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AB-Türkiye Mutabakatı Ve Doğu Akdeniz Rotası: Başarı Mı Başarısızlık Mı?

The EU-Türkiye Deal and the Eastern Mediterranean Route: A Success or A Failure

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Özet

Akdeniz bölgesi, 2015 yılında kitlesel göç hareketlerinde ve göçmen kaçakçılığı hizmetlerinde benzeri görülmemiş bir artışa tanık oldu. Aynı yıl bir milyondan fazla göçmen ve sığınmacı Avrupa'ya geldi ve bunların yüzde 80'inden fazlası Ege Denizi'ni geçerek Türkiye'den Yunan adalarına ulaştı. Avrupa'da istenmeyen "ötekilerin" kitlesel göç yoluyla akını, hem toplumsal hem de politik düzeyde korkulara yol açtı. Devamlı göç baskısına rağmen Avrupa Birliği (AB), özellikle düzensiz göç insan kaçakçılığı ve insan ticaretini azaltarak çok sayıda mülteciyi yönetmek için yeterli çözümler bulmakta zorlandı. Düzensiz göç akışlarıyla başa çıkma çabası kapsamında sınırların dışsallaştırılması, Türkiye gibi AB'nin yakın komşuları için yeni mekansal boyutlar getiriyor. Türkiye için bu dışsallaştırma sürecini kolaylaştıran temel politika araçları arasında 2013 Geri Kabul Anlaşması, 2015 Ortak Eylem Planı ve 18 Mart 2016 tarihli AB-Türkiye Anlaşması yer almaktadır. Bu arka planda, bu makalenin amacı, ilk olarak AB-Türkiye mutabakatını dışsallaştırma politikaları kapsamında değerlendirmek, sonra da AB'nin Türkiye Doğu Akdeniz Rotası boyunca düzensiz sınır geçişlerinin azaltılmasına ilişkin etkisini anlamaktır. Makale, Suriye krizine yanıt olarak uygulanan göç yönetimi stratejilerinin hem Türkiye hem de AB için yeni zorluklar getirdiği sonucuna varmaktadır.

Anahtar Kelimeler: AB-Türkiye Mutabakatı, Göç, AB, Dışsallaştırma

Abstract

The Mediterranean region saw an unprecedented surge in mixed migration flows and the provision of migrant smuggling services in 2015. Over a million migrants and asylum seekers arrived in Europe that year, with more than 80 percent of them crossing the Aegean Sea from Türkiye to Greek islands. In Europe, the influx of unwanted “others” through mass migration has instilled fears at both societal and political levels. Despite the persistent migratory pressure, the European Union (EU) has struggled to devise adequate solutions to regulate the large numbers of refugees, particularly by curtailing irregular migration, human smuggling, and trafficking. In an attempt to deal with irregular migratory flows, the externalization of borders introduces new spatial dimensions for the EU's immediate neighbours, such as Türkiye. The key policy instruments for Türkiye facilitating this externalization process include the 2013 Readmission Agreement, the 2015 Joint Action Plan, and the EU-Türkiye Deal of 18 March 2016. At this background, the aim of this article is to understand the effectiveness of the EU-Türkiye Deal in mitigating irregular border crossings along the Eastern Mediterranean Route. The paper concludes that migration governance strategies implemented in response to the Syrian crisis have introduced new challenges for both Türkiye and the EU.

Keywords: The EU-Türkiye Deal, Migration, the EU, Externalization

1. Introduction

The Arab Spring and subsequent Syrian Crisis have sparked some of the deadliest migration routes to Europe. In 2014, the majority of migrants and refugees embarked on perilous journeys aboard smugglers' boats departing from Libya, Tunisia, or Egypt, bound for Italy. This risky Central Mediterranean Route dominated migration patterns in 2014 and witnessed numerous large-scale tragedies. However, in 2015, there was a shift towards a shorter and comparatively safer passage from Türkiye to Greece, known as the Eastern Mediterranean Route. This change facilitated a significantly larger number of migrants and asylum seekers, primarily Syrians, to reach the external borders of Europe. The Mediterranean region saw an unprecedented surge in mixed migration flows and the provision of migrant smuggling services in 2015. Over a million migrants and asylum seekers arrived in Europe that year, with more than 80 percent of them crossing the Aegean Sea from Türkiye to Greek islands (UNHCR, 2015). In 2015 alone, an estimated 3,770 individuals lost their lives or were reported missing (UNHCR, 2015).

