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AVRASYA İNCELEMELERİ MERKEZİ
CENTER FOR EURASIAN STUDIES

TURKEY-EU PARTNERSHIP IN LIGHT OF IMMIGRATION POLICY - 02.08.2021

Irmak Tamgaç

Uep Rapor No: 2
02.08.2021

Irmak Tamgaç

Traineeship Program Participant

Introduction

Throughout history, the foreign policies of states have been a natural response to the international and regional environment in terms of acts of significant powers, security impulses, and opportunities regarding its national interest. Furthermore, not only states are subject to this external environment but also non-state actors, namely international organizations and non-governmental organizations, are affected by these dynamics in world politics. In other words, the policies of the governments and also non-state actors have been shaped by external dynamics dramatically. In recent years, one of the fundamental dynamics that have a crucial influence on the policies of players of international relations is that international migration. Despite the fact that there is no conquered definition of international migration under international law, it can be defined as the movement of people across international borders.[1] In light of this definition, the association between international migration and policy-making can be clarified with the fact that since states and other actors of world politics cannot be unresponsive to this new external dynamic which has been reinforced with globalization, they have to design policies in the context of migration. Hence, international migration has become one of the subjects of foreign policy choices of states and non-state actors. Under this context, one

example can be the Syrian migration flow after the Syrian Civil War in 2011. Due to the fact that Syrian asylum-seekers were searching for asylum in divergent regions to escape the civil war, states and non-state actors were obliged to design new policies for humanitarian and security reasons for these asylum seekers. Under this insight, the Turkish government and European Union cooperated to adopt new policies to deal with massive Syrian migration flows between 2015 to 2016 and they legalized their projects under the framework of the 2015 Joint Action Plan and the 2016 EU-Turkey Deal. This cooperation between two actors was not only crucial in terms of the deal with Syrian migration flows but also it played an integral role in the context of European Union-Turkey relation by bringing a new dimension to this deadlocked relation. Furthermore, this partnership can be demonstrated the idea of how international cooperation can be achieved between actors as liberal theory puts emphasis. In light of these, questions that what is the root of this cooperation, how this partnership occurs as a positive-sum game that both actors gains, and how this partnership regarding migration lead to open a new chapter in Turkey- European Union relations arise inevitably. Hence, in order to respond to these questions, two actors' perspectives and the framework of this cooperation should be analyzed from various angles. In the organization of this paper, initially, previous immigration policies of Turkey and the European Union are examined separately. Secondly, the 2015 Joint Plan and the 2016 EU-Turkey Deal are analyzed from the perspectives of the European Union and Turkey by highlighting the importance of these policies for both sides. In the last part of this paper, what are the fundamental elements of this new relation between Turkey and the European Union that emerged under this cooperation are evaluated.

Turkey Migration Policy Between 2011-2015

Initially, in order to analyze the root of European Union-Turkey cooperation in the context of the Syrian migration flow, the Turkish government's previous open-door policy should be examined. After an outbreak of the Syrian civil war in 2011, the Turkish government adopted an "open-door policy" towards Syrian refugees with an announcement that "people approaching Turkey's borders from the conflict in Syria would be allowed to cross the border and be admitted to Turkey, as opposed to being intercepted or halted"[2] Since all rules and regulations are bound by state sovereignty under international law, Turkey was able to open its borders with its sovereign power. Furthermore, this decision was also a natural consequence of the 1951 Refugee Convention.[3] However, the new Turkish law on asylum declared that the asylum route for Syrians is not open.[4] Therefore, As starting from October 2011, Turkey granted them temporary protection status as referring to the European Union (Council) Directive on Temporary Protection of 2001 and after the adoption of its Regulation on Temporary Protection in 2014."[5] Under this status, they seized the opportunity to stay within the borders of Turkey.[6] As a result of these conditions, data of UNHCR demonstrated that Turkey hosted nearly 1.9 million refugees in 2015 under this policy.

