions of people sought asylum. People from Ukraine and Caucasus countries targeted to migrate Russia since it has a much higher level of economic development, higher wages, and effective employment opportunities. Cultural and historical similarities between Russia and these countries may also explain reason of the large-scale migration to Russia.

On the other hand, large migration waves from Albania, Bulgaria, Romania and Serbia and partial migrations from Moldova and Ukraine returned to European Union countries, especially to Greece, Armenia, Georgia, and Moldova where had experience an increased outflow of labor. It is estimated that around one million people who are about 25% of Armenia's population had left the country since the early 1990s. This has led to an older population, gender imbalance, and loss of skilled labor. Georgia's population had also declined by around one million since gaining its independence.

Last but not least, the Arab Spring, the main migration event that marked the 2000s, has still being felt in Syria. Since the beginning of the Arab Spring in 2011, millions of Syrians have left their country of origin and either migrated to neighboring countries or have been internally displaced within Syria.

2.2.DEFINITION of MIGRATION

According to the International Organization for Migration (IOM), migration is a movement of individuals from their usual residence for temporarily or permanently to another place. (Toolkit, 2012) Duration and location of the arrived place will help us more to analyze the mean of migration. If an individual moves his/her usual residence for more than a year, it is

named as ‘long-term migration’, while it is called as a ‘short term migration’ in case the duration more than three months but less than a year.

International Federation of Red Cross and Red Crescent Societies (IFRC) defines migration as a process of moving either across to international border or within a State. (IFRC).

According to the European Union (EU), migration refers residing of individuals in another EU member State or another country for less than a year or expected to be so. (Akyildiz, 2016) However, United Nations (UN) defines migration as residing out of residence country more than a year which is accepted by many countries as the definition of migration.

After combining the definitions indicated above, migration is a movement of a person or group of people to another place voluntarily or by forced, due to economic, cultural, political, environmental, or sociological reasons, for a period of year, more than a year, or less than a year.

2.3.THEORIES OF MIGRATION

Basic approaches on Migration Theories consist of the decisions of individuals based on opportunities and limits. (Ozcan, 2015) It is not possible to have a unique migration definition since there are many different components of the terms of migration. Hypothesis are created based on the features of the targeted places in terms of distance, planned duration to reside, economic conditions, administrative status, family and social relations, and as such.

2.3.1. Traditional Migration Theories

Theorists of the Traditional Migration Theory are Samuel Stouffer, Thomas R. Malthus, William Farr, and Ernst Georg Ravenstein. While Farr claimed that there couldn't be a sharp law on migration, Ravenstein studied on this argument to prove the idea of Farr is wrong. (Ozcan, 2015) According to the theory, the primary reason under all migration theories to explain why people migrate is a desire to have a better life. (Akyildiz, 2016) Theorists state that there is a direct correlation between the distance and the decision of migration since people will desire to move places where opportunities are more and much better than their usual residence. Besides that, length of the distance, easiness of the transportation options, economic and social advantages have also key roles to take decision to migrate.

Arguments of Ravenstein were accepted as the owner of the first comprehensive study on migration and led to be emerged of different theories afterwards. He used the population data of the United Kingdom (England, Scotland, Ireland on that time) in 1871 and 1881 to analyze the migration movements within the State. According to the study conducted in 1871, it was indicated that developed roads, railways, industrial zones, travel habits, and increased knowledge of labors motive individuals to move even there has been a need for labor force at their usual residence. (Akyildiz, 2016) Ravenstein's main argument in his article, *The Laws of Migration-1885*, is that direction of the migration flow will always be though the more developed socio-economic places compared to the current one, and the length of the distance to these places will be a decision maker for individuals. He argues that people will migrate to developed places if the target place is close to the usual residence. According to him, economic advantages of the target places are the primary factor to motive people while the others are secondary. (Ozcan, 2015)

Stouffer approached to the migration theory with a technical aspect at his article in 1940, *Intervening Opportunities: A Theory Relating Mobility and Distance*, after Ravenstein. He advocated that the role of distance on migration decision should be studied detailly to have a more concrete explanation in terms of its role. Hypothesis of Stouffer is that there is a direct correlation between the number of migrants who will migrate to the same place and the opportunities in the target place/s while there is a reverse correlation between similar opportunities in the current place (close opportunity). Namely, if there are similar opportunities both in the usual residence and the target place, individuals tend to prefer the opportunities which are close to them due to distance factor. Another argument of him is that people have more information about the opportunities at the closest places compared to the far ones. (Ozcan, 2015) As a summary, employment opportunities have powerful effect on the decision of individuals while distance has an affirmative complementary role to take the last decision whether to migrate.

2.3.2. Economy-Based Migration Theories

Theorists of Economy-Based Migration Theories are Arthur Lewis, Larry Sjaastad Everett Lee, and John Harris & Micheal Todaro. (Akyildiz, 2016) Economy-Based approaches take basis the gaps in wages and regional differences. Effects of migration on economic development is the main research area of the Economy-Based Migration

Theories. The argument is that migration, from the places where labour supply is high to the places where labour supply is less, will bring positive contribution to economic development of the arrived region. Migrating will also provide decreasing the unemployment rate in the place where there is high labour supply. Besides that, individuals do micro level return-cost analysis before migrating. If return-cost after migration will cover the costs of migration, then individuals will prefer to migrate. (Akyildiz, 2016)

Arthur Lewis takes basis relations between the limitless labour supply and economic development at his article written in 1954, *Economic Development with Unlimited Supplies of Labour*. He analysed the economic development, by considering the capitalist and non-capitalist market, by handling the migration from places with high labour supply-low income to low labour supply-high wage places. Outcome of his argument is that people tend to migrate to the places with low labour supply to have more income and to be in the group of minorities in terms of labour supply.

Sjaastad indicated that the core reason of migration is the calculation of the return-cost in a rational way. He stated at his article in 1962, *The Costs and Returns of Human Migration*, people do not migrate if returns-cost of migration exceed the costs of migration. So that, current income and the possible potential income which will be achieved at the arrived place have a key role for the decision of the individuals.

On the other hand, Sjaastad divided the costs under two categories: monetary cost and non-monetary cost. While transportation, accommodation, and food consumption are considered as monetary costs during migration, leaving social environment including family members, relatives, and friends is accepted spiritual costs under non-monetary costs. He also divides the returns under two categories: Monetary and non-monetary returns. Monetary returns refer that the migration provides well earned income in the arrived place while non-monetary returns mean more developed living standards, political or religionist environment, better climate conditions, entertainment opportunities, more public services, and as such. (Akyildiz, 2016)

Everett Lee indicated at his article written in 1966, *A Theory of Migration*, that there are pulling-pushing factors which influence the decision of people. He pointed out that moving from one place to another is called as migration regardless of whether it is voluntarily or forced, temporary or permanent, internal, or international. Migration consists

of processes including in usual residence, at arrived place, and obstacles between two. Lee categorizes the factors affect individuals' decisions under four categories: factors related with the usual residence, related with target place, factors in between, and personal factors. (Adiguzel, 2016) These factors are analysed by considering either pulling or pushing factors' effects by Lee. According to this hypothesis, migration will be held in case pulling factors are more than pushing factors. While pulling factors can be exemplified with high economic development and income opportunities, better education opportunities, high level security services, easy access to labour market, pushing factors can be high unemployment rate, low level income, tough taxing system, socio-politic problems (vulnerability, discrimination, lack of freedom, etc.), and as such. While personal factors can be personal understanding, acting wisely, sensitisation, etc., obstacles between two locations can be sampled by long distance between current and arrival places, limited transportation opportunities, risky travels, etc. (Akyildiz, 2016)

With another different perspective, Lee advocates that young people tend to migrate more than others. He also stresses that all these factors are personal and related with the concepts which depends on individual by individual. (Ozcan, 2015)

Harris and Todaro studied at their article written in 1970, *Migration, Unemployment, and Development*, on what reasons motive individuals to migrate from rural to urban areas. In this theory, labour force return is compared at different sectors including manufacturing and agriculture to decide on migrating. Continuation of migration will go on if the income in urban area is higher than the agriculture sector in rural area. (Akyildiz, 2016)

2.3.3. Migration Theories with Historical Perspective

Theorists of historical perspective-oriented migration theory are William Petersen, Akin Mabogunje, Wilbur Zelinsky, Immanuel Wallerstein, and Micheal Piore. This theory advocates that the direction of the migration is from poor countries to developed due to outcome of the capitalist system. It is also argued that migration interacts with socio-political and colonial ties. This is the most evident difference between historical perspective and the other theories. (Akyildiz, 2016)

Petersen indicated at his article in 1958, *A General Typology of Migration*, that while some factors have pulling effects on some people, the same factors can have pushing effects on another group of people. With this approach, Petersen created a migration typology under four categories; primitive migration, forced and directed migration, free migration, and mass migration.

Primitive migration refers that people migrate because they cannot struggle with the difficulties come from natural events. The term 'primitive' doesn't mean that people in primitive age, rather it states the weakness of people to overcome with the difficulties of ecologic events, such as bad climate conditions, volcanic disasters, drought, etc., to take decision for migrating. (Akyildiz, 2016)

Forced and directed migration indicate that there is an influence or press of a government or equivalent power like governments on people to migrate. While individuals have a right to take decision whether to migrate or not, it is not a case in the situation of the forced migration. (Adiguzel, 2016)

Free migration refers those individuals consciously take decision to migrate which is not observed in the previous two migration types. Regardless of the conditions, decision of a person or a group of people is the only determinant factor for migrating. And mass migration is also including the decision of individuals whether to migrate or not regardless of being influenced or forced by internal/external factors. It refers that migration of many people happens at the same period of time to the same/different locations by their own decision. That is why mass migration is considered that it emerged as the result of free migration acts.