In Europe, the influx of unwanted “others” through mass migration has instilled fears at both societal and political levels. Despite the persistent migratory pressure, the European Union (EU) has struggled to devise adequate solutions to regulate the large numbers of refugees, particularly by curtailing irregular migration, human smuggling, and trafficking. In an attempt to deal with irregular migratory flows, since the 1990s, the EU has embarked on a continuous effort to devise policies and mechanisms aimed at effectively controlling mobility both towards and within its borders (Boswell, 2003; Albahari, 2017). Thus, the concept of externalization of migration governance entails the expansion of border controls beyond the EU to neighbouring and third countries to hinder irregular migration (Lavenex, 2016).

The externalization of borders introduces new spatial dimensions for the EU's immediate neighbours, such as Türkiye, by integrating them into the reformulation of migration policies (Stock et al., 2019). The EU's reliance on Türkiye for border protection became evident during the 2015 “migrant crisis”, underscoring its need for external assistance (Lavenex, 2006;

Slominski & Trauner, 2018). On the side of the EU, the key policy instruments for Türkiye facilitating this externalization process include the 2013 Readmission Agreement, the 2015 Joint Action Plan, and the EU-Türkiye Deal of 18 March 2016. All of them are pivotal in delegating migration management and external border control responsibilities to Türkiye. At this background, the aim of this article is to understand the effectiveness of the EU-Türkiye Deal in mitigating irregular border crossings along the Eastern Mediterranean Route. The paper concludes that migration governance strategies implemented in response to the Syrian crisis have introduced new challenges for both Türkiye and the EU.

The article meticulously delves into secondary sources, undertaking a thorough examination to re-evaluate the externalization policies devised for third countries such as Türkiye from a critical standpoint. In this endeavour a comprehensive scan of academic literature pertaining to the subject was conducted, facilitating a nuanced understanding of externalization policies. Moreover, the article goes beyond traditional scholarly sources, incorporating insights gleaned from contemporary reports issued by public institutions, diverse organizations, and non-governmental organizations (NGOs). By synthesizing these multifaceted perspectives, the paper offers a fresh and critical perspective on externalization and human smuggling policies, enriching the discourse with up-to-date findings and empirical data.

2. Literature Review

Countering migrant smuggling and its actors – as described in the introduction – are important elements of the European Union (EU)’s migration and border control policy. The EU has certainly taken important steps to counter irregular migration, including making considerable financial commitments to the fight against smugglers and their networks, to whom the journeys of irregular migrants into Europe are almost single-handedly attributed. Smugglers, characterised as inherently violent and exploitative, are also described as relying on a specific business model that generates incalculable earnings. Much has been written about how these profits, if unmonitored, can be funnelled by smugglers into other criminal enterprises like drug trafficking or weapons smuggling, but also into the more nefarious practices of sex trafficking or terrorism. Therefore, in this section the aim is just to analyze the ongoing debates on human smuggling and its relation with the externalization policies of the EU.

2.1. Revitalizing Human Smuggling And Externalization Policies

Salt and Stein (1997) developed one of the earliest conceptualization on human smuggling¹. They theorize smuggling as an “illegal migration business”, composed of legitimate and illegitimate markets in which actors pursue profit and commercial gain (Baird and van Liempt, 2017). Smugglers are portrayed as “migration merchants”, while the smuggled migrants are considered clients paying for a service. Contrary to this perspective, Bilger, Hofmann, & Jandl (2006) presented how smuggled migrants put high premium on good reputation and trustworthiness of human smugglers. They redefined smuggling of migrants as a “transnational service industry” rather than an illegal business in which migrants are victims.

