A HISTORICAL ANALYSIS OF REFUGEE POLICIES IN THE EUROPEAN UNION AND TURKEY: 2011-2021

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Master's Thesis

Graduate School

Izmir University of Economics

Izmir

2022

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Master's Program in Political Science and International Relations

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ABSTRACT

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Master's Program in Political Science and International Relations

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April, 2022

War, ethnic discrimination, natural disasters, and security concerns can all contribute to the continual movement of people from one country to another. Since the breakout of war in Syria in 2011, a large number of Syrians have fled to neighbouring countries such as Turkey and the European Union member states in search of a better life. A large number of immigrants arrived Turkey and the EU in a short period of time and this has required the development of effective immigration management strategies. The major goal of this research is to compare and contrast Turkey's and the European Union's migration policy for Syrians. Furthermore, it aims to offer a comprehensive picture of how and in what direction the Syrian Civil War has changed migration

policies. This thesis suggests that Turkey's immigration policies have resulted in the development of new institutions and the state policy has taken a neo-functionalist approach. This study also identifies that the European Union's immigration policies have adopted a functionalist approach. The cooperation and relationship between the European Union and Turkey have evolved into a functionalist structure, and pragmatist tendencies have come to the fore.

Keywords: Turkey, EU, Migration Policy, Syrian, Refugees, Immigrants.

ÖZET

AVRUPA BİRLİĞİ VE TÜRKİYE MÜLTECİ POLİTİKALARININ TARİHSEL ANALİZİ:2011-2021

Köksal, Serap

Siyaset Bilimi ve Uluslararası İlişkiler Yüksek Lisans Programı

Tez Danışmanı: Prof. Dr. Çiğdem Kentmen ÇİN

Nisan, 2022

İnsanların bir ülkeden bir diğerine sürekli hareketi, savaş, etnik ayrımcılık, doğal afetler ve güvenlik endişeleri gibi farklı nedenlere bağlı olabilir. 2011 yılında Suriye'de patlak veren savaş nedeniyle çok fazla sayıda Suriyeli daha iyi bir yaşam umuduyla Türkiye ve Avrupa Birliği üyesi ülkeler gibi komşu ülkelere göç etmiştir. Kısa sürede gerçekleşen yüksek göç dalgası Türkiye'de etkin göç yönetimi politikalarını zorunlu hale getirmiştir. Bu çalışmanın temel amacı, Türkiye ve Avrupa Birliği'nin Suriyelilere yönelik göç politikalarını karşılaştırmalı bir şekilde analiz etmektir. Buna ek olarak, Suriye İç Savaşının göç politikalarını nasıl ve ne yönde değiştirdiğine dair bütüncül bir tablo ortaya koymayı amaçlamaktadır. Bu çalışma, Türkiye'nin göç politikalarının yeni kurumların gelişmesine yol açtığını ve devlet politikasının yeni işlevselci bir yaklaşım benimsediğini ortaya koymaktadır. Bu çalışma ayrıca, Avrupa Birliği göç politikalarının işlevselci bir çizgiye

yaklaştığını belirlemiştir. Avrupa Birliği ile Türkiye arasındaki karşılıklı iş birliği ve ilişkilerin ise işlevselci bir yapıya evrildiği ve pragmatist eğilimlerin öne çıktığı gözlemlenmiştir.

Anahtar Kelimeler: Türkiye, AB, Göç Politikası, Suriyeli, Mülteciler, Göçmenler.

ACKNOWLEDGEMENTS

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AFAD   : Disaster and Emergency Management Presidency

AKP   : The Justice and Development Party

AFSJ   : Area of Freedom, Security and Justice

CJEU   : Courte of Justice of the European Union

COVID-19   : Coronavirus Disease

DGMM   : Directorate General of Migration Management

EASO   : The European Asylum Support Office

EBCG   : European Union Border and Coast Guard

EBGTs   : European Border Guard Teams

ECHR   : The European Court of Human Rights

ECSC   : The European Coal and Steel Community

EEC   : The European Economic Community

ENP   : The European Neighbourhood Policy

EP   : The European Parliament

ESRC   : The Economic and Social Research Council

ESSN   : The Emergency Social Safety Net

EU   : The European Union

EURATOM   : The European Atomic Energy Community

EUROSUR   : The European Border Surveillance System

EC	: The European Commission
EU	: The European Community
FEUTURE	: The Future of EU-Turkey Relations
FRONTEX/the Agency	: The European Agency for the Management of Operational Cooperation at the External Borders
FRiT	: Facility for Refugees in Turkey
GDMM	: General Directorate of Migration Management
GNI	: Gross National Income
GO	: Government Organized
IBM	: Integrated Border Management
ICCPR	: The International Covenant on Civil and Political Rights
ICESCR	: The International Covenant on Economic, Social, and Cultural Rights
IOM	: International Organization for Migration
IR	: International Relations
ISIS	: Islamic State in Iraq and the Syria
JHA	: Justice and Home Affairs
LFIP	: The Law on Foreigners and International Protection
MEP	: Member of European Parliament
MS	: Member States
NGOs	: Non -Governmental Organizations