Mabongunje indicated at his article in 1970, *Systems Approach to A Theory of Rural-Urban Migration*, the role of environmental conditions on decision of migration. (Akyildiz, 2016) He created 'Migration System Theory' which indicates that there are linkages between countries where there is common history of migration. These linkages can be exemplified with interstate relations, mass cultural connections, family, and social ties, and as such. According to the Migration System Theory, migration happens to two or more countries based on their previous historical relations such as cultural, investment, political, trade, etc. (Akyildiz, 2016) This system doesn't consider about the role of distance, rather focus on economic-political relations/ties between states. Migration is analyzed within the

context which defines migration as interrelated, cyclic, complex structure, rather than a process which is affected by pulling-pushing factors or causation-correlation relations in usual residence and target place.

Zelinsky highlighted in his hypothesis, *Mobility Transition Hypothesis*, that migration is a natural outcome of modernization period as a part of social and economic changes in the society. He advocates that migration happens in five transition steps and is being affected differently at each step. First step refers the traditional transition society before modernization. Features of this phase are that there are high fertility and mortality rates, limited increase in number of populations, and rare migration. Second step indicates early transition society who has rapid decrease in mortality rate, increase in population growth, and increase in migration from rural to urban areas. Third step states late transition society who has a rapid decrease in fertility, decreasing the rate of international migration, and slowing down the internal migration. Fourth step refers developed society who has stabilized mortality and fertility rates, limited increase in population growth, important rate on migration from urban-to-urban, period to receive migrants from developing countries to developed ones. Finally, the fifth step indicates super developed societies in future whose fertility and mortality rates go with minimum level, continuation in urban-to-urban migration, and going on receiving migrants from developing countries. (Akyildiz, 2016)

Wallerstein advocates the reasons of migration as results of capitalist system in the world which includes interstate relations and colonial ties between States. His focus is through African countries and their struggles for being independent and the fact that the easiness comes from knowing French language which provides migrants to have direct contact with society of France. He believes that all migrations include reasons due to political and economic changes in the world which create a system that involves migration movements of individuals. He explains that central countries penetrate to neighboring countries where capitalist wires cause cheaper labor force, raw materials, lands, etc. This approach is basic of center-periphery theorem of Wallerstein. (Akyildiz, 2016) In the World System Analysis, it is indicated that there are migration flows between the center (capitalist countries and companies) and periphery (neighboring countries) since capitalist companies would prefer to enter developing countries for expanding their desire and capacities. While central countries have dependency on neighboring countries for raw materials and cheap

labor force, neighboring countries have a similar dependence towards central countries to complete their development and to increase their welfare. (Ozcan, 2015) This system creates correlation between capitalist system and migration flow.

Piore approaches to the reasons of migration with his theorem 'The Dual Labor Market Hypothesis' in 1979 by emphasizing the divided labor market as primary and secondary markets. While primary market refers relatively high salary, job guarantee, better working conditions, opportunity for promotion, equality in management, and fair administration process for all staff, secondary market includes very limited opportunities for promotion, worse/hard working conditions, injustice, corruption, personal contact with managers, and low salary. Piore adds that while primary sector recruits national individuals for skilled jobs, migrants generally be recruited for the secondary market jobs, which mean unskilled jobs. (Akyildiz, 2016) He stresses that migration movement is not just because the pushing factors in usual residence of individuals, moreover it is because of better opportunities/pulling factors and the need for foreign labor in the industrial countries. He also advocates that the demand-basis migration flow stems by four basic features of the economy; structural inflation, motivation problems, economic dualism, and demography of labor supply.

2.3.4. New Migration Theories

Theorist of the New Migration Theories are Julian Wolpert, Christophe Guilomoto and Frederic Sandron, Oded Stark and David Bloom, Douglas Massey. According to the New Migration Theory, people take decision to migrate because of having interaction with previously migrated people by evaluating the conditions in the target place which is critical all family members rather than just for a person. This theory works on legal and illegal migration movement of individuals which differs it from other theories. (Akyildiz, 2016)

Wolpert evaluates the decision of individuals to migrate in a behavioral aspect as indicated in his article '*Behavioral Aspects of Decision to Migrate*' written in 1965. According to him, individuals decide on migrating based on their expectations in the arrival place in terms of general status, environmental conditions, and opportunities for employment. There is a threshold for people to act after comparing the conditions between their usual residence and target place. Then, people decide on whether to migrate or not. (Ozcan, 2015)

Massey advocates the arguments of Migration Network Theory which emphasizes the ties of people who already migrated (immigrants) and desire/plan to migrate (emigrants) based on friendship, relative relations, or common national roots. (Ozcan, 2015) The theory improves the pull and push factors' approach in a way of evaluating the roles of network among the immigrants and emigrants. (Ivan Light, 1989) The migration network provides both advantages and disadvantages. General advantages of this network are to motivate and to encourage the potential migrants and helps them by sharing relevant information about the target place in terms of experience, arranging transportation, assist in housing, referring them to the true channels to reduce and minimize the risks and costs during the migration period. Also, social, and economic integration with local people will happen in a shorter period of time thanks to the migration network. (Akyildiz, 2016) On the other hand, disadvantage of the network migration is that emigrants are (most probably) going be isolated from the local people when they arrive in destination by network relations since they meet needs of each other without having contact with local individuals. (Çağlayan, 2006)

Theory also says that this network, in between, gets being institutionalized in time. (Ozcan, 2015) It is highlighted that the presence of network between emigrants and immigrants will increase in the tendency for migration if the network helps them during the process to find a job, for accommodation, and sharing information. It may cause difficulties for targeted countries to control the migration flow/s since the network might be out of Government's control. (Akyildiz, 2016)

Stark and Bloom indicates their approach at their article, 'The New Economics of Labor Migration', in 1985. It states that migration decision is taken as macro-level with the whole family rather than micro-level individually. They advocate that decision taken by all member of the household targets to minimize the risks during migration rather than to increase the income. (Akyildiz, 2016) The theory also emphasizes that families don't have to move altogether, sometimes some family members migrate and rest of them stay in the usual residence to minimize the income risks and to maximize the common income of the household. (Çağlayan, 2006)

Guilomoto and Sandron developed Institutional Theory in 2001 by taking consideration the role of institutionalized network relations among and between migrants. Developed

migration network decreases the risks and costs during the migration which encourages individuals to migrate. However, Governments also follow the trends of the migration flow and take measurements by laws to keep control the external irregular and illegal movements towards their country. (Akyildiz, 2016) There is an imbalance between the employers in destination and in country of origin. There might be some institutions to benefit from the imbalance between the two countries and focus on increasing their capital. While employment opportunities in industrialized countries are very attractive, limited visa opportunities cause difficulties to arrive in targeted countries in legally which provides opportunity to institutions to maximize their capital. This contradiction can be solved by two kinds of institutions: non-profit-based organizations and profit-based organizations. While nonprofit-based organizations provide consultancy for official processes to migrants, profit-based organizations assist them unofficially like preparing fake documents, fake marriages, and as such. (Akyildiz, 2016)

2.4.LINKAGES BETWEEN THE THEORIES AND THE IRREGULAR MIGRATION FLOWS TO TURKEY

Migration theories were elaborated in above part by considering the key points of each by categorizing them under four groups including Traditional Migration Theory, Economy-Based Migration Theory, Theories with Historical Perspective, and New Migration Theories.

Traditional Migration Theory indicates that people have intention to migrate based on the distance of the targeted location and the opportunities in the new place. In addition to that number of migrants in the same targeted location is also significant as per this theory since migrants would like to be among the minority population in the targeted place. In case the number of migrants is high in the targeted location, they will be in a position to compete with other migrants to divide the opportunities in the new location. On the other hand, economy-based Migration Theory says that people tend to migrate if labor supply is low in the targeted location and earnings will be more compared to the return-cost.

Theories with Historical Perspective states that there is a natural distribution of the opportunities from central countries to periphery locations. While central countries are always monetarily powerful compared to the periphery locations, labor force and raw materials are always with lower costs in the periphery locations. That is why this theory

supports the idea that migration flow from center to periphery due to lower costs, and the migration from periphery to the central countries for having better opportunities are inevitable by considering the colonial ties as well.

Petersen has a bit more detailed explanation regarding the types of the theories with historical perspective by considering the pulling and pushing factors to migrate. He indicates that there are four categories under this theory which are primitive migration, forced migration, free migration, and mass migration. While primitive migration refers the weakness of people to struggle with the ecological and natural disaster in/around their region, forced migration happens when people are influenced by press of their government or an equivalent power in their region. Free Migration states that this is the decision taken by the individuals as per their own free decisions while Mass Migration indicates the decision of the masses by their own decision. It can be said that Free Migration and Mass Migration are interlinked with each other.

Lastly, the argument of the New Migration Theory is that people are having contact with the migrants who migrate earlier than them in order to collect needed information about the region and conditions which they will face. After the evaluation of the conditions, people decide on migrating either by legally or illegally. This theory stresses that people give importance to know about the conditions before they take decision to migrate.

In terms of the linkages between the abovementioned theories and the irregular illegal migrations flows to Turkey and to the EU, it is difficult to base the reasons of today's migrants on one specific theory. As it was indicated before, readmission agreements are the new and complex phenomenon in migration study area. It can be said that people have been migrating by considering not only one specific point but also many other factors which are relevant with their family composition, private conditions, specific preferences.

CHAPTER III

3.1. MIGRATION POLICY OF TURKEY

The efforts to create a nation-state dominated in the early period of the Turkish Republic, immigration and asylum policies were primarily based on the settlement of immigrants with ‘Turkish ancestry and culture’ in Turkey. However, Turkey had been facing difficulties in regulating the new migration environment with the immigration policies designed in the early Republican period. In this context, adaptation to the old migration policies and practices by considering new conditions, regulation for the new migration environment with the security-based concerns and creating new migration policies which include the economic and demographic dimensions of international migration have been taken into consideration while creating the most convenient policies in this regard.