When underlying reasons for the government's open-door policy are evaluated, humanitarian foreign policy can be the first view that should be examined. Due to the fact that the Turkish government's discourses regarding its open-door policy were based on religious and moral values, the idea that Turkey acts as a humanitarşan actor that driven by humanitarian foreign policy toward Syrian asylum-seekers was reinforced. According to this view, it can be claimed that Turkey pursued a more liberal perspective by focusing on social and humanitarian issues in their agenda rather than being solely security-driven as realists distinguished as high versus low politics.[7] In conclusion, according to this view the open-door policy was a result of Turkey's enhancement of moralist, religious and humanitarian discourses which is in line with liberal theory.

On the other hand, the driven forces of the migration policy of Turkey can also be associated with the broader motivations of the state. Initially, the government's willingness to regional supremacy vision can be associated with an open door policy owing to various reasons. Despite the fact that Turkey adopted active foreign policy primarily since the emergence of the bipolar world order, its tendency toward regional supremacy manifested itself in recent years clearly. To illustrate this, Ahmet Davutoğlu, who was the Minister of the Foreign Affairs in the initial steps of the open-door policy, emphasized the principles of Turkey's foreign policy as a constructive and stability provider in the region.[8] In light of this, becoming a facilitator in solving regional problems were seen as essential steps at this time for Turkey to become a regional leader that might also be able to play a global role.[9] In other words, intervening regional problems as the policy of the government became highly related with the willingness to be a regional leadership role. Thus, it can be assumed that Turkey's migration policy is an instrument to reinforce its identity as the mediator of crisis and regional leader in the Middle East. Aras, Şahin, and Mencutek summarized in their study by claiming "In international platforms, the cost of Syrian refugee flow was addressed to prove how Turkey is as a strong growing power and how it is a model country in the Middle East." [10] Hence, according to this view, Turkey accepted these Syrian asylum-seekers in order to enhance its position in the region as a great power in the Middle East. In conclusion, in the initial phase, Turkey's open-door policy was instrumentalized to serve Turkey's foreign policy aim of regional supremacy in the long term.[11]

As a result of this agenda of the Turkish government, the open-door policy was adopted as the migration policy of Turkey. Despite the fact that discourses of the government claimed that they pursue this policy in the long-term, driven forces and shape of the commitment has changed through years. The fundamental reason behind this change can be associated with the fact that as Turkey was willing to reinforce its position as an economically and politically influential country in the region via open-door policy, it rejected any international assistance for sharing the burden.[12] Yet, massive mixed flows

began to exceed Turkeys capacity to accommodate these people starting from 2014. As a result of this, Turkey was not able to promote its open-door policy toward the Syrian people despite its ongoing willingness to show its power as a regional leader and mediator. In conclusion, the underlying reason why Turkey's this migration policy cannot be sustainable in the long term can be clarified with the fact that "Turkey's foreign policy objective which is to be an emerging regional and global power shaped its response to the refugee flow without securitization, economization, and internationalization."[13] In light of these circumstances, how Turkey's migration policy turned the cooperation with the European Union in line with their joint interest will be analyzed in later parts of the paper.

European Unions Migration Policy

In order to have insight regarding the European Union's perspective to partnership with Turkey in the context of the Syrian refugee crisis, the EU's general approach to immigration should be examined with various perspectives. Primarily, European Union's unique place in world politics should be highlighted. The pluralist approach to actors in international relations can be evaluated as one of the key assumptions of the liberalist view. According to this perspective, not only states but also non-state actors play a crucial role in promoting peace, interdependence, and integration in world politics. European Union has a unique place among these nonstate actors because of being a successful example of how regional integration can be achieved.

European Union is not only an intergovernmental organization but it has a more complicated framework due to having a vast collection of treaties, customs, political arrangements, Instituts and laws. Hence, it has a unique administration system in a hierarchical legal system. To illustrate this, whereas European Council functions as a body that gives direction by setting targets and issues, European Commission served as the executive branch of the union. Furthermore, European Parliament is also one of the significant components of the decision-making process in terms of ensuring check&balance and transparency. In this particular administrative and legal settlement of the EU, one of the critical subjects that member states concern about is that international migration. When European Union is design policy regarding immigration in this co-decision procedure, the union's interest is based on controllable and determinable migration with the aim of internal peace, security, and cohesion.[14] In light of this, the European Union's asylum and migration policies initiated as non-binding resolutions and evolved as the following legal framework.