RABITs   : Rapid Border Intervention Teams

SEA   : Single European Act

TREVI   : Terrorism, Radicalism, Extremism and

                                  International Violence

UK   : The United Kingdom

UN   : The United Nations

UNHCR   : United Nations High Commissioner for Refugees

US   : The United States

VAT   : Value Added Tax

CHAPTER 1: INTRODUCTION

Refugees have a long history in international relations. Civil conflict, natural disasters, persecution, violence, and human rights violations affect millions of people around the world. In most cases, these tragedies cause people to flee their native countries and apply for asylum in neighbouring countries. Rapid increases in the number of refugees due to wars and conflicts pose significant difficulties to host countries. The refugee crisis in 2015 is an important example. Many scholars view it as the greatest humanitarian crisis since World War II (Berti, 2015; Saatçioğlu, 2020). Since 2010, Syria's civil war and violent conflicts have contributed to the world's growing refugee population. With 4 million refugees, including 3.6 million Syrians, Turkey has the world's largest refugee population according to the data of UNHCR in 2021. More than 3.7 million Syrians have been granted temporary protection by the Turkish government as of September 2021 (DGMM, 2021). However, the top three countries that host refugees are recorded as Lebanon with 19.5 %, Jordan with 10.5 %, Nauru with 5.9 % and Turkey with 5 %. In addition to this data, Turkey is compared with Lebanon and stated as better equipped country to overcome the refugee challenge (Christophersen, 2020). Forced migration has been a policy concern for both national and European governments as the number of Syrian refugees have increased (Faist, 2018).

The Syrian civil war's political, economic, and security ramifications have forced collaboration in Turkey and the EU relations. The size and character of migration has become a subject of concern both for Turkey and the EU. The development of a mechanism between Turkey and the EU was prompted by the fact that Turkey is the first stop on the route to Europe for waves of migrants, necessitating an effective management strategy. With border control and migration concerns, Turkey and the EU relations have taken on a new dimension (Bozkaya and Kincal, 2018). However, as the crisis deepened, divisions between and within member states also increased, leading to the transition expressed through national border controls in the Schengen area and the closure of borders in Central and Eastern Europe (CEE) and the Western Balkans. Some member states (Czech Republic, Hungary, Poland, and Slovakia) opposed a unified solution focused on the resettlement and resettlement of refugees within the EU.

As a result, the externalization of the refugee problem to Turkey, which is a non-member country and on the main transit route for Syrian migrants, has emerged as the least controversial course of political action (Saatçioğlu, 2020).

The changes in the refugee influx have been noted to have a significant impact on the country's policies and bilateral ties. As a result, it is critical for policymakers to assess the policies that nations have established in regard to refugees. In a circumstance similar to the above-mentioned 2015 catastrophe, required procedures and arrangements should be done to ensure that no other humanitarian crises occur. Short-term solutions may postpone the problem. Although the EU-Turkey Statement in 2016 provides a temporary solution for the EU, Turkey's means and capacity are being tested by the growing number of refugees. In addition, Turkey has received a new refugee surge after the Taliban seized power in Afghanistan on August 15, 2021 (Dashti, 2021). Filippo Grandi, the UN High Commissioner for Refugees, warned the UN Security Council that the situation in Afghanistan could lead to a new refugee crisis (Sputniknews, 2021). Both Turkey and the EU need to adopt permanent refugee policies due to their geographic location. This thesis examines this topic through historical, migration, human rights, economic, and securitization perspectives. The need to examine refugee policies within the scope of a country's policies has arisen in the tenth year of the Syrian crisis and the fifth year of the signing of the EU-Turkey Statement. For all of these reasons, an analysis of Turkey's and the EU's actions is crucial in terms of guiding future policies.

This thesis contributes to this debate by focusing on two main research questions: (1) What immigration policies have Turkey and the European Union put in place since the Syrian civil war? (2) How have Turkey's and the EU's migrant policies converged or diverged after the Syrian refugee crisis? It is important to examine these questions to assess the refugee policies of Turkey and the EU which have created new opportunities and obstacles for immigrants, asylum seekers, and refugees from many different countries, religions, and ethnic and religious groups.

To answer these research questions, this thesis, first, provides a critical evaluation of functionalist, neo-functionalist, intergovernmentalist and post-functionalist approaches. This thesis suggests that neo functionalism helps in understanding the intergovernmental policies developed after the EU migrant crisis.