Migration policies, which developed with the effect of the European Union (EU) harmonization process and aimed at cooperation with international organizations, began to be effective in forming the new policy of Turkey. In this process, a perspective that focuses on asylums, refugee movements, and irregular migration have become dominated. In this context, The National Action Plan for Asylum and Migration enacted in November 2004 which is the product of these approaches.

Important points indicated below might be helpful to having more result and success-oriented policy implementations under Migration Policy of Turkey:

- I. Migration policies should go beyond the concern of establishing a nation-state and should adopt an understanding that includes today's global values and focuses on the human rights of immigrants.
- II. The policy should be created and implemented within the approach of sharing the burden of migration with other states, international organizations, and non-governmental actors.
- III. It should be taken into consideration that immigrants may come to Turkey for different reasons such as temporary, settlement-based migration, regular and irregular migration, labor migration, family reunification, for being a refugee or an asylum. That is why policies should include solutions and

methodologies for different conditions including entry to the target country, residence and work permits applications, rights to acquire citizenship, and other integration related implementations.

- IV. It is important to develop a stronger and more efficient understanding of cooperation between the Government, relevant international organizations, national and international non-governmental organizations.
- V. More work needs to be done to have social cohesion in the society, to reduce the increased xenophobia, to develop the culture of living together, to decrease the level of existing prejudices against immigrants, asylum seekers and foreigners coming to Turkey for different reasons from different locations.
- VI. Necessary studies should be continuing to ensure that incoming immigrants and asylum seekers will benefit with the human rights-based services in the context of international law and standards, especially in the areas of accommodation, work, health and education, and the integration of these immigrants and asylum seekers with the national society to establish the social cohesion.
- VII. It is also very significant to develop data collection and evaluation systems that will determine the number of migrants with their social and skills features. In addition to those efforts increase cooperation and coordination between institutions to operate on the subject for the data collection is also significant to take steps for the mentioned system.

3.2. MIGRATION MOVEMENTS TO TURKEY

Turkey faced limited number of asylums and refugees after WW2. 1951 Geneva Convention Relating to the Status of Refugees and the 1967 Protocol with the “geographical limitation” were signed by Turkey. Thus, it has become official that Turkey will not give the ‘refugee statuses for the one/s come from out of the European countries.

Turkey is a country where migrants and asylum seekers cross paths from many different countries who have different languages, nationalities, ethnicity, as such. In this context, Turkey is a country not only for migration but also a ‘transit country’ used by

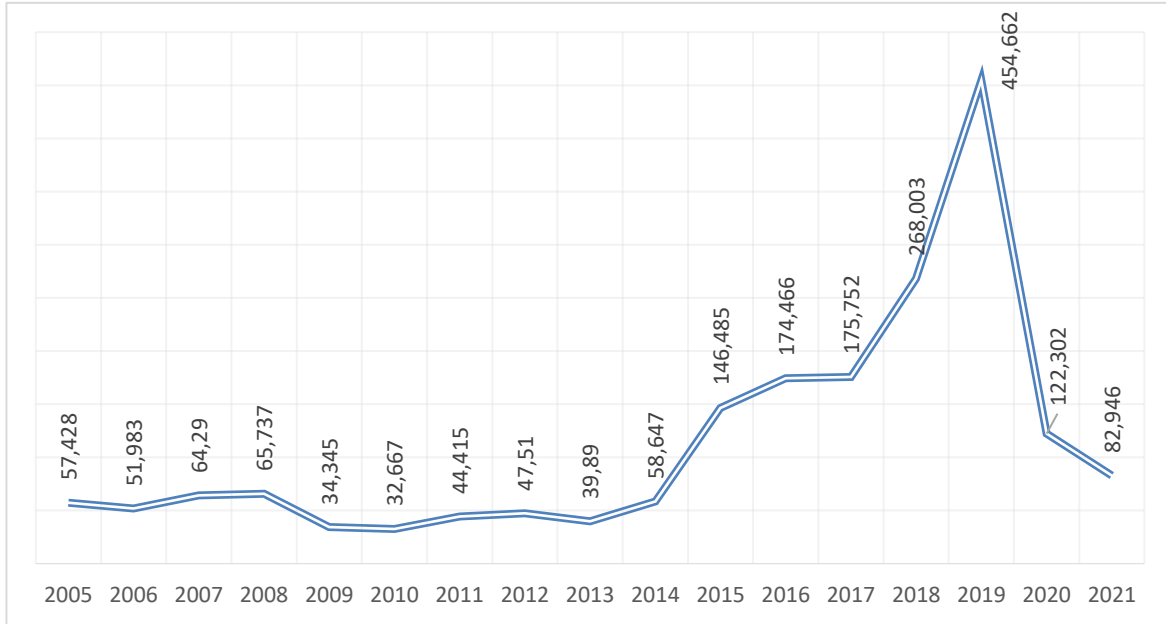
foreigners who want to go to target countries. Types of the migrations in Turkey can be categorized under three groups: i) Irregular Migration (migration for trade in luggage, labor force, transit migration), ii) Regular Migration (trade men, students, and retired individuals), iii) Migration of Refugees and Asylum Seekers.

Irregular Migration (migration for trade in luggage, labor force, transit migration): This migration movement started firstly with the Polish people who came to Istanbul to trade in luggage through the end of 1970s, and it followed the migration from USSR and eastern Europe countries. Apart from these countries, people from middle eastern and northern African countries also included to trade in luggage such as from Iran, Iraq, Tunisia, and Morocco. Due to the flexible travel conditions and the opportunities provided by the market economy, the luggage trade intensified in these years.

Since the mid-1990s, there had been a significant decrease in trade in luggage while an important increment was observed about those countries' citizens who were started working informally in sectors such as housework, entertainment, textile, agriculture, and construction. Recently, it has been observed that Moldova, Ukraine, Russia, Georgia, Armenia, and Romania are also the countries where irregular migrants come from for working informally. On the other hand, migrants from Asian and African countries such as Iran, Iraq, Afghanistan, Pakistan, Bangladesh, Nigeria, Somalia have been targeting to reach the Europe or more developed countries by crossing Turkey as a transit country. These immigrants often enter in Turkey illegally with the help of human smugglers and try to leave Turkey in similar illegal ways. It is difficult to find sufficient and reliable data to identify the volume and trends of irregular migration movements since they are using illegal ways for the entrance and to departure.

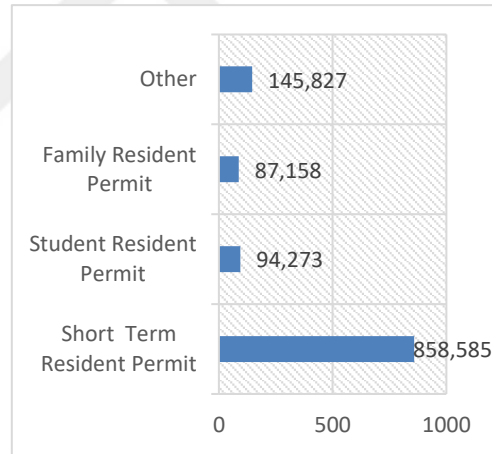
Number of people apprehended by the Turkish security authorities since they are irregular migrants within the territory of Turkey, fluctuations are seen in the data for irregular migrants in years. While the number of irregular migrants was 57.428 in 2005, it reached to top number in 2019 as 454.662. According to the General Directorate of Migration Management (DGMM) of Turkey, the number of apprehended people is 82.946 as of August of 2021. (DGMM, DÜZENSİZ GÖÇ, 2021) The numbers between 2005-2021 is shared below according to the data of DGMM.

Figure 3.1: Number of apprehended irregular migrants by years (DGMM, DÜZENSİZ GÖÇ, 2021)



Regular Migration (trade men, students, and retired individuals): This group of migrants have been residing in Turkey by resident permit and generally they are trade men, students, married individuals, and retired persons. The number of the migrants who have resident permit in Turkey is 1.185.843 as of August of 2021. (DGMM, İKAMET İZİNLERİ, 2021)

Figure 3.2: Resident Permit statistics in Turkey as of August 2021



Migration of Refugees and Asylum Seekers:

Turkey has been facing irregular migrants who are asylum seekers from mostly Middle Eastern countries and some Asian and African countries, specifically after the early 1980s. The first crowded migration movement after WW2 happened after the regime change in Iran in 1979. This was followed by the Iran-Iraq War in the years of 1980-1988, invasion of Kuwait by Iraq, the Gulf Wars, the Saddam regime's policies, and movements happened after the 2003 invasion of Iraq, Syrian Civil War since 2011, and the civil war in Afghanistan.

3.3. IMMIGRATION FLOWS TO TURKEY

3.3.1. Immigration Flow of Afghan People through Iran to Turkey

After the Soviet Union's invasion of Afghanistan in 1979, Afghan immigration to Iran has been continuing till today due to the insecurity caused by the civil war after the Soviet's withdrawal in 1989. Although there was a mass of people who return after the occupation, the next civil war between 1990-1995 happened in Afghanistan after a short time which caused new waves of migration. The fact that the Taliban emerged in 1994 and took almost all the control of the country in 1996 also triggered the migration.

Immigrants came through Iran illegally and entered in Turkey are not only Afghans, Iranians, and Pakistani, but also people from African countries. Unstable Government in Afghanistan and the worsening economic situation of Iran are the main factors behind the wave of immigration through Iran to Turkey. While some Afghan immigrants come through Iran to Turkey by escaping from the insecure environment in their residence place are looking for ways to go to European countries by crossing Turkey, some is trying to establish a new life in Turkey.