¹ The definition of migrant smuggling in Article 3(a) of the United Nations Smuggling Protocol as ‘the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident’ actually points to facilitating the movement of migrants without any specification on humanitarian or other aspects of this movement. L. Weber, & M. Grewoock, “Criminalizing people smuggling: Preventing or globalizing harm?” in F. Allum, & S. Gilmour (eds.), *The Routledge handbook of transnational organized crime*, London & New York, Routledge, 2012, pp. 379-485.

In that way, this empirical research has shown that trust and cooperation seem to be more the rule than the exception in the interaction between smugglers and migrants.

Further to the illegal migration business perspective, the smuggling of migrants is widely associated with “organized crime”. Not only academic studies, but also policy papers and government sources, along with media reports and other public discourses generally construct human smuggling as a form of organized crime. Accordingly, human smuggling is organized by highly structured and tightly controlled, mafia-like criminal network with links to the trafficking of other goods and services, such as women, weapons or drugs (Baird and van Liempt, 2017; UNODC 2010). However, it seems that academic views have evolved recently, with a greater number of authors, such as (Kyle and Koslowski 2001; Icduygu and Toktas 2002; Neske and Doornik 2006; Baird & van Liempt 2017), criticizing the illegal migration business perspective and refuting role of organized crime in this business. Instead of larger mafia-type organizations, they referred to the exchange of local criminal groups and networks in smuggling operations. In other words, a number of smaller, fluid, flexible, and opportunist groups seemed to be active in this business. Smugglers were not always embedded in vast criminal networks but could easily be found in migrant social networks and local communities.

The studies that focus on the role of family members and social networks, on the other hand, imply the importance of the networks in the smuggling process. Doornik and Kyle (2004) summarized the complex relationship between smugglers and migrants as a spectrum that ranges from the altruistic assistance provided by family members or friends to dynamics of exploitation based on the intent of hardened criminals (Achilli, 2017). Migrants are presented as active actors who can and do exert forms of agency with their own histories, experiences, skills, ideas and dreams. van Liempt and Doornik, for instance, stressed the importance of migrants’ agency by defining basic types of interaction between the smuggler and the smuggled migrant in the whole smuggling process. Likewise, Sanchez (2015; 2017) draws on smugglers’ accounts to show how the different people involved in smuggling situate their actions as a form of help to others or as part of social and communal ties. While she does mention instances where refugees faced violence by those smuggling them, she argues that the overwhelming majority of people involved in smuggling do not harm those who hire them. Similar to Sanchez and Achilli (2017) examines the ways Syrian and Palestinian Syrian smugglers engage with passengers seeking to cross from Izmir to Greece. He highlights the ways morality and kinship emerges in these ties in contrast to European and other state actors’ discourses of the relations as only exploitative or abusive. All in all, these studies challenged the view of smuggled migrants being fully at the mercy of their smugglers. They present migrants’ active role in the smuggling business organized by a number of small and flexible groups that could easily be found in migrant social networks and local communities.

Against this background, Mainwaring and Brigden (2016) have brought to light how state bordering practices within and beyond their territorial boundaries encourage migrants to attempt clandestine journeys and contribute to the barriers migrants face along the route. Thus, for them, the “journey” encompasses more than one journey: imagined journeys before migration, journeys from countries of origin through countries of transit to destination, as well as deportation journeys. In other words, whether a migrant is contained within a hidden compartment, detained by migration authorities, waiting for remittances to continue, or marooned within a drifting boat at sea, these moments of immobility have become an inherent part of migrant journeys especially as states have increased controls at and beyond their borders. Therefore, these fragmented journeys increasingly involve long periods of stopping, waiting and/or containment, but are not unidimensional and unidirectional lines, as depicted by Frontex, the EU’s border agency.