Neo-functional theory contrasted the different stages of development of the EU integration policy and evaluated whether its evolution was going to a deeper level, focusing on explicitly established financial strategies for immigrant integration (Wolleghem, 2019). Prospects regarding further integration preserve limited according to neo-functionalism, however prospects are higher pursuing liberal intergovernmentalism. More cooperation can be expected in policy areas directly related to crisis management (Wolf and Ossewaarde, 2018). The study aims to examine the EU and Turkey's policies since 2011, when the Syrian refugee influx began. For this purpose, the laws enacted, and the agreements made in this process were examined from a historical perspective. Policy statements by Turkey and the EU representatives in the media were also used. The policies of Turkey and the EU have been examined within the frameworks of functionalism, neo-functionalism, post-functionalism and intergovernmentalism.

CHAPTER 2: CONCEPTUAL AND THEORETICAL FRAMEWORK

Historically, people have lived within the borders of states established with certain rules. They usually continue to live in the places where they were born. However, some people have been forced to relocate due to both interstate and intrastate issues. This relocation could be voluntary or required for a variety of reasons. In this section, several key topics such as refugees and asylum seekers will be described first, and secondly some approaches are going to be conducted in order to explain state policy against asylum seekers.

2.1. Defining Refugees

In its broadest definition, the term refugee refers to someone who has fled or is fleeing persecution. The English word refugee is derived from the Latin word *refugium*, which signifies a place where one can seek shelter. The quality of being an asylum seeker or refugee finder is highlighted by these terms. As the concepts of escape and shelter suggest, the refugee is defined by a migration from one location to another, as well as a degree of difficulty and involuntary travel. The phrases *réfugié* in French and *refugee* in English were coined in the 16th and 17th century in response to the exodus of around 200,000 Huguenots[1] from France (Wheeler, and Paula, 2012). In this regard, this is thought to be the first refugee case in Europe. This was a time when the political order and legal philosophy underwent significant changes, and the transition from a religiously structured system to a geographically defined order occurred. The concept of refugee is semantically detached from its previous application in this process. Land has become more important as a measure of political affiliation, and attitudes towards migration have shifted. A person-centred approach has been taken (Schmalz, 2020).

Although the term *refugee* is a subset of *immigrant*, it is frequently used interchangeably. This group can also include the term *asylum seeker*. The ESRC-funded study Representation of refugees and asylum seekers in the United Kingdom (UK) newspapers 1996–2005 did research on the categories of refugees, asylum

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[1] The Huguenots were French Protestants who followed the teachings of the religious reformer John Calvin (1509-1564). They faced persecution and even death during the French Religious Wars in the second half of the sixteenth century. The conclusion of these wars produced the Edict of Nantes (1598), which allowed Protestants to freely practice their religion in specified areas of France.

seekers, and migrants. The study relied on a 140-million-word database containing 175,000 stories from 15 UK newspapers from 1996 to 2005. The origin, temporary residency, destination, quantity, movement, and predicament of refugees have all been used to define them.

Asylum seekers are frequently linked to immigration-related regulatory challenges, problems allegedly created by their stay in the host country, and illegal/failed/probable immigrants. These phrases are employed in the same/similar circumstances and with similar attitudes, according to the study (Baker, McEnery, and Gabrielatos, 2007).

The 1967 Protocol, which arose from the 1951 United Nations (UN) Convention Relating to the Status of Refugees, is one of the most important international documents concerning refugees. It is the first and only worldwide convention to guarantee refugee protection. Consequently, it serves as the foundation for many refugee policies and regulations. Some have praised it as the gold standard for refugee protection, while others have condemned it as being too restrictive and biased (Firth and Mauthe, 2013).

Article 1A (2) (The Refugee Convention, 1951) of the Convention defines a refugee as;

> *"Any person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his(/her) nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."*

The above-mentioned UN Convention's definition of refugee is restricted to events occurring before 1951 and in Europe. However, the idea that those who were unable to return to their home country after 1951 and were outside of Europe should be considered refugees gained importance over time, and the 1967 Protocol on the Legal Status of Refugees was enacted in 1967 to that end. The Geneva Convention's date limitation has been removed from the text, according to article 1/2 of the Protocol.

The geographical limitation restriction, on the other hand, has been optionally abolished (for the Protocol's party countries) according to article 1/3 of the Protocol. As a result, the contracting states have the option of extending the geographical restriction to events taking place outside of Europe. Except for Turkey, Congo, Monaco, and Madagascar, all states have lifted the geographical restriction in this context.

As a result, this requirement is no longer an aspect of the definition of refugee for countries that abolished the geographical constraint with the 1967 Protocol. The concept of Europe involves all the member states of the Council of Europe from then on. As a result, countries that eliminate the geographical border change the status of the refugees into asylum seekers who arrive in their country as a result of events in or outside Europe (Dost, 2014).