3.3.1.1. How to Struggle with The Irregular Migration Through Iran

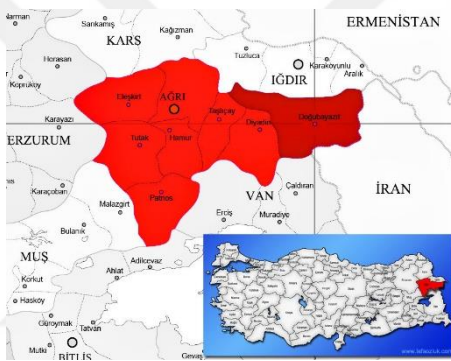
Conflicts and instability in the Middle Eastern countries require to establish new precautions and implementations for the countries that have to manage the irregular migration processes. Turkey is one of these countries and considered that it is necessary to build a firewall on its border with Iran. The main objectives of the firewall which have been constructing along the Iranian border is to combat with irregular migration, to prevent drug trade and human trafficking. The length of the border between Iran and Turkey is 560 kilometers which consists of 265 kilometers out of 560 kilometers.

Apart from the firewall along the Turkey-Iran border, having readmission agreements with the source and origin countries of irregular migrants might be effective to manage the border related issues. In this context, contracting readmission agreements with Iran and Afghanistan might provide a significant constructive result in terms of illegal crossing through the border. In this way, both

Afghan immigrants coming from Afghanistan, the ones transiting Iran, and Afghan immigrants who currently live in Iran but want to come to Turkey or transiting Turkey to reach the European countries will be prevented to a large extent. These agreements might be effective in preventing illegal-irregular for the illegal irregular migrants. This process might be a deterrent reason for the irregular immigration flows to Turkey.

Firewall Through Iğdir-Iran Border: The firewall was built along the Ağrı - Iran border and completed in 2017. It was determined that there was a significant decrease in the number of illegal crossings including illegal irregular immigration flows, terrorism, smuggling, and illegal crimes.

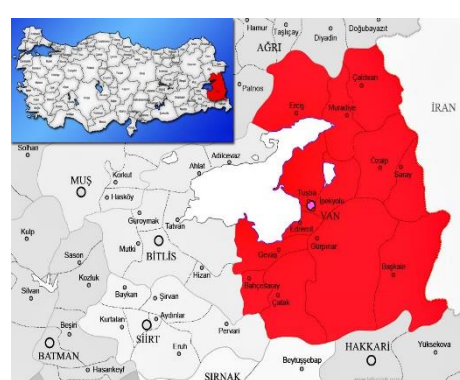
Map 2.1: Ağrı-Iran Border



The firewall along the Ağrı-Iran border includes a pedestrian and vehicle for emergencies on the 81-kilometers firewall, too. It has also equipped with watchtowers, lighting, cameras, razor wire on the wall, and bulletproof doors on the firewall. These measurements provide

easy and secure controlling alongside the border.

Map 2.2: Van-Iran Border



Security Wall Through Van-Iran

Border: The firewall along the Van-Iran border is expected to be completed by the end of 2021. This wall is also very significant like the firewall between Agri-Iran border for terrorism, irregular migrants, and the prevention of

smuggling. The firewall will be completed along the 64-kilometers including a razor wire and camera checking system on the wall. A ditch for 90 kilometers was also dug by the border troops.

3.3.2. Immigration Flow of Iraqis to Turkey

The environment of violence and instability started with the 1991 Gulf War in Iraq caused the migration of more than four million people to migrate any other country or to be displaced within the country. The most important stops of migration journey out of Iraq were neighboring countries including Syria, Iran, Jordan, Lebanon, and Turkey.

Evaluating the immigration of Iraqis, it will be useful for us to understand the processes before 2003, between 2003-2006, and after 2007. In the period before 2003, after the invasion of Kuwait by Iraq in 1991, 28 countries including the USA, England, France, Saudi Arabia, Syria, and Egypt declared war on Iraq. As a result of the pressure and violence by the national army against the rebels who were dissatisfied with the country's Government, many people migrated to the neighboring countries.

With the fall of Saddam Hussein's rule in 2003, the structure of Iraqis' immigration changed. A significant part of Iraqi migrants, until 2003, preferred to stay in the regions in Iraq where promised economic and political gains were promised to them even if they were skeptical in the first years of the occupation. For these reasons, 2003-2004 were the years when the general migration decreased and even the periodical returns had begun. After 2005, violence, turmoil, kidnapping, rape, and bombs dropped out in unknown destination became an integral part of everyday life since the security situation extremely deteriorated.

Despite these troubles in Iraq between the years of 2003-2006 and the continuing immigration, the asylum applications for Iraqis who fled the country were frozen. The reason for this was that Westerns countries thought that Iraq had become a 'country of peace and democracy'. However, living conditions in Iraq were getting worse and worse day by day and the fact that 'the refugee status was not recognized' did not mean that there was no immigration from Iraq. Most Iraqis in Turkey were on standby like in other neighboring countries of Iraq. In addition to the Western countries were closing the doors due to the fact that Turkey did not grant asylum to non-Europeans

and social services for asylum seekers were limited. These were other factors that increased the issues of Iraqis in this period. Most Iraqis immigrated to other countries after temporary staying in Turkey. The reason for this was that Turkey's geographical limitation clause in the 1951 Geneva Convention was still protected. This situation was (has been) an obstacle for Iraqis to gain refugee status in Turkey.

In the period after 2007, insecure and conflicted environment in Iraq which forced Iraqis to migrate was accepted by the international community as a result of the reports of UNHCR in 2006. As per the UNHCR's recommendation in the report published in 2006, people needed 'International Protection' who are in the locations where violent incidents happening especially in the southern and central regions of Iraq. And it was stressed that people who immigrated from these regions should not be turned away by the countries. It was also recommended that Iraqis should not be 'forcibly returned' until security and human rights conditions became improved in their country.

Following the UNHCR's decision, the American Government announced at the end of 2006 that there would be an annual quota of seven thousand people for Iraqi refugees. This situation led to an increase in Iraqi files and a new activity in international and national non-governmental organizations, especially UNHCR, in Turkey as well as all over the world. Most importantly, all the asylum application files which were frozen between 2003 and 2006 were accepted and achieved one hundred per cent acceptance rate for Iraqis as the first time.

Another point is that why Iraqis prefer coming to Turkey if there are many challenges for them. After the end of the Cold War, the political, economic, and social instabilities, Turkey's geographical location at the crossroads of Asia, the Middle East and Europe, and Europe's strict immigration and visa policies became effective to decide on migrating to Turkey. Besides that, Turkey has still been keeping implementing the clause about geographical limitation for migrants. Despite these factors, Iraqis kept coming to Turkey for

staying temporarily in case they might have International Protection, Resident Permit in Turkey or crossing to a third country.

According to the statistics of the DGMM as of the August 2021, Iraqi immigrants are in the first place among foreigners who have a residence permit in Turkey. They have been consisting of 142.545 holders out of total 1.185.843 resident permit holders nationwide in Turkey.

3.3.3. Immigration Flow of Syrians to Turkey

Arab Spring started in December of 2010 in Tunisia after Mohamed Bouazizi's self-immolation in Sidi Bouzid. While he was selling vegetables on his streetcar, security guards distrainted his car since it was not licensed. Later, Mr. Bouazizi burned himself and passed away in the following couple of days. After the event, protests started and were spread from Tunisia to other neighboring states. The society reacted due to the inequality, corruption, lack of services for public and limited job opportunities. Mohamed Bouazizi's story made the fire light in this regard.

In some countries, some leaders who were in power long-time were ousted because of the widespread protests such as Zine El Abidine Ben Ali in Tunisia and Hosni Mubarak in Egypt. In other influenced countries, like Syria, Yemen, and Libya, protests escalated into widespread violence between opposition groups and governments. Some devastating conflicts have even persisted.

The effects of the Arab Spring in Syria have been going on since 2011 and it directly and indirectly affects Turkey in terms of migration issues. The demonstrates transformed to conflict in Syria and civil society has started to migrate to be alive by migrating through the border countries or by moving within the country. Turkey is one of the countries who hosts the biggest number of Syrian migrants in its territory. While some of the migrants' target to stay in Turkey since it is close to their country of origin and have a chance to visit their country once in a while, some prefer to go to the Europe and rebuilt their life again. As the war has been prolonging, the expectation of ending the war

disappears from the mind of the people and they have tried to establish secure and permanent life wherever they had a chance to revive.

Map 3.3: Turkey-Syria Border



There are significant registered number of Syrians in Turkey while there are also irregular Syrian migrants.

According to the statistics of DGMM, there are 3.699.388 registered Syrians under Temporary Protection while there are also irregular Syrian migrants more than 11.000 as of August 2021.

CHAPTER IV

Theoretical framework of Readmission Agreements is going to take handle in this part by mainly considering the EU Readmission Agreements. They will methodologically be elaborated through ‘Who, What, When, Where, Why, and Who’ that can be indicated as 5W1H approach. This chapter will focus on the questions based on this approach:

- What is readmission agreement?
- Who sign it?
- Where and when do readmission agreements take place?
- Why do states sign it?
- How does the process act?

Apart from finding credible responses to these questions, advantages and disadvantageous of signing a readmission agreement and the number of EU’s readmission agreements will also be taken place in this section. This section will provide us historical background of readmission agreements in a comprehensive way.

INTRODUCTION

Combating with irregular migration has become an important dynamic for the affected countries by the migration flows. This also influences those countries while establishing policies by taking into consideration the dignified and credible approach. Relevant policies and implementations which are related with the process of returning, readmission, and reintegration may have a considerable power to discourage people to take risk about their life while doing irregular migration. International Law and standards have also key importance for a good migration management which is very critical for the States while considering to arranging and coordinating the irregular migration flow in their territory.