> The process of abolishing internal borders engendered policies aimed at controlling migration, incorporated in the Schengen Agreements of 1985 and 1999. The Amsterdam Treaty Europeanised migration and asylum policies, rendering them a matter of EU policies and actions. In the field of asylum, the recently revised directives on minimum standards on procedures in member states for granting and withdrawing refugee status (2005/85/EC and 2013a/32/EU), on standards for the

qualification of third-country nationals or stateless persons as beneficiaries of international protection (2004/83/EC and 2011/95/EU), and on laying down minimum standards for the reception of asylum seekers (2003/9/EC and 2013b/33/ EU), as well as the Dublin II and III regulations (EC 343/2003 and EU 604/2013c) reforming the previous Dublin Convention (1990), created common asylum policies and standards across member states.[15]

Under this legal framework, even though European Union advocated its immigration policy to solidarity and compliance between member states based on a commitment to human rights, security, and freedom; there can be a differentiation between member states in terms of their attitudes and policies toward migrants. To illustrate this, whereas countries that have colonial pasts like UK, Frane, and Spain have a tendency to liberal policies regarding immigration, other member states are not willing to open their borders. [16] Hence, despite its high level of integration, there is challenging to define a single immigration policy or attitude for all member states.

Yet, there are some parallel determinants between states that have an impact on the perspective of international migration such as rising xenophobia and seeing immigrants as a threat to European identity. These trends among member states lead to a more close immigration policy and securitization of the borders. Thus, European Union's immigration policies' driven became "preventing the risks and threats posed by migration from entering the territory of the European Union."[17] To illustrate this, the Union manifested its purpose by various mechanisms namely FRONTEX which was constructed in 2004 to protect borders from irregular migrant entries.[18] Nevertheless, this securitization of the EU borders becomes a dilemma between the norms of the EU and its practices from various angles. On the one hand, European Union manifests liberal norms and values namely human rights and cooperation which required states to protect refugees. On the other hand, member states are willing to construct frameworks against massive migration flows in order to promote the internal security of European societies.[19] In light of these, the new mentality of the European Union regarding immigration has become surveillance protection of migrants while deferring their entry into the European Union's borders. Hence, negotiations and cooperation with countries that are outside of the borders but politically engaged with the union become reasonable options to achieve both internal security and refugee protection. Cooperation with Turkey as a partner of the refugee crisis between 2015-2016 can be demonstrated as an implementation of this mentality under the legal framework to address migration flows.

European Union- Turkey Partnership From Perspective of Turkey

Immigration policies of receiving countries can be evaluated as a dynamic process since it requires adopting policy changes as a response to changing circumstances.[20] In the