The term of refugee in international law papers and the definition of refugee in Turkey's national legislation diverged since Turkey did not change its position about geographic location. As a result, the Law on Foreigners, and International Protection (LFIP) enacted in Turkey in 2013 has various definitions. According to Article 61 (Law On Foreigners and International Protection Law, 2013) of the Law, a refugee is defined as:

> *"A person who as a result of events occurring in European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted refugee status upon completion of the refugee status determination process."*

Turkey introduced a new definition of refugee: defined in Article 62 (Law On Foreigners and International Protection Law, 2013) of the relevant law refugee. In Article 62 of the law, the term *conditional refugee* is defined as follows:

"A person who as a result of events occurring outside European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted conditional refugee status upon completion of the refugee status determination process. Conditional refugees shall be allowed to reside in Turkey temporarily until they are resettled to a third country."

The Law on Foreigners, and International Protection (LFIP) has a third classification for people who do not fit under the first two categories. Article 63 (UNCHCR, 2013) defines secondary protection as follows:

"A foreigner or a stateless person, who neither could be qualified as a refugee nor as a conditional refugee, shall nevertheless be granted subsidiary protection upon the status determination because if returned to the country of origin or country of [former] habitual residence would:

a) Be sentenced to death or face the execution of the death penalty,

b) Face torture or inhuman or degrading treatment or punishment,

c) face serious threat to himself or herself by reason of indiscriminate violence in situations of international or nationwide armed conflict; and therefore, is unable or for the reason of such threat is unwilling, to avail himself or herself of the protection of his country of origin or country of [former] habitual residence."

2.2. Theoretical Approaches that Explain Government Policies Addressing Refugees

2.2.1. Functionalism

Both neofunctionalism and intergovernmentalism are refinements of a previous and simpler theory, functionalism, which guided researchers' and policymakers' thinking about political integration from the end of World War I until the 1950s. According to functionalism, human needs and concerns transcend traditional borders and require a change in how political leaders envision national capacities. After the WWII, Mitrany, the most prominent representative of functionalism, anticipated that supranationalism's welfare benefits would spur reform (Hooghe and Marks, 2008). Even though Mitrany does not use the term functionalism, the method he devised to promote societal harmony and prosperity is recognized as functionalism. Mitrany is given the opportunity to create a new international order based on cross-national cooperation. Mitrany succeeded to present functionalist theory arguments for global but also regional integration while writing during an era when Europe was in severe crisis. His main concern was the efficient management of restricted resources, which he saw as a necessary precondition for long-term collaboration and the creation of what he called a functioning peace system (Popoviciu, 2010).

Functionalism, according to Paul Taylor (1994), is the *intellectual progenitor* of not only neo-functionalist integration theory, but also a number of recent approaches to international relation studies, including interdependence theory, world society approaches, connectivity politics, and regime theory. The underpinnings of functionalism tend to be optimistic about human potential and, to a degree, human nature. Conflict and disharmony are not unique to the human situation; rational, peaceful growth is conceivable. Functionalism is an essential component of the studies of international and non-governmental organizations. Mitrany's functionalism is tempered by a belief in the possibility of enlightened social engineering. Mitrany's fundamental ideas appeared around the same time as Keynes' General Theory of Employment, Interest, and Monetary Policy (1936) and Beveridge's famous study on long-term social insurance schemes (1942). Mitrany's starting point was not the 'ideal' structure of international society, but its fundamental functions (Rosamund, 2000).

Mitrany was opposed to certain aspects of European integration that were envisaged. At least until the mid-1960s, the problem with European integration was that it was dominated by formal processes linked with the European Economic Community (EEC). This was a much bigger concept that grew out of pre-existing functional schemas. He criticized the fact that European integration was more about regional practice than functionalist reasoning. Despite some of his criticisms, Mitrany had great respect for the European Coal and Steel Community (ECSC) and the European Atomic Energy Community (Euratom). He recognized apparent functional rationale in both, particularly in the technocratic consultative processes tying authorities to producer groups and the inherent opportunities for cooperative relations with non-member states (Rosamund, 2000). Mitrany was drawn to the ECSC because it appeared to be a realistic functional solution for a specific set of post-war European sectoral demands. It was an example of a problem with a well-defined geographic extent. Functionalism provided a different perspective on a post-Westphalian international order than conventional thinking (Taylor, 1993; Forsyth, 1996).

On the other hand, certain aspects of functionalism have been criticized. The first critique derives from the functionalist idea that identifying needs is a mechanical and objective process. Because of their competitive nature, Mitrany understood that cooperation in areas like as production, trade, and distribution would be more difficult (1966). The second critique is that functionalism is fundamentally naive, based on irrational assumptions about people's and governments' abilities to act sensibly.

The technical emphasis of the functionalists has resulted in an underestimating of politics' continued role. This was largely due to the perception that politics was dogma-based activity, whereas the group of people having management skills make/made collective decisions (Mitrany, 1996).