Readmission agreements are one of the key elements for the international organizations to deal with the issue of irregular migration between States and/or Unions. While actors have to obey the articles of the international law in terms of accepting the returns of their nationals, target States have a legitimate for irregular migrants and failed asylum seekers who do not (or

no longer) fulfill the requirements to remain in the territory of the State, and to secure the readmission of these migrants by their countries of origin. (IOM, p. 1)

Following sections will help us to have more idea about the mean of readmission agreements in terms of motivation of States, advantages/disadvantages during the process, and expectations of sides while being part a readmission agreement.

4.1. TERMINOLOGY OF READMISSION AGREEMENTS: 5W1H

4.1.1. What is Readmission Agreement?

Readmission agreements are the agreements which are signed between the States and/or Unions by bilaterally or multilaterally. It targets to provide standards for implementation on strategies, procedures, and rules to manage the process for returning the individuals who have not or no longer fit the criteria of residing the territory of the entry State or current State.

The EU has also definition for explaining the mean of Readmission Agreement. As per the European Commission: *'An agreement between the European Union (EU) and / or an EU Member State with a third country, on the basis of reciprocity, establishing rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence in the territories of the third country or one of the EU Member States, and to facilitate the transit of such persons in a spirit of cooperation.'* (Commission, European Commission Migration and Home Affairs, n.d.)

Another definition of Readmission Agreement says that it covers the mean of being transferred by the arrival state and being accepted by the demanded state of individuals who are the citizens of the demanded State, third country citizens, or stateless once they do illegal entrance, illegal residing, or illegal presence in the arrival State.

Another definition by Council of Europe indicates that Readmission Agreements are a kind of obligation for the States/ Unions who will readmit its citizens or third country citizens who arrive in the target state through its territory.

These four definitions indicate the main components of Readmission Agreements which are:

- Readmission can be addressed when a person has not fulfilled the legal procedures to keep staying in the territory of a state, to do entrance, or to residing in.
- The state has responsibility to readmit its own citizens or third country citizens who had used its territory to arrive the target country.
- Two or more States may have responsibilities to manage transferring of the relevant individual/s in case their presence is illegal.

4.1.2. Actors of Readmission Agreements

Readmission agreements are key tools of the irregular migration management which includes international cooperation/s with returning and reintegration approaches. Applying for the readmission agreement and implementing it in a holistic way are the necessity of the comprehensive aspects of the agreement parties. Those actors can be states and non-state organizations including international organizations or unions. Implementations of the agreement should be in line with the international and national laws, regulations, and standards.

To have fruitful results of implementing the readmission agreement, parties should have transparent, trustful, and constructive coordination and collaboration among themselves. This should be accepted as a requirement among the parties for having the maximum successful outcomes of the agreement. Cooperation on readmission is required by various entities at the national level and international level - between countries of origin, transit countries, and target country. (IOM, p. 2) It shows that country of origin should be part of the readmission agreement apart from the transit countries and target countries.

The 2016 New York Declaration for Refugees and Migrants (The New York Declaration) requests States to cooperate closely with each other to ensure safe, orderly, and regular migration, including return and readmission by taking into consideration the national legislation. (Nations, 2016, p. 8) The Declaration stresses the importance of collaboration and coordination between country of origin, transit countries, and target countries to manage the processes for identifying the migrants who have no legal presence in the target state and to assist in returning procedures to their country of origin or a safe

third country for those individuals. The way of the States whilst managing these processes should be in a manner of dignity, voluntary basis, and safely.

4.1.3. Where and When Do Readmission Agreements Take Place?

The history of readmission agreements is dated back to the 19th century, and agreements can be grouped in three periods within the scope of whom will be readmitted. The second World War (WW2) is like a milestone for the means of the agreements in this aspect.

It mentions in literatures that there are three generations which have different time frame and implementations regarding Readmission Agreements.

European States have started to conduct readmission agreements among themselves between the years of 1950s and 1960s which are called as 'First Generation Readmission Agreements'. BENELUX (Belgium, Netherlands, Luxemburg) Economic Union established in 1958 and had important effect on consideration of readmission agreements. The union conducted readmission agreements with France in 1964, Austria in 1965, and Germany in 1966. In these years, cross-checking in countries' border was still being conducted between the European countries, and only employees and individuals working in trade had freedom for traveling between these countries.

These three readmission agreements were being including both readmission of the nationals of countries and the citizens of third countries. The important point was that third country citizens had a legal presence in the demanded countries. Namely, individuals arriving in the other State through a transit country by illegally means that the territory of people's country of origin were not covered by these readmission agreements to have free transporting.

In the years of 1990s, European countries faced high migration flow from the East and Central European countries after the fall of the Berlin Wall in 1989. This became an important dynamic to had bilateral agreements between countries to manage the migration flows which were called as 'Second Generation Readmission Agreements'. This group of agreements were including the 'issues' of irregular migrants who were reaching to the European countries either from or through Eastern and Central European countries. There were readmission provisions about whom being readmitted in the second-generation

agreements. Those who are nationals of the countries, third country citizens, and stateless people were being readmitted under the second-generation readmission agreements.

On the other hand, there were two dynamics to motive the countries for implementing the agreement and benefiting the advantages of it as much as they can. The two important factors among the advantages of the second-generation readmission agreements signed between the Central and Eastern European countries are; to be exempted of visa applications and the attractiveness of the possibility for having EU membership. In addition to that, technical and financial supports to those countries were also important factors among the advantages of the agreements.

In the 2000s, the fact that the immigrants who came to the EU countries illegally and their readmission from the EU could not be managed effectively since the lack of cooperation between the parties. In these years, another issue emerged for the EU countries in terms of creating solutions for those who could not be sent directly to individual's country of origin. It was also determined that illegal migrants may lose their personal documents in the migration journey, and it was an important factor which causes complication for the direct return policies of the EU and Member States with the origin countries of the migrants. Difficulties in readmission processes for the individuals whose identities couldn't be determined, but whose travel route could be, the idea of having readmission agreements with the transit countries used by the illegal migrants was emerged.

Third generation readmission agreements have two important factors that make them different than the first and the second-generation readmission agreements. The first of these is that these agreements are signed directly by the EU, not by the Member States. Secondly, they cover not only the readmission of citizens but also the citizens of other states crossing through a transit country. Today's readmission agreements are being conducted under the terms and regulations of the third-generation readmission agreements.

4.1.4. Why Do States Sign It?

Although there were some limited readmission agreements before the WW2, the need of readmission agreements emerged especially after the WW2 due to displaced people

during and after the war. The reasons and the issue of whom will be readmitted changed based on the conjuncture of the periods in terms of how to conduct readmission agreements.

In the period between 1950s and 1960s, European States conducted readmission agreements among themselves to readmit their own citizens and third country citizens who were being displaced due to the WW2. When it comes to the years of 1990s, falling of the Berlin wall caused migration flows from Eastern and Central Europe to the Western side of the Europe. Apart from readmitting the nationals of the countries and third country citizens, stateless people were also included into the readmission processes. The years of 2000s had a different approach for the readmission agreements by focusing on the illegal migration flows and its effects on transit countries. Another point about this period was that migrants might lose their identity documents and it causes difficulties to identify their country of origin. That is why transit countries have also started to be included into the readmission process since 2000s.

States have been signing and conducting readmission agreements based on the conjuncture of the period, context of the migration, and type of the migrants including nationals, legal, stateless, and as such. Main aims of readmission agreements are:

- I. quick and efficient implementation for identifying and readmitting the person/s who have no or no longer available to stay in the territory of contracting States,
- II. agreed on provisions mutually by considering national laws, international laws and regulations,
- III. managing the readmission process within the coordination and reciprocity rule,
- IV. acting within the consideration of safe return of person/s,
- V. emphasizing the agreed points by parties and manage the processes of transfer, admission, and return of the person/s based on a legal framework.

As a summary, the aim of a readmission agreement is to facilitate the return of non-nationals who do not have legal grounds to stay in the territory of a State by addressing the procedures of return, and to formalize the effective return processes, and to prevent the occurrence of difficulties in this field. (Serhan Aktoprak, Natalia Oliynyk, Kirill Shevcenko, Vassiliy Yuzhanin, 2010, p. 14)

4.1.5. How Does the Process Act?

Readmission agreements have been implementing through some procedures. Council of Ministries at the European Union (EU) has given responsibility to the Commission to invite relevant States for establishing readmission agreement. In case the presence of bilateral agreements has already signed before between these countries and the EU countries, previously signed agreements will keep remaining. Then, the Commission with the given authority has the power to establish readmission agreements on behalf of the EU and to update the European Union assembly about the improvements. It has also been stated that the content of readmission agreements is largely determined as per the negotiation guidelines of the Council. These show the importance and key role of the Council of Ministries in the process of establishing readmission agreements between the EU and other countries.

Readmission agreements bring important responsibilities to the parties, especially for the countries who will readmit the migrants. In addition to that, some incentives have been given to motivate countries and alleviate their bulks and risks. These incentives are being given to support the development processes of the countries who will readmit the migrants by providing financial support, technical support, easiness for visa applications, visa freedom policy, and as such.

4.2. TYPES OF READMISSION AGREEMENTS WITH ADVANTAGES AND DISADVANTAGES

4.2.1. Types of Readmission Agreements

Readmission agreements are being established based on the conditions and whom will be readmitted. It brings possibility to divide the readmission agreements as bilateral and multilateral agreements based by considering this point of view. As it is indicated in the brief history part of the readmission agreements in the previous section, whom will be readmitted shows differences in time according to the conditions of the period and motivations of the migrants. While some of the readmission agreements concern only nationals of contracting states, others may take into consideration the citizens of other countries and stateless people, too. There are three kinds of readmission agreements by taking into consideration these points: bilateral, multilateral, and transfer-reception of people.