The depiction of migrant smuggling as a “new” and “organized crime” in media, political discourse, and academic discussions contrasts with the longstanding practice of “boat

migration” across the Mediterranean. This phenomenon dates back to 1991 when Spain and Italy implemented Schengen visas for North Africans, prompting many to undertake illegal crossings in “pateras” (small fishing boats) between Spain and Morocco (the Western Mediterranean route). In response, the EU deployed sophisticated military border control systems in the Strait of Gibraltar, pushing migrants to seek alternative routes such as the Canary Islands (Atlantic route). Subsequently, maritime patrols were expanded off the coast of Senegal through Frontex-led operations like Hera in 2006 and 2007.

However, rather than halting illegal entries, these measures merely redirected migration flows back to the Western Mediterranean and Central Mediterranean routes (Karaçay, 2017). Indeed externalized migration policies and increased border controls generated displacement towards more dangerous routes and perilous journeys. As Ruben Andersson (2014) argues, at Europe’s frontiers, an industry of border controls has emerged, involving European defence contractors, member state security forces, as well as a range of non-security actors. He stresses that whenever another “border crises” occurs, this “illegality industry” grows again, feeding on its own apparent ‘failures’: a vicious cycle he calls. Despite efforts to manage borders through registration, relocation, and return, implementation has been slow, and irregular migration and smuggling services continue. Consequently, smuggling routes have shifted, and new trends have emerged, highlighting the complex and evolving nature of migration dynamics along EU borders. However, the focus on border controls and deterrence amidst political instability and conflicts in North Africa, the Middle East, and other regions led to a surge in migratory flows, particularly through the Eastern Mediterranean route. Despite efforts to manage borders through registration, relocation, and return, implementation has been slow, and irregular migration and smuggling services continue. Consequently, smuggling routes have shifted, and new trends have emerged, highlighting the complex and evolving nature of migration dynamics along EU borders.

3. Findings And Discussions

As explained in the previous section, the term “externalization” refers to the extension of border and migration controls beyond the so-called ‘migrant receiving nations’ in the Global North and into neighbouring countries or sending states in the Global South (Stock et al., 2019). It refers to a wide range of practices from controls of borders, rescue operations, to measures addressing the drivers of migration. In the following section, the article describes the way towards the formulation and implementation of the EU-Türkiye Deal and then the results of the Deal, by analysing the irregular border crossings along the Eastern Mediterranean Route.

3.1. Towards The EU-Türkiye Deal

In the spring of 2011, Türkiye initially responded to the escalating war in Syria by implementing an “open door policy,” welcoming all Syrian refugees crossing through its southern land borders en masse (İçduygu & Millet 2016). These refugees were formally designated as “guests,” a category not defined in either international or national refugee law (Abdelaaty, 2021). However, due to the continuous flow of refugees from Syria to Türkiye, this initial response began to shift by November 2011, leading to the establishment of a temporary protection regime outlined in a circular issued in March 2012. Türkiye then declared a “temporary protection” regime for Syrian refugees, providing protection and assistance in camps set up by the Disaster and Emergency Management Agency (AFAD).

In April 2013, Türkiye adopted a comprehensive new Law on Foreigners and International Protection (LFIP), inspired by the EU. This law affirmed Türkiye's obligations towards all persons in need of international protection, regardless of their country of origin, as

binding domestic law (Kaya et al, 2020). The Directorate General of Migration Management (DGMM) was subsequently launched to oversee the migration and asylum system. In 2014, the Temporary Protection Regulation (TPR) was officially enacted, outlining rights and rules regarding registration and documentation procedures for temporarily protected persons. The TPR now governs and regulates Türkiye's existing de facto temporary protection practice, which had been in place since 2011. While the TPR grants Syrians certain rights and provides protection within a legal framework of international protection, it also creates legal, political, and social ambiguities due to undefined temporal scope and prospects for naturalization.