2.2.2. Neo-Functionalism

It has recently been stated that the nature of the EU-Turkey relationship has altered, particularly since the 2015 refugee crisis. Saatçioğlu (2020) claims that as both actors intensified their cooperation to manage the crisis, they turned to functionalism, which is characterized by a strategic partnership based on mutual interests and interdependence, as well as the EU's relative backwardness in terms of political

membership conditionality compared to the previous period. For example, the March 2016 the EU-Turkey Statement demonstrates strategic bargaining between the two parties, with Ankara making tangible and normative compromises. Europe has failed to share the growing refugee burden and has preferred to restrict migrants from entering the Union (Bauböck, 2018). As a result of these advancements, functionalism has resurfaced.

Another important theory of European integration is neo functionalism. This theory was formed in the late 1950s and early 1960s most notably by Haas and Lindberg, to explain the post-World War II regional cooperation environment in Europe (Tranholm-Mikkelsen, 1991).

Neo functionalism's intellectual foundations are exceptionally diverse (Schmitter, 2008). It is significantly influenced by two theories that gained traction in the immediate post-World War II decades: pluralism and functionalism. Neo functionalism promoted the idea that government may be disaggregated into its component group players, based on democratic pluralism. Rather than making assumptions about the objectives of states, as classical realists did, neo-functionalists see the state as a platform for society actors to achieve their interests. Instead of seeing international politics as a game between states, neo-functionalists regard international relations as the interaction of societal actors. This has removed neo-functionalists from the belief that international relations are governed by a desire for state survival or economic gain (Hooghe and Marks, 2019). Regional integration will occur if groups within or across nations believe supranational institutions are more promising than national institutions in attaining their goals. In other words, regional integration will occur if groups within or across nations believe supranational institutions are more promising than national institutions in accomplishing their goals (Haas, 1958; Haas, 2004).

Functional and political spillovers are the two types of spillovers proposed by neo-functionalism. From the view of functional spillover effect, economic integration in one area would create oppression for integration in another (Nugent, 2017). The transition from the European Coal and Steel Community to the European Economic and Monetary Union is an example for functional spillover.

Furthermore, some sectors had a higher chance of spillover than others in terms of maintaining people's demands, where low politics had a better chance than high politics. However, according to Haas, the spillover effect in economics, entailed *political activism*, which required needed to be directed in the right path (Nugent, 2017).

Another interpretation of the neo functionalist theory is loyalties, which is essential for the political spillover to be finished. According to Haas, as integration progresses, values will alter and be reinterpreted based on regional rather than national orientating. Finally, the integration process will produce a new national consciousness of the new political community. He proposed that political integration happens when political actors are persuaded to change their loyalties to a supranational jurisdiction (Haas, 1968).

The work of Haas on the European Coal and Steel Community of the European Unification is the foundation of neo-functionalism (Haas, 1958). Neo-functionalism is an approach to European integration that combines intergovernmental and supranational approaches (Haas, 2004). Haas discovered a potential route of European integration by combining Mitrany's theory of functionalism with Monnet's opportunistic strategy to make the ECSC work and develop it into the European Economic Community (EEC) (Schmitter, 2005). Diffusion is a key idea in neo-functionalism, and it refers to how integration in one business can lead to pressure and opportunity in other industries. Diffusion is also thought to allow nation states to assess their interests in a supranational and unified structure. Belief in similar interests is not a required requirement for international integration, according to this diffusion approach. Those who benefit from the advantages of supranational organizations formed in one domain, according to the neo-functionalist paradigm, support similar structures in other areas (Dougherty and Pfaltzgraff, 2001).

As the process affects many people and numerous problem areas, neo-functionalism emphasizes the prospect of increased antagonism and the difficulties of reaching consensus. When citizens begin to pay attention to how the EU impacts their lives, or when major social movements and political parties begin to include Europe into their systems, decision-making in Brussels can no longer be monopolized.

Neo-functionalism predicts that as the world becomes more integrated, the political power will intensify (Schmitter, 2008). Neo-functionalism promotes the need for supranational and transnational players to provide deeper integration in order to remedy dysfunctions and functionality in the status quo that could lead to a crisis in the aftermath of an external shock.

However, the recent refugee crisis has damaged these values because member nations have refused to restore "functionality" (Hooghe and Marks, 2019). The integration of economic sectors into the European integration process was at the centre of the neo-functionalism. It is anticipated at this stage that collaboration in the economic, financial, monetary, and technical spheres will eventually lead to political cooperation. In Europe, increasing political collaboration will demand institutionalization at the supranational level. In other words, as a result of economic integration and political integration, supranational institutionalization will arise. It is worth noting at this point that the neo-functionalist theorists eventually anticipate political integration and abandon functionalist theory. However, nation-states only support integration in the context of their own interests and goals and move toward a supranational structure in this process. It is necessary to have a utilitarian system based on profit and loss expectations, rather than a functioning peace system as in functionalism (Soyaltın, 2015).