Bilateral readmission agreements are the ones which generally preferred by the parties and are being implemented according to the protocols signed with each other which includes all relevant details regarding the readmission process. These protocols usually define the scenarios for the readmitted persons, responsible agencies, the time limits for applying the provisions of the agreement, border-crossing points for the transfer of persons, the rules for arranging security escort, the payment of resulting costs, and the rules of transit through the territory of the Contracting Parties. (Serhan Aktoprak, Natalia Oliynyk, Kirill Shevchenko, Vassiliy Yuzhanin, 2010, p. 22)

Multilateral readmission agreements are not common as much as bilateral readmission agreements are. Main differences between them are; (i) multilateral readmission agreements are usually less detailed than bilateral ones, (ii) taking into account the complex nature of negotiation processes when numerous parties are involved. (Serhan Aktoprak, Natalia Oliynyk, Kirill Shevchenko, Vassiliy Yuzhanin, 2010, p. 22) While the details of the agreement are being indicated in the bilateral readmission agreements, same details are being stated in implementing protocols of the multilateral readmission agreements.

Agreements on transfer-reception of persons are very similar with the readmission agreements but there are some different points. This type of agreements are generally being signed among border countries to manage the process according to the status of the person/s whether they are no longer available for residing in the territory of the country. One difference between the agreements on transfer-reception of persons and readmission agreements is the time limits for the transfer. A foreign national who crossed the border of the requesting State without authorization can be transferred within 48 hours to the requested State without any preliminary application or formalities (known as a 'form-less transfer') (Serhan Aktoprak, Natalia Oliynyk, Kirill Shevchenko, Vassiliy Yuzhanin, 2010, p. 22) If it is not possible to conduct the transfer of the person/s within 48 hours, formal application should be done by requesting State to requested State within the 90 days and this time limit may differ according to the conditions. This time limit is another difference between readmission agreements and the agreements for transfer-reception of persons which can be longer or limitless time for the readmission processes.

4.2.2. Advantages and Disadvantages of Each

4.2.2.1. Advantages

In a general approach, readmission agreements bring responsibilities to the parties of the agreement in terms of which procedures and regulations will be implemented during the readmission process of person/s. Apart from that, the agreements require to conduct and complete the process as soon as possible. It prevents time losing in a maximum level while implementing the processes and defining time limits, delays, relevant process, boreoarctic rules, and responsibilities of parties for applying the agreement.

Bilateral agreements have two actors, and it brings easiness for being faster to implementing the relevant processes.

On the other hand, multilateral readmission agreements have an opportunity to discuss and negotiate the important points to have a common approach for the procedures and any other points. In case of facing with crossing the demands of sides, negotiations provide practical and easy channels to minimize the disagreements between the sides. Rules and regulations consist with more unified approaches compared to the bilateral readmission agreements.

4.2.2.2. Disadvantages

Readmission agreements have disadvantages in terms of possible and potential difficulties for transit countries, identifying the person who will be readmitted, position of country of origin about accepting, and effectiveness of new version readmission agreements.

Transit countries should have readmission agreements with the countries of origin of the readmitted persons to be arranged well for the return. (Serhan Aktoprak, Natalia Oliynyk, Kirill Shevcenko, Vassiliy Yuzhanin, 2010, p. 23) It means that transit countries may face issue/s about implementing the procedures with the persons' county of origin. This point shows the importance of official agreement between sides in terms of the status of readmitted person/s about whether the person is going to be readmitted. Official agreements have a strong role to identify the responsibilities of each side and follow the rules to implement the necessary processes.

The terms of readmission agreements may differ based on the conditions of the situation which brings necessity for having readmission agreement. That is why new provisions can be inserted into the current agreement. These newly introduced provisions in the readmission agreements can be less efficient than previously set practices between the parties. (Serhan Aktoprak, Natalia Oliynyk, Kirill Shevchenko, Vassiliy Yuzhanin, 2010, p. 23)

Disadvantages of bilateral agreements may be related with the position of the contracting parties while having discussions for the implementation part with the other side. One side may find itself in a position which has less powerful for the discussions about settling the agreement. It might be less faced in multilateral agreements since there are more than two contracting countries in the process.

Multilateral readmission agreements also have some disadvantages regarding negotiation processes, different conjuncture of the countries, cross-cutting needs of parties under the same agreement and sharing the resources. The number of contracting countries will be more than two which may cause a need for longer time to be agreed on interests of each party. This case may bring necessity to settle the readmission agreement based on terms, conditions, and status of each side. So that, it might cause different implementation modalities for each contracting side. One another disadvantage of multilateral readmission agreements is that some sides may not desire to be part of the agreement, but that side might be in a position which force him to share the resources by being part of the relevant discussions about readmission processes.

4.3. READMISSION AGREEMENTS OF THE EUROPEAN UNION

Readmission agreements are the part of efficient and comprehensive policy of countries for coping with the issues of irregular illegal migration. International protection and legal migration are the key elements of trustworthiness of the policies.

The EU has principles on the regulations and rules which will provide clear, transparent, and fair implementations for the person/s who have no or no longer availability to stay in the EU territory. It is also part of respecting human rights and fundamental freedom rights of individuals.

The EU has ‘Return Directive’ which is shifted into national law by all EU countries except Ireland, Switzerland, Norway, Iceland, and Liechtenstein. (Commission, Return and Readmission, Retrieved on: 08.08.2021) Return Directive of the EU takes into consideration: fair and transparent implementations during the readmission processes, providing either irregular migrant status or giving legal status to person/s, granting voluntary returning, providing their basic needs such as health care and education, ensuring not extreme coercive measurements, entry ban for the returned person/s, limitation for using detention with proportionality and providing minimum safeguards.

The EU has been cooperating with the non-EU countries by readmission agreements to manage the irregular migration issue in its territory. These agreements bring responsibilities and provisions to both parties while implementing the readmission processes. All the EU Readmission Agreements are into force under the same scope: *‘to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of contracting country or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation’*. (Commission, Return and Readmission, Retrieved on: 08.08.2021)

The EU has signed 18 readmission agreements with non-EU countries so far and the details will take place in the below table.

Table 3.1.: The EU Readmission Agreements

	Contracting Country	Date into Force	Person/s readmitted by the country	Person/s readmitted by the EU
1	Hong Kong	1-Mar-04	Permanent residence and former permanent residence, persons of another jurisdiction.	Own and former own nationals, persons of another jurisdiction.
2	Macao	1-Jun-06	Permanent residence and former permanent residence, persons of another jurisdiction.	Own and former own nationals, persons of another jurisdiction.
3	Sri Lanka	1-May-05	Own nationals, third country citizens and stateless person/s.	Own nationals, third country citizens and stateless person/s.
4	Albania	1-May-06	Own nationals, third country citizens and stateless person/s.	Own nationals, third country citizens and stateless person/s.

5	Russia	1-Jun-07	Russian nationals, third country citizens and stateless person/s.	Nationals of member states, third country citizens and stateless person/s.
6	Ukraine	1-Jan-08	Own nationals, third country citizens and stateless person/s.	Nationals of member states, third country citizens and stateless person/s.
7	North Macedonia	1-Jan-08	Own nationals, third country citizens and stateless person/s.	Own nationals, third country citizens and stateless person/s.
8	Bosnia Herzegovania	1-Jan-08	Own nationals, third country citizens and stateless person/s.	Own nationals, third country citizens and stateless person/s.
9	Montenegro	1-Jan-08	Own nationals, third country citizens and stateless person/s.	Own nationals, third country citizens and stateless person/s.
10	Serbia	1-Jan-08	Own nationals, third country citizens and stateless person/s.	Own nationals, third country citizens and stateless person/s.
11	Moldova	1-Jan-08	Own nationals, third country citizens and stateless person/s.	Own nationals, third country citizens and stateless person/s.
12	Pakistan	1-Dec-10	Own nationals, third country citizens and stateless person/s.	Own nationals, third country citizens and stateless person/s.
13	Georgia	1-Mar-11	Own nationals, third country citizens and stateless person/s.	Own nationals, third country citizens and stateless person/s.
14	Armenia	1-Jan-14	Own nationals, third country citizens and stateless person/s.	Own nationals, third country citizens and stateless person/s.
15	Azerbaijan	1-Sep-14	Own nationals, third country citizens and stateless person/s.	Own nationals, third country citizens and stateless person/s.
16	Turkey	1-Oct-14	Own nationals, third country citizens and stateless person/s.	Own nationals, third country citizens and stateless person/s.
17	Caper Verde	1-Dec-14	Own nationals, third country citizens and stateless person/s.	Own nationals, third country citizens and stateless person/s.
18	Belarus	1-Jul-20	Own nationals, third country citizens and stateless person/s.	Own nationals, third country citizens and stateless person/s.

CHAPTER V

In this chapter of the study, Readmission Agreement signed between Turkey and The EU will be elaborated in many aspects and influences of the agreement on the Turkish society. While the main target of the part is to touch upon effects of the Readmission Agreement to Turkey, technical details of the agreement will also be stated. (Ahmet İcduygu, 2009) In addition to that, domestic issues in the European countries in terms of economy and increased xenophobia will also be elaborated under the relevant topic. Besides these, Readmission Protocol signed between Turkey and Greece will also be indicated in terms of its role for struggling with the irregular illegal migration flows.

Effects of migration on transit countries will be handled in a generic way and be detailed by examining Turkey while other effects of migration will also be raised. Many immigration flows have reached to the EU from Middle Eastern, Asian, and African countries by transiting Turkey. Following these points, roles, targets, and importance of Readmission Agreements conducted by the European Union will also be handled.