case of Turkey, this dynamic process regarding immigration policy can be observed due to changing variables that have an influence on the foreign policies of the government. Hence, in order to have an insight into how Turkeys foreign policy strategy became cooperation with European Union in this issue, variables that affected the governments decision should be examined gradually. Primarily, as mentioned before, Turkey was willing to deal with migration flows in a unilateral manner as the open-door policy demonstrated. The first reason for this approach is the Turkish government's belief that the conflict in Syria will be temporary. [21] Yet, the reality was different from the prediction of Turkey and the conflict was not concluded. This ineffective anticipation led to complexity for the Turkish government with a lack of capacity to develop long-term infrastructure. The primary problem was the high level of the financial burden for Turkey. To illustrate this, the numbers demonstrated that "Ankara has calculated that it has spent over eight billion dollars on the placement of a maximum of 15 percent of the refugees in 25 camps (the remainder lives outside of these), on their registration, emergency medical treatment and on the partial education of the children to date." [22] Because the massive flows into Turkey were continuing, the financial burden was rising inevitably. Therefore, despite the fact that Turkey was willing to proceed unilateral agenda in the initial stages of the conflict, increasing the financial burden exceeds Turkey's capacity to promote the unilateral solution. Hence, the Turkish government's discourses become an appeal for burden-sharing to the West. For instance, Binali Yıldırım who was the Prime Minister made an argument that "Appreciation (Turkey's efforts in helping the refugees) is a nice thing, but insufficient. They (western states) should become a partner in these responsibilities." [23] Furthermore, while the government was seeking international burden-sharing especially from Western states, the domestic impact of the issue began to manifest itself. During this period, there were growing nationalist and anti-immigrant tendencies among Turkish citizens.[24] Özerim summarized the situation that Turkey had to encounter by "The huge financial responsibility that Turkey has undertaken by welcoming Syrians brought domestic political criticism." [25] In light of these, the government had to address the issue by finding new immigration and foreign policy to share the financial burden and also respond to domestic pressure.

In October 2015, German Chancellor Angela Merkel visited Turkey to proposed an Action Plan. According to this plan, "it was proposed to offer Turkey billion financial support (Facility for Refugees) to provide services for refugees in Turkey, to initiate the process regarding the blocked chapters of the accession negotiations between the EU and Turkey, and to put the EU visa liberalization into practice for Turkish citizens."[26] While this initiative brought bilateral talks between Turkey and the EU in the context of their common interests, European Union-Turkey Deal in March 2016 ensured the legal framework of this cooperation. The conditions of this deal was that

"This proposed the return of all irregular migrants on Greek islands who had arrived via Turkey after 20 March 2016, and the resettlement of one Syrian in the EU for every Syrian returned to Turkey from the Greek islands.46 In exchange, the EU promised to follow the conditional visa liberalization roadmap to lift visa requirements for Turkish citizens by the end of June 2016, and increase its refugee facility aid from €3 billion to €6 billion.[27]

In light of these incentives, according to the perspective of Turkey, Turkey can exercise material and normative gain with this deal and cooperation with the EU. Initially, visa liberation was a crucial incentive due to the possibility that "Visa-free travel to Schengen area for Turkish citizens could have been regarded as an important political achievement" that "could have created a nation-wide public support."[28] Hence, domestic pressure regarding refugees and asylum seekers can be addressed with visa liberalization while fulfilling one of the foreign policy goals that has been on the agenda of the government for a significant amount of time. Furthermore, Turkey regarded this as an opportunity to develop a new relationship with the EU and visa liberalization can be the initial step for this.[29] Secondly, the financial assistance that European Union prepared to provide was essential for managing the financial burden that the open-door policy created. In conclusion, with this deal and cooperation, Turkey seized an opportunity to not only addressing issues regarding immigrants but also it can transform the situation into a foreign policy issue indirectly for its benefit. [30]

European Union- Turkey Partnership From Perspective of European Union

Due to the fact that the European Union-Turkey partnership was a positive-sum game that both parties gained, this cooperative relation should be examined with European Union's perspective in terms of their interests and concerns. Primarily, it should be highlighted that the fundamental driven force of the Unions act and interest can be highly associated with the collective security concept of a liberal framework. Under this Euro-centric view, their base is preserving stability and the status quo. Since migration is evaluated as "a phenomenon posing threats to the internal security of European societies" [31]and stability within the Union, controlling the EU's external borders from immigration flows become a high priority within the European agenda.[32] This priority played an essential role in shaping the EU-Turkey partnership in the context of immigration.