In some respects, neo-functionalism has been critiqued. Individual governments, according to Moravcsik (1991), are the units that control the rate of integration inside the European Union; thus, he rejects the spillover impact from each expansion. The power of supranational entities is derived from national governments' direct decisions. Supranational bodies, it could be argued, can only develop authority with the support of individual governments. A government would not convey the results of a policy to other sectors if it did not want to learn and implement the policy's result in one area. Neimann, however, states that supranational European Border and Coast Guard (EBCG) cannot be explained efficiently enough through the prevailing neo functionalism approach since neo functionalism's development way till the year of 1970 primarily focuses on the dynamics of integration and hence strives to explicate its delimitations.

In addition to this, when monitoring the EU refugee crisis management and classification of refugees, its limitations are distinguishable (Neimann and Speyer, 2018). It's also been said that Haas failed to clarify what conditions were required for diffusion to occur. Neo-functionalism asserts that states are no longer major actors in regional or international arenas.

Neo-functionalism also does not entail a compromise between national actors' competing interests. In many circumstances, the suggested transnational state, which stretches back to the reign of sovereignty, is one of several possible outcomes (Schmitter, 2005).

Functional and political spillover are the products of earlier incarnations of neo-functionalism. With the revision and growth of neo functionalist theory, the terms cultivated spillover (Tranholm-Mikkelsen, 1991) and exogenous spillover (Niemann, 2006) were formed. According to neo functionalists, spillover concept is the method and dynamism of integration, and it is non-state actors, such as supranational organizations that initiate spillover effects in the integration process rather than sovereign states. In this regard, member states,

> *"remain important actors in the process, however, they do not exclusively determine the direction and extent of subsequent change" (Schmitter, 2002).*

Scholar Haas (1958)'s description of spillover presumes as the

> *"creation and deepening of integration in one economic sector would create pressures for further economic sectors and greater authoritative capacity at the European level".*

However, from the perspective of scholar Lindberg (1963), spillover concept addresses to a period "where political cooperation carried out with a specific goal in mind leads to the formulation of new goals in order to ensure the achievement of the original goal. Comprehensively, all of these descriptions attempt to state that once established, political collaboration is extended through time in ways that were not necessarily anticipated at the outset (Jensen, 2010).

With the resuscitation of the EU integration in the 1980s and the establishment of the goal of a Single Market, the spillover tool appears to be a valuable method for examining the further integration process that has expanded to the case of the EU external border control.

2.2.2.1. Functional Spillover

Scholar Nugent (2017) states functional spillover as *interconnected nature of modern economies* by underlying the challenge of limiting integration to certain economic sectors due to the *interconnected character of modern economies* (Nugent, 2017). In accordance with this definition, spillover does not have to be from and to economic sectors, and it enables for additional sectors to be included in addition to specific economic sectors, providing a broader definition stating cooperation in one sector/issue area *functionally* (Jensen, 2010). That is to clarify, in order to accomplish integration in one area, another political aim should be succeeded in order for the first region to work properly.

Scholar Jensen (2010) claims that the formation of a new political purpose lies at the heart of the neo functionalist concept of spillover in this regard. The Single Market, which will be discussed in the next chapter, is one of the most prominent examples of functional spillover in the EU. Due to the interconnected nature of abolishing borders with the Single Market's necessity for free movement of persons alongside free movement of commodities, services, and capital, the Single Market in the economic area spawned a new policy goal of shared border management. As a result, establishing uniform external border measures to ensure free movement within the Union became functionally intertwined.

Following the functional need for internal security for a securely functioning internal market, the Justice and Home Affairs (JHA) began as a *flanking measure* (Kaunert, 2005) of the Single Market, then evolved into a more integrated AFSJ, which included the Frontex agencies, and finally the EBCG, providing a case relating to assess the integration process in a neo functionalist context.

Furthermore, Niemann (2006) added to the functional spillover concept by proposing a junction between functional spillover and exogenous occurrences, called endogenous functional spillover.

This sort of spillover aids us in comprehending pressures that reveal within the same sector as a consequence of exogenous variables and is beneficial in inspecting external changes influencing the development of external border control in the historical analysis section.

2.2.2.2. *Political Spillover*

Political spillover occurs in situations characterized by a more deliberate political process, where national elites (governmental elites) or interest groups (nongovernmental elites) argue that supranational cooperation is needed in order to solve specific problems (Jensen, 2010).

According to scholar Nugent (2017), the reason for those groups' demand for supranational collaboration and changing their loyalty toward supranational institutions is that they view the European arena as more useful in terms of encouraging and advocating their interests and providing their voices to be heard and policy results to reach success.