INTRODUCTION

EU countries have become a target since there are better life conditions, job opportunities based on the migration policies of the EU states, and expectation for a better future. After increasing number of illegal migrants, the EU has started to implement policies to identify well educated migrants to accept its territory with limited the quota. Those implementations made harder to arrive in the EU by legal ways. In time, people found some illegal ways to reach the EU and the union couldn't control its border about illegal migration. This caused a concern in the EU states in terms of domestic security and each state reviewed its domestic security policies as per. Besides that, the EU states work in coordination among themselves to control the security within the EU territory.

At this point, the EU signed readmission agreements (RA) with some countries to protect its territory more. While the RAs provide more security to the targeted states, it causes less security to the transit and/or the third countries. This study will help to understand how the RAs

affect the transit countries and why the transit countries sign this agreement even if it brings disadvantages.

5.1. ROOT CAUSES OF THE EU'S ATTEMPTS to COMBAT WITH IRREGULAR ILLEGAL MIGRATION FLOWS

With the intense migration wave that emerged due to conflicts and wars in various geographies since the 1950s, the European Union has been hosting many foreigners within its borders. Along with the increase in migration movements, economic reasons, and the rise of the extreme right approached have also created different effects on political and social layers. Political, economic, and social changes in this process caused the Western countries to perceive immigration as a threat, and measures were taken against immigrants and refugees. The hostility of these citizens, who feel economically insecure, against immigrants is mainly due to the idea that immigrants and minority groups threaten their national culture, social security, society, and lifestyle. Although it was decided to share the immigrants coming to the EU among the EU countries to overcome the issue, some member countries did not implement this.

Events taken place in the 2000s caused the EU countries to focus on the security of the union and the satisfaction of their citizens. The substantial level increase in immigration, which was seen in the European Union countries at a substantial level, started to be seen as the cause of the serious problems experienced by the European Union after the deepening and enlargement. The continuation of the environment of conflict and insecurity caused by the Arab Spring accelerated the migration flows to the EU. The decline in the level of economic welfare brought about by the 2008 economic crisis, the concern for the future caused by unemployment, the terrorist attacks in EU capitals such as Madrid, London, Paris, and Brussels have brought increase in the fear, hostility, and acts of violence among EU citizens against foreigners and immigrants. Those events created breaking points in the EU countries. After the events of September 11, xenophobia has almost the same meaning as the attitude towards Muslims. Plus, extreme far-right ideas were almost normalized with the rising in xenophobe due to the negative effects of the economic crisis on vital welfare, racist and populist policies in the politics of European states.

These effects necessitate that international migration, the rise of the extreme right, and xenophobia should be addressed not only sociologically, but also as public security and national security, and the issue extends to European security due to the expanding security approach.

Turkey is geographically in a very critical and significant position to control the immigration flows to the EU. That is why the points indicated above supported the idea for the EU to deal with Turkey for finding solution to the immigration crises. On the other hand, Turkey approached to the idea for signing a readmission agreement with the EU within the logic of sharing the burdens of immigration flows with the EU. Though the initial approaches of both sides were around to protect their own country and citizens, Turkey as a transit country faced much more difficulties compared to the EU did.

5.2. READMISSION AGREEMENTS OF TURKEY

5.2.1. Readmission Agreement Between Turkey and the EU

EU shows priorities to combat with illegal arrivals to its territory and arranges needed coordination and collaboration with the source or/and transit countries to manage the processes. At that point, Turkey has a critical position for the EU to manage the illegal and irregular migration flows due to its geographical location and to having borders with the EU member states, and Eastern-Asian and the Middle Eastern countries. That's why Turkey and policies which will be conducted together with Turkey have crucial importance for controlling the current/possible/potential illegal migration flows because of the Arab Spring and other conflicts such as in Iraq, Afghanistan, Pakistan, and Iran.

Within the context of managing irregular illegal migration, Turkey, and The European Union (EU) have signed readmission agreement on 16th of December 2013 (Union, Delegation of the European Union for Turkey, 2021) and entered into force on 1 October 2014.

Visa liberalization with a roadmap for Turkish citizens and to combat with irregular illegal migration flows by the readmission agreement are the main arguments between Turkey and the EU. These two points, which are fundamentally different from each other in the visa exemption and readmission agreement discussions, were handled together by Turkey and the EU, and both sides stipulated one for the other. While Turkey wanted visa

liberalization in return for the readmission agreement, the EU made the readmission agreement a condition to grant visa liberalization to Turkish citizens.

Implementations regarding the irregular illegal migration flows according to the Readmission will be conducted through reciprocity rule between two sides for the ones who are nationals of the contracting sides, third country citizens, and stateless person/s to identify the irregular illegal migrants and to standardize the conditions, principles, and procedures for the persons who will be readmitting or transiting. The roadmap for the visa liberalization indicates some improvements and maintenances for migration management, document security, fundamental rights, readmission of irregular migrants, public order and public security. In addition to that, covering the cost of irregular illegal migrants will be shared between Turkey and the EU. While the EU is responsible for the costs during readmitting the persons to Turkey, the costs after arriving in Turkey till the repatriation of the persons will be under the responsibility of Turkey, which will be covered by the European Return Fund provided to the third countries to manage the returning procedures of persons. (Elitok, Dec 2015)

On the other hand, Turkey has added postscript about the withdrawal right from the agreement in case the EU does not fulfill the necessities under its responsibility for Turkey about visa liberalization processes till the April of 2018. Unfortunately, Turkey had suspended the agreement on July 2019 since the visa liberalization process for Turkey had not been completed by the EU as indicated in the readmission agreement. Details of this process will be elaborated detailly under the specific title in this chapter.

According to the Readmission Agreement, both sides have provision and responsibilities regarding whom will be readmitted, and details of implementations based on these obligations will be elaborated in the following part.

5.2.1.1. Readmission Obligations of Turkey for its Nationals

Turkey has obligation to readmit its own national/s in the EU if they have no or no longer fulfilling the criteria for legal residing in country. The readmission obligation includes a procedural and substantive element. In procedural terms, while the requesting state should apply to Turkey for the readmission of the relevant person/s as the requested State, there is no need to apply for any other

processes which are different and not taken place in the readmission agreement. In terms of substantive terms, a person who is no longer meet the conditions to reside, stay, or enter into the territory of the requesting Member State must be proven that s/he is a Turkish citizen.

5.2.1.2. Readmission Obligations of the EU for its Nationals

Member States of the European Union has the same obligations under the readmission agreement signed between Turkey and the European Union. As it is indicated in the obligations of Turkey, the member States of the union have also procedural and substantive element in its obligations. In procedural terms, Turkey as the requesting State should apply for the relevant EU member State and there is no any need for additional process which are different and not taken place in the readmission agreement. In substantive term, a person who is no longer meet the conditions to reside, stay, or enter into the territory of the Turkey as requesting State must be proven that s/he is citizen of a Member State of the European Union.

5.2.1.3. Readmission Obligations of Turkey for Third Country Citizens or Stateless Person/s

Turkey has obligation to readmit third country citizens and stateless person/s in the EU if they have no or no longer fulfilling the criteria for legal residing in country. The readmission obligation includes a procedural and substantive element. In procedural terms, while the requesting state should immediately apply to Turkey for the readmission of the relevant person/s as the requested State, there is no need to apply for any other processes which are different and not taken place in the readmission agreement. In terms of substantive terms, a person who is no longer meet the conditions to reside, stay, or enter the territory of the requesting Member State must be proven that s/he is a citizen of a third country or stateless person/s.

Apart from these terms, there are three conditions which readmission does arise and does not arise.

The conditions which readmission arises in case the relevant person:

- must enter one of the Member State and has a valid visa issued by Turkey as readmission is requested by the member state,
- may have a resident permit in Turkey,
- may enter to the Member state directly and illegally after residing in Turkey or transiting from Turkey.

The conditions which readmission does not arises in case the relevant person:

- passed to the relevant Member State through one of the International Airport of Turkey by connected flight,
- has a right to enter the Member state without visa,
- has a visa to enter the territory of that Member State or a residence permit before or after entry into its country, and this person does not hold a visa or residence permit with a longer validity period issued by Turkey.

5.2.1.4. Readmission Obligations of the EU for Third Country Citizens or Stateless Person/s

The EU has obligation to readmit third country citizens and stateless person/s in Turkey if they have no or no longer fulfilling the criteria for legal residing in the country. The readmission obligation includes a procedural and substantive element. In procedural terms, while Turkey as the requesting state should immediately apply to the relevant Member State for the readmission of the relevant person/s as, and there is no need to apply for any other processes which are different and not taken place in the readmission agreement. In terms of substantive terms, a person who is no longer meet the conditions to reside, stay, or enter into the territory of Turkey must be proven that s/he is a citizen of a third country or stateless person/s.

Apart from these terms, there are three conditions which readmission does arise and does not arise.

The conditions which readmission arises in case the relevant person:

- must directly enter to Turkey through the relevant Member state and has a valid visa issued by the relevant Member State as readmission is requested by Turkey,
- may have a resident permit in any of the Member State,
- may enter to Turkey directly and illegally after residing in the Member State or transiting from.

The conditions which readmission does not arises in case the relevant person:

- passed to Turkey through one of the International Airport of the relevant Member State by connected flight,
- has a right to enter Turkey without visa,
- has a visa to enter the territory of Turkey or a residence permit before or after entry into the country, and this person does not hold a visa or residence permit with a longer validity period issued by the EU.

5.2.2. Readmission Protocol between Turkey and Greece

On 8 November 2001, “Readmission Protocol” was signed between Turkey and Greece within the scope of Article 8 of the agreement on Combating Terrorism, Organized Crime, Illicit Drug Smuggling, and Illegal Migration. The agreement covers the readmission of third country citizens and nationals of both Turkey and Grece. The agreement entered into force after being published in the Official Gazette on 24 April 2002 and started to be implemented.