Initially, from European Unions perspective, the issue began with Syrian irregular migrants who aimed at crossing the land and sea borders of Turkey to reach the EU territories.[33] The members of the Union, in general, were not willing to accept these crosses due to concerns regarding the threat of terrorism, financial crisis, increasing unemployment, and social inequality associated with refugees. While these massive movements led to concerns of insecurity and instability within the European Union, Turkey was criticized for

not being able to manage sea and land borders against irregular entries. [34] In light of these circumstances, European Unions policy was attempts to manage migration through cooperation with migration sending or transit countries.[35] Under this policy, Angela Merkel put emphasized the importance of cooperation with Turkey as a transit country into external European borders through the Eastern Meditterian route.[36] Thus, as mentioned before, the EU-Turkey Joint Action Plan was formed in October 2015 with the aim of controlling irregular migration flows and it was intensified with the EU-Turkey Deal in March 2016. The fundamental driven forces of the European Union can be clarified as "controlling EU borders effectively while keeping EU solidarity, helping the Greek overburdened asylum system, and maintaining security within the EU against serious threats.[37] According to this insight, the provisions of arrangements were based on All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 [would] be returned to Turkey and for every Syrian being returned to Turkey from Greek islands, another Syrian [would] be resettled from Turkey to the EU.[38] In other words, it can be asserted that Turkey serves as a buffer zone against irregular flows for the European Union's interest in controlling external borders. In return, as mentioned, the Union offered EU financial aid, visa liberalization, and re-energized accession talks.[39] Under these provisions, the European Union utilized its soft power capabilities to provide the incentive to Turkey by using economic statecraft with financial assistance and normative power capabilities with accession and visa liberalization process. In light of these, it can be examined that the European Union was successful in protecting its image as a liberal entity with its commitments to cooperation and interdependence while securitizing its external borders against the threat of irregular flows.

On the other hand, even though the European Union was able to utilize its interest, the accession process which was one of the crucial provisions in the Statement became a drawback for the EU. The European Union conditionality is an instrument that the Union transforms behavior and institutions of candidate countries by various mechanisms like giving aid or political pressure. However, the partnership between the EU and Turkey with the 2016 March Deal led to that conditionality does not affect Turkey the same way. The underlying reason behind this claim is that although the European Parliament suspended accession negotiations with Turkey in 2016 due to democratic backsliding, human rights abuses, and declining rule of law; this deal made a provision about opening accession talks with Turkey despite lack of advancement on these issues of EU conditionality. Hence, this situation was evaluated as a breach of the European Union's principles and criticized as ": The EUs offer to reinvigorate Turkeys accession process ☀ has voided the political criteria for membership of meaning.[40] Nevertheless, as mentioned before, since the European Union prioritized securitizing the external border of the EU on their agenda, they preferred to emphasize functionality that came from cooperation with Turkey. To illustrate this, Jean-Claude Juncker evaluated this issue as.

We can say that EU and the European institutions have outstanding issues with

> Turkey on human rights, press freedoms, and so on. We can harp on about that but where is that going to take us in our discussions with Turkey? ☀ We want to ensure that no more refugees come from Turkey into the European Union.[41]

Hence, despite criticisms regarding the accession process of Turkey, the European Union demonstrated that they were motivated by controlling migration flows. In conclusion, it can be analyzed that from the European Unions perspective, the partnership with Turkey was a good agreement that served their interest.

The New Dimension Of European Union-Turkey Relation In The Light Of Immigration Policy

In this part of the paper, how this partnership in the context of immigration led to a new dimension in the relationship between European Union and Turkey is examined from various angles. Initially, the deadlock nature of the EU-Turkey relation should be highlighted. As mentioned before, even though the relation between the two parties began in the 1950s and intensified following decades, there was a dramatşc decline in the 2010s. The underlying reason behind this can be summarized as

> For Ankara, the lack of a credible EU commitment to its membership along with the presence of politically questionable conditions reducing the legitimacy of the official Copenhagen criteria1 has reinforced perceptions of discriminatory treatment by the Union and tarnished belief in the EU's sincerity concerning accession. For the EU, Turkey's problematic democratic performance within the context of its much-needed compliance with the Copenhagen membership criteria has combined with potential difficulties associated with absorbing it (economically as well as politically and culturally) to feed reservations about Turkish accession[42]

Despite the fact that these issues might still be valid for both parties, the common agenda of immigration became a linkage between Turkey and European Union for cooperation. As highlighted, the European Union's willingness to control its external borders with the assistance of transit country and incentives that provided to Turkey enabled a partnership in a strategic-interest driven. This new dimension affected the nature of the relation between Turkey and the European Union in both positive and negative ways.