As a result, European solutions emerge beneficial for those groups to pursue, and this condition also contributes to the advancement of the European integration. Another component of political spillover is that supranational institutions and non-governmental actors are formed into key players in the process as integration becomes more significant, resulting in pressures and demands for political control and accountability at the supranational level (Nugent, 2017).

Political spillover is tightly linked with neo-functionalism's *elite socialization* notion. According to the elite socialization theorem, the EU officials and politicians who engage in the EU's supranational decision-making process create European loyalty beyond their nation-state (Pentland, 1973).

During the formation of the EBCG, elite socialization was noted due to the engagement of the Council preparatory organizations such as Working Party on Frontiers, the Strategic Committee on Immigration, Frontiers, and Asylum, and JHA Counsellors. (Niemann and Speyer, 2018; De Capitani, 2016).

These entities provided a forum for governing elites to discuss and socialize in order to amend the Commission's proposal to establish an EBCG and to better understand each other's proposals on how to strengthen the common external border control (Niemann and Speyer, 2018).

2.2.2.3. Cultivated Spillover

Supranational institutions such as the European Commission and the European Parliament play a critical role in maintaining the integration process in the face of this form of spillover. During the integration process, becoming an *agent of integration* benefits these institutions because as the integration progresses, the authority these institutions get grows, thereby benefiting them in a favourable way (Niemann and Bergmann, 2015).

Because of its unique position in the EU decision-making structure, the European Commission is responsible for a large share of the responsibility of fostering the integration process (Nugent, 2017). It is at the heart of the decision-making process because it has the authority to conduct legislation and is present in virtually all decision-making forums and at all decision-making stages (Nugent, 2017). Another aspect that distinguishes it as a significant institution is that it is a well-informed state about the positions of other actors and that the other actors rely on its guidance (Nugent, 2017). During its six months in office, the member states who has the Council president has benefit in the sense of information and procedure (Tallberg, 2006). This qualifies it as alternative architect of coalition (Elgström, 2003). In terms of the upgrading potential of integration through socialization and learning processes, the effect of the Council president on integration is identical to the elite socialization thesis discussed in the previous subtitle.

The Commission's efforts to promote a more integrated external border system, as well as its recommendations to MS on how to commence the creation of a border agency, are evident examples of promoted spillover that are explored in the thesis' analysis section. Cultivated spillover in this area can be seen in the Parliament's partnership with the Commission in establishing Frontex, as well as the between the Council president and the Commission in improving the border regime to the EBCG.

2.2.2.4. Exogenous Spillover

The exogenous spillover notion, as viewed by Niemann (2006), is an answer to neo functionalist critics, and it supports theoretical research into "tensions and contradictions" emerging outside the EU when examining the integration process.

The explanation for this is that external risks and shocks have an integrative effect, requiring tight coordination among partners or MS to develop common resolutions. (Niemann, 2006) Exogenous spillover's second justification for sparking integration is that it is about the sense of regional integration as a buffer against disadvantageous or uncertain external developments (Niemann, 2006). To exemplify, this can be as an opposition to globalization, migration, environmental degradation, or international terrorism. Niemann (2006) argues that a shared approach is required to address such difficulties adequately, and external spillover is triggering deeper integration in this regard. In the analytical chapter of this thesis, these examples and endogenous functional spillover mechanisms are discussed as they contribute to the evolution of external border management.

2.2.3. Intergovernmentalism

In the 1960s, Hoffman established intergovernmentalism as a reaction to neo-functionalism. Intergovernmentalism is state centred, as opposed to the transnational nature of neo-functionalism. It stresses the recovery of nation-states from many military defeats, interventions, destructions, and political and economic losses between 1914 and 1945, and views nation-states responsible for national policies as the key actors (Milward, 1993). Hoffman claimed that nation-states are the primary actors in the international order, and that intergovernmental negotiations conducted in the context of state interests can lead to cooperation. According to Hoffman and Nye, governments embrace integration because national interests demand it and do not welcome the loss of sovereignty in areas like defence and security (Hoffmann and Nye, 2006).

Moravcsik is another significant proponent of the approach. Moravcsik, like Hoffmann, stressed the importance of states in the decision-making process of the European integration.

To explain how national interests are established in the process of the European integration, Moravcsik employed Putnam's (1974) two-Level Game theory. As a result, it is believed that member nations will base their foreign policy preferences on their domestic policy goals, which are moulded around their national interests. Representatives of the intergovernmental method claim that intergovernmental cooperation is sufficient for the European integration, but that a supranational organization is not conceivable (Moravcsik, 1993).

The function of international institutions was not rejected in theory, and they were considered as facilitators of intergovernmental negotiations. The signing of the SEA in 1986 supported the theory's arguments. Because the agreement could be signed when governments reach the lowest common denominator as a result of bargaining with other governments within the framework of their own power and interests (Moravcsik, 1993).