The readmission process according to the protocol; After being captured of the illegal immigrant who passed through one of the parties, the focal point of the relevant institution will be notified to the focal point institution of the other party within 15 days at the latest. 75 days are allowed to determine whether the reported illegal immigrant has come from the country that is a party to the agreement. At the end of this period, the readmission process of illegal immigrants who are determined while passing through the party country is going to be carried out at the relevant border gate.

5.3. EFFECTS OF READMISSION AGREEMENTS ON TRANSIT COUNTRIES AND TURKEY

5.3.1. Effects on Transit Counties in a General Perspective

Managing the process for the irregular migrants of third country citizens or stateless persons by readmission agreements provides easiness for the contracting States. The main reason is that target State becomes able to collaborate with transit country for being readmitted the relevant person/s rather than with the origin country of the migrants. Since there are limited provisions based on international law for the third country citizens and stateless person/s, this point is undoubtedly the most controversial and the hardest thing to deal with, and the most complex aspect of readmission agreements.

Even though there is legal (de jure) reciprocity with respect to the readmission obligation in terms of responsibilities and provisions of the contracting sides, it actually (de facto) is being implemented with an unequal relationship. That is why, readmission agreements are providing more advantages to destination countries to combat with irregular migration issue compared with transit countries.

As per the advantages and disadvantages of readmission agreements detailed in the previous section, it has key important for transit countries to having readmission agreement with country of origin of the irregular migrants. (Serhan Aktoprak, Natalia Oliynyk, Kirill Shevchenko, Vassiliy Yuzhanin, 2010)

The 2016 New York declaration also stresses the importance of coordination among the countries of origin, countries of transit and countries of destination to ensure safely, orderly, and dignified manner return for the irregular person/s. (Nations, 2016, p. 2) The declaration is also emphasizing the need of developing global principles for the each step of the readmission agreement process. Both suggestions reflect the intention of managing the process in terms of not only considering the concerns of the countries but also person/s face direct effects of the whole process in migration.

5.3.2. Effects on Turkey

After WW1 and WW2, the labor population of the EU decreased, and the union used to accept legal migrants from all over the world to meet the labor force gap in the

market. However, different conflicts in different locations in the world have triggered the irregular immigrations through safer countries due to the desire to move from the dangerous places especially by such as Taliban issue in Afghanistan since 1979, Gulf Wars in 1991 and 2003, and Syrian Civil War since 2011.

Countries have no border with the EU and its neighboring countries generally are being used as a transit country by the migrants to reach the target countries in the EU. Turkey has been facing many irregular migrants from the Middle Eastern, Asian, and African countries with the aim of arriving in the EU by using informal ways. The expectation to have better and safer living conditions in the EU countries is the key consideration of increased number of migrants through the EU by transiting Turkey.

When the advantages and disadvantages of the readmission agreements are considered, target states are generally in the lucrative side of the agreement since it is guaranteed that irregular migrants will be readmitted by either the transit country or the country of origin as per the provisions of the readmission agreement.

Responsibilities and provisions of the readmission agreements generally serve to the target countries. While the EU has already been protecting its society by its domestic policies, the level of protection has been increasing thanks to readmission agreements in the EU as a target location.

In addition to that, another expectation from readmission agreements is to keep away potential threats for security and social life from the territory of country/union. By this logic, the EU as the target location has many advantages for its territory in terms of protecting its nationals from potential risks and threats which is also the case for the agreement signed between the EU and Turkey.

Turkey as a transit country has potential to face difficulties with country of origin or transit country of the migrants while coordinating and managing the readmission processes of the third country citizens or stateless person/s. On the other hand, those migrants may not be readmitted by their country of origin, or by a third country which might be the case that they may stick in the transit country, like Turkey.

Another reality regarding the irregular migrants in Turkey is about the clause indicated in 1951 Vienna Convention by Turkey regarding the geographical limitation.

Migrants who come from out of the Europe's Schengen Visa zone are not being provided 'refugee status' in Turkey. In this concept, migrants from the United Kingdom, Ireland, and Denmark (Elitok, Dec 2015) are also not being accepted as a refugee in case they apply for a refugee status in Turkey. As a parallel to this, the asylum seekers whose refugee demands are rejected are expected to return to their own countries. However, generally they do not prefer following this step and keep staying in Turkey. While some of them work informally in some sectors, some try to go to a third country by trying illegal ways. This causes irregular migration and asylum movements to be intertwined.

There are some possibilities for Turkey as a transit country to take the majority of the burdens compared to the EU. The more Turkey readmits foreigners, the more its burden in some areas like administrative, financial, legal, and technical will keep increasing. In response to this issue, the EU provides financial and technical support, and working on improvement for more effective trade relations with Turkey. (Yavuz, 2017, p. 71) However, it is significant and necessity for transit countries like Turkey to have readmission agreements with the origin countries of the irregular migrants to manage the readmission processes well and to provide healthy, safe, a decent returning journey to the individuals.

5.4. SUSPENSION THE READMISSION AGREEMENTS OF TURKEY

Turkey has been two agreements to struggle with the irregular illegal migration flows. Those are the Readmission Agreement between Turkey and the EU signed in 2013, and Readmission Protocol between Turkey and Greece signed in 2001. These agreements have key importance in terms of combating with irregular illegal migration flow.

Readmission Protocol signed between Turkey and Greece in 2001 suspended by Turkey in July 2018 according to the verbal declaration of the Minister of Foreign Affairs. This decision was taken based on some political factors including military coup attempt by FETÖ in Turkey, activities of terrorist organizations, different commentaries of freedom of thought by the powerful role of the media, as such. Among these factors, the most critical one was about the members of FETÖ in Greece who attempted to conduct military coup in Turkey. The extradition of the FETÖ members were demanded from Greece by Turkish

authorities to make them be trialed by Turkish court. However, Greek authorities refused this demand since Greece stated that those people supposed to be trialed by Greek courts. After this decision of Greece, Turkey decided to suspend the Readmission Protocol with Greece in July 2018. Although there is no official notification between Turkish and Greek Authorities, there is lack of information about the validation of the protocol.

Readmission Agreement signed between Turkey and the EU in 2013 was also indicated verbally by the Turkish Minister of Foreign Affairs that the agreement was suspended in July 2019. This decision was also taken by taking into considering some other political issues including suspension the candidacy process of Turkey, drilling operations of Turkey in Mediterranean Sea and notice of the EU for the possible sanctions about the drilling, reluctance of the EU to take steps for the visa liberalization of Turkish citizens, delaying on sending the funds to Turkey under the EU FRiT projects, and as such. (ÜNALP ÇEPEL, 2020) Likewise, the Readmission Protocol signed between Turkey and Greece, there is no official notification about the suspension of the Readmission Agreement signed between Turkey and the EU to both authorities regarding the suspension of the agreement.

CHAPTER VI

CONCLUSION

Readmission Agreements are signed between target countries, country of origin, and/or transit countries used by the migrants. It means that the agreement is being signed bilaterally or multilaterally. Turkey has signed bilaterally readmission agreement with the EU which bring advantages to the target location while bring disadvantages country of origin or transit. This study targets to bring new approaches to the Readmission Agreements including the one signed between Turkey and the EU.

Today's 18 readmission agreements of the EU have signed bilaterally and individuals whose applications were rejected have found a way to stay in the countries illegally in case they do not prefer going back to their country of origin for some reasons. While this causes danger in living conditions of the migrants, hosting the irregular migrants under these conditions also become an obstacle for the relevant countries.

After researching for the study, there is a gap in the current methodology of the readmission agreements regarding the status of the readmitted individuals and the ones whose refugee applications were rejected. There is no statement about the fate of those migrants in case they are not readmitted by neither their country of origin nor a third country. Also, national laws of the countries and international agreements which indicate the provisions of the sides may also cause to stick the immigrants in the country where they apply for being a refugee or an asylum for some reasons. This situation brings difficulties to both the migrants with no clear way to follow and the country who readmitted the migrants. To eliminate this ambiguity, the new approach can be to take into consideration to sign the Readmission Agreements at least with three actors including target country, transit country, and country of origin. While these are important to make the actors be aware of the provisions and responsibilities come from the agreement, it will also be significant to create possible scenarios and manage the process by considering the future of those migrants and safe returning processes in a decent way.

In addition to that, it might be useful and protective approach for Turkey to having readmission agreements with its neighboring countries for minimizing the migrations flows

from border countries and taking into consideration to sit on the table for the next readmission agreement with at least three actors including Turkey, target country, and country of origin.

These findings are expected to contribute to the Migration Policy of Turkey with the countries and international actors for the future readmission agreements or/and any migration related discussions which will directly influence Turkey.

During the history, people have migrated from somewhere to other locations due to some different reasons. As it was indicated in the part for pulling and pushing factors which motivate the individuals, these points are very significant to decide on moving and daring the possible risk and obstacles during the migration journey. Although migration is a part of the life, it becomes political, social and security related issue for the countries which are directly or indirectly affected by the illegal migration. Thus, countries evolve their policies, rules, and regulations by considering irregular migrations toward their territories. While these precautions provide protection to the countries, it may cause a risky migration process for the migrants who put their life in danger. If countries have readmission agreement/s with both transit and origin countries used by the migrants, it may be distractive for individuals to migrate illegally. That is another supportive argument that readmission agreements should be signed at least by three actors including target country, transit country, and country of origin.

As a conclusion, apart from national laws and international migration policies, bilateral/multilateral agreements with the provisions should also be taken into consideration in terms of not only effects and risks into their territories and nationalities, but also possible and potential risk and threats which individuals might face during the migration journey. It should not be forgotten that security and migration of all parties and migrants are the two different sides of the same coin.

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