Meanwhile, at the EU level, the European Commission prioritized policies aimed at combating migrant smuggling, preventing the exploitation of migrants by criminal networks, and reducing incentives for irregular migration. An effective return policy and an active permanent relocation mechanism were envisioned, exemplified by hotspots established in the Aegean Sea. Enhanced operations by Frontex and NATO, in cooperation with Turkish and Greek Coast Guards, led to negotiations and joint agreements between Türkiye and the EU. The Joint Action Plan (JAP) signed in October 2015 aimed to prevent irregular migration and intensify efforts to restrict the movement of people through Türkiye to Europe, leading to the EU-Türkiye Deal on March 18, 2016 (Danış, 2016).

Under this deal, Türkiye was classified as a “safe country”, allowing for the return of irregular migrants arriving on Greek islands from Türkiye after March 20, 2016. In exchange, the EU pledged to resettle one Syrian refugee from Türkiye to the EU for each Syrian refugee returned from Greece to Türkiye (the “1:1 Scheme”), up to a maximum of 72,000 people. Additionally, the deal included a 6 billion Euro aid package to assist Türkiye, along with accelerated visa-free travel for Turkish citizens and discussions regarding Ankara's accession to the EU.

This deal underscored the asymmetrical power relations between EU member states and those on the periphery of Europe, as well as between states and refugees (Danış, 2016). Furthermore, the Deal, implemented to prevent mass movement and deaths, crystallized the EU's externalization policies and exemplified the instrumentalization of migrants and refugees for domestic and international political purposes. Consequently, the increased focus on border politics and securitization of migration in transit countries has transformed the international refugee regime into a “non-entrée regime” over the past few decades (Hathaway & Gammeltoft-Hansen, 2015). This has led to transit countries becoming non-transit spaces, leaving migrants stranded without legal protection and unable or unwilling to seek protection from countries of non-transit. In this context, the EU's external policies have strengthened Türkiye's role as the gatekeeper of Europe and guardian of “Fortress Europe.”

3.2 Significant Rise in Irregular Border Crossings

The EU-Türkiye Deal initially aimed to significantly reduce the influx of refugees and migrants into the EU. After the implementation of the EU-Türkiye Deal in March 2016, a sharp decline was noted in the number of arrivals on the Greek islands in the Eastern Aegean Sea. This deal effectively removed the incentive for migrants to take irregular routes to Greece and disrupted the operations of human-smuggling networks. In 2016 total of 182,227 migrants were detected along this route, with the majority arriving in the first three months of the year (Frontex, 2017). Nevertheless, in 2017, reports emerged of irregular arrivals from Türkiye to Bulgaria and Romania via the Black Sea, prompting concerns about the resurgence of this dangerous smuggling route. Additionally, increased arrivals from Türkiye to Cyprus and Italy were observed. Next year, the Eastern Mediterranean route recorded 56,561 illegal border crossings, marking a 34% increase from the previous year, primarily due to the rise in land

crossings from Türkiye to Greece (Frontex, 2020). Syrians constituted the largest group detected, followed by Afghans and Iraqis.

Coming to 2019, the Eastern Mediterranean route remained the most utilized path to Europe, with detections of illegal border crossings reaching 83,333, the highest since 2016. Afghans constituted the largest group detected, with their numbers increasing by 167% (Frontex, 2020). Largely due to the impact of the COVID-19 pandemic and related restrictions in Greece and Türkiye, the number of detections in 2020 dropped significantly (20,283), while arrivals via this route remained stable (20,567). But, in 2022, there was a substantial increase in irregular border crossings on the Eastern Mediterranean route, with 43,906 detections. It marked a 113% increase from 2021. Greece and Cyprus faced heightened migratory pressure, with arrivals increasing by 89% and 123%, respectively, compared to the previous year. Additionally, there was a notable increase in smuggling activity from Türkiye to Italy, with arrivals increasing by 22%. Syrians, Afghans, and Nigerians were among the top reported nationalities.