Initially, this new dimension as strategic partners led to some improvements in their relation. Primarily, as the liberal view emphasized, cooperation between these two actors led to a win-win situation for both sides due to mutual interests. Thanks to the collective response against the crisis that irregular flows created; while Turkey utilized material and

normative benefits, the European Union was able to control its borders. In light of this, Turkey and the European Union revised their relation as a strategic partnership. This opened a new door for the integration of Turkey in key areas of mutual interest namely migration, economy, and counter-terrorism.[43] Hence, maintaining this functional relation became a priority in their agenda rather than issues that come with the membership process.

On the other hand, this new strategic relation led to some negative aspects in the long term. Firstly, despite the fact that one of the provisions of the deal was progress in membership negotiations, it can be claimed that the accession process came to a dead-end in the long term. The fundamental reason behind this is that since the European Union was able to cooperate with Turkey without membership, there is no incentive to integrate Turkey into European Union as a member. In other words, this new strategic cooperation prevented reaching the complete result in Turkey-EU relations in the long term. Secondly, Turkey became a refugee rentier state from various perspectives. It used host status and refugee policy as the primary mechanism of international rent-seeking.[44] Furthermore, Turkeys this attitude became a subject of conflict between two parties. Owing to the fact that the European Union did not materialize provisions of the deal entirely and delayed funds, the Turkish government criticized and even threatened the European Union to open Western borders of Turkey to send refugees within the borders of the EU.[45] President Erdoğan intensified the issue by saying "We can open the doors to Greece and Bulgaria anytime and we can put the refugees on buses ... So how will you deal with refugees if you dont get a deal? Kill the refugees?[46] Hence, this pragmatic cooperation between the Union and Turkey became a source of tension which led to a negative impact on their relationship.

To sum up, even though tensions arose between parties, the strategic driven partnership between Turkey and the European Union advanced interactions between them that had came to deadlock in 2016 with the suspension of the accession process. Furthermore, despite the negative aspects of the new dimension in this relation, it can be analyzed that the fundamental linkage between Turkey and European Union is based on this cooperative framework on the issue of immigration.

Conclusion

Turkey and the European Union's relation had been a deadlock end mainly due to inconclusive accession chapters but also other issues that cannot be solved between the two parties. However, the migration flow caused by the Syrian Civil War created a new dimension in this relation owing to interdependence. While Turkey was willing to share the global burden that came from its open-door policy, European Union was motivated by providing security to external borders of the European Union. Hence, as liberal theory

highlighted joint interest and mutual interdependence led to cooperation between two actors. While two actors became strategic partners to deal with this issue, they seized to opportunity to build a new dimension in their relationship based on strategic-interest-driven cooperation. Even though some drawbacks emerged during this cooperation, this partnership between two actors demonstrated how cooperation could be achieved in common interest areas with a pragmatic perspective.

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About the author:

To cite this article: Irmak Tamgaç. 2026. "TURKEY-EU PARTNERSHIP IN LIGHT OF IMMIGRATION POLICY - 02.08.2021." Center For Eurasian Studies (AVİM), Uep Rapor No.2021 / 2. August 02. Accessed January 08, 2026. https://avim.org.tr/UEPRapor/TURKEY-EU-PARTNERSHIP-IN-LIGHT-OF-IMMIGRATION-POLICY-02-08-2021

Süleyman Nazif Sok. No: 12/B Daire 3-4 06550 Çankaya-ANKARA / TÜRKİYE
Tel: +90 (312) 438 50 23-24 • **Fax**: +90 (312) 438 50 26
@avimorgtr
https://www.facebook.com/avrasyaincelemelerimerkezi
E-Posta: info@avim.org.tr
http://avim.org.tr

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