The number of irregular border crossings at the EU's external border in 2023 reached a total of approximately 380,000, driven by a rise in arrivals via the Mediterranean region, according to preliminary calculations by Frontex. This marks the highest level since 2016 and constitutes a 17% increase from the figures in 2022, indicating a consistent upward trend over the past three years. The Eastern Mediterranean route continued its post-pandemic upward trend with around 60,000 detections. On this route Syrians, Palestinians and Afghans were the top reported nationalities. The European Council invited the Commission to present an Action Plan on the Eastern Mediterranean route, as part of a broader approach to help alleviate the pressure on Member States faced with large numbers of irregular arrivals along the route (European Commission, 2023). Consequently, Türkiye remains an important transit country for irregular arrivals into the EU via the Western Balkans and Eastern Mediterranean route.

The deal was one element of the EU's response to a sharp rise in the number of people arriving on Europe's shores in search of safety and protection in 2015. In that year, almost 1 million refugees arrived in the European Union, while more than 3,500 tragically lost their lives making the treacherous journey. More than 75% of those arriving in Europe had fled conflict and persecution in Syria, Afghanistan and Iraq. While the implementation of the EU-Türkiye Deal may have contributed to the significant reduction in the number of people risking the dangerous journey to Greece, the total sent back to Türkiye under the deal has been negligible. Only 2,140 people have been returned from Greece to Türkiye under the deal. This is partly because - in many cases - Greek courts acknowledged that Türkiye is not a safe country to send people back to. The situation was compounded further still by the COVID-19 pandemic, as Türkiye has refused to receive refugees from Greece since March 2020. Seven years since the deal was implemented, no mass returns have been made from Greece to Türkiye. Approximately 32,472 Syrian refugees have been resettled from Türkiye to EU Member States under the agreement. Since Türkiye has not been accepting returns for the past two years, people deemed 'inadmissible' have been stuck in Greece in a legal limbo: they have no access to asylum or documents indicating their legal status, and no right to housing, cash assistance, work, or catering services in the camps they reside in.

However, less attention is given to the role of focal points in transit countries, or "Hubs", which serve as connections between these routes. Routes can change rapidly due to various factors, whereas Hubs have the potential to endure and increase in significance over longer periods. Essentially, Hubs act as the consistent elements, serving as geographical and operational nodes that organize the multitude of route options available and link migrants from diverse origins to various destinations. Hubs shape the routes and often emerge at critical points along migration routes where particularly challenging stages must be navigated, or where conditions are conducive to the activities of migrant smugglers. In these hubs, migrants can

connect with smugglers through migrant networks or by visiting areas frequented by recruiters and others involved in the smuggling trade. Frequently, irregular migrants travel between these “Hubs” to reorganize their journeys, work, and gather funds for the next leg of their journey.

4. Conclusion

The recent swift and robust response from the EU and its member states to the influx of over 3 million refugees from Ukraine in 2023 underscores Europe's capacity to welcome refugees in a coordinated and equitable manner when there is collective determination. This stands in sharp contrast to the EU-Türkiye Deal, hastily enacted amid deep divisions among member states. Lacking a comprehensive system for sharing responsibilities, the primary aim of the Deal and subsequent policies has been to deter refugee arrivals, marking the onset of unwelcoming measures towards refugees, including outsourcing responsibilities and reliance on third countries. These policies must be reassessed.

The existing European legal and institutional frameworks for asylum-seekers and migrants have failed to ensure fair burden-sharing between countries and have not effectively deterred individuals from resorting to smuggling routes. Asylum and migration policies should be grounded in human rights principles and incorporate systematic human rights impact assessments. Therefore, alternative mechanisms for refugees to safely reach the EU without risking their lives, such as relaxed visa requirements and safeguards for safe arrivals, need to be explored. More proactive efforts to address the conflict in Syria and foster constructive dialogue within the international community could prove effective. Türkiye should reconsider the status of Syrian refugees, taking into account the challenges of their prolonged displacement, and prioritize integration policies. The integration process should actively engage public support and foster cooperation and coordination with national and international agencies, NGOs, academics, and researchers to build and strengthen trust among all stakeholders.

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