The main complaints addressed in the idea are that the EU was unable to justify the 2004 enlargement process, which resulted in increased economic expenses for member countries. Furthermore, bilateral intergovernmental relations theory was unable to explain the EU's multi-actor structure and complex network of relationships (Soyaltın, 2015). According to Kaunert, Léonard, and Hoffmann (2013), Moravcsik's approach based on member country preferences ignores the dynamic nature of the EU institutions. As a matter of fact, according to research on immigration, especially in the field of asylum, moving the jurisdiction to the EU level has led to an increase in standards in general (Kaunert, Léonard, and Hoffmann, 2013).

Liberal intergovernmentalism, on the other hand, situates a liberal theory of state choice and state choice formation inside a framework of international interdependence and institutions (Moravcsik, 1998). Three basic principles underlie liberal intergovernmentalism. First, state decisions are made as a result of a national decision-making process. Second, power imbalances among the EU members determine which options will influence the EU policy. Third, the institutional framework that underpins the EU policy reflects member states' unwillingness to make real pledges and assure their enforceability.

Liberal intergovernmentalism considers national governments' foreign policy aims as the consequence of national decision-making processes, drawing on liberal theories of international relations that emphasize on state-society connections.

While countries identify potential benefits of the EU collaboration in response to societal interests (demand), the interstate strategic interaction process outlines the EU architecture's viable responses to individual government demands (supply) (Zaun, 2018).

2.2.4. Post-Functionalism

In the context of European integration theories, post-functionalism can be considered a new theoretical framework. It arose as a critique or a contrast to the optimistic ideas of European integration that have dominated academic debate. However, in the last decade, Europe has seen numerous crises with varying outcomes, and as a result of the disintegrative forces exhibited by these crises, post-functionalism has emerged as a *pessimistic* framework that emphasizes disintegration (Webber, 2019).

Intergovernmentalism and neo-functionalism view European integration as a collaborative effort between many interest groups and governments. Post functionalism evaluates the causes and implications of politics in three steps. Post-functionalism perceives European integration as a struggle between conflicting belief systems. It's a type of jurisdictional reorganization that, like the rise of the national state, has resulted in a significant cultural difference. As a result, under post-functionalism, the range of conceivable outcomes involves not only the status quo or its punctuated reform, but it also consists of disintegration. Each theory can be separated from the other two quite clearly. In turn, each theory interprets key events in the development of European (dis)integration in light of its underlying assumptions (Hooghe and Marks, 2008).

In 2008, Hooghe and Marks scholars published an essay titled *A Post-functionalist Theory of European Integration: From Consensus to Dissensus.* They propose a new research program to better comprehend emerging developments in European Union politics. Their multi-level governance approach not only examines the relationship between domestic conflict and European actors and identities but also the differences between European studies and regional theories.

The reason Hooghe and Marks have criticized neo-functionalism and intergovernmentalism is that they have two main features: they both think of preferences as economic as neo functionalism states and they both think of preferences as economic. The distribution of economic gains among states or business groups is a cause for integration, according to intergovernmentalists. Preferences regarding the European integration reflect the distribution of economic gains among states or business groupings.

The other point they have in common is that they focus on distributional bargaining among (economic) interest groups (Hooghe and Marks, 2008). According to Hooghe and Marks, we must look beyond the economic choices of interest groups in order to gain a new perspective on the development of European integration. Scholars stress that interest groups are not necessarily decisive in the European integration, but they can be when certain circumstances are met. They claim that until 1991, and the integration period was characterized by a permissive consensus in which the European legal system was driven by the demand for adjudication of economic disputes between firms, the implications of which for most people were limited, or not transparent, and public opinion was quiescent.

Since 1991, however, elites and party leaders have had to look to their constituents while charting a route for integration, a time Hooghe and Marks refer to as *constraining dissensus* (Hooghe and Marks, 2008). They stress that the politicization of European integration through referendums and elections is to blame for the shift from permissive consensus to restricting dissension. They have three primary arguments listed below:

1. In elections and referendums, European integration has become politicized,

2. As a result, public opinion and national political parties have become increasingly influential in determining jurisdictional results,

3. Identity is crucial in shaping European contestation. (Hooghe and Marks, 2008)

The context of European integration has evolved as a result of this shift from consensus to dissension. In the interest of this change, public opinion has emerged as significant to the integration process.

Although elite centric views argue that European integration is not a concern for the public, Hooghe and Marks argue that popular opinion regarding integration is effectively structured, influences national voting, and is related to the underlying aspects that shape contestation in European societies. In order to perceive European integration with the claim of these scholars, it is crucial to comprehend the mobilization of identity in the sense of how and when. The most distinguishing characteristic of post-functionalism from neo-functionalism and intergovernmentalism is its emphasis on identity.

As a devout neo-functionalist, Schmitter began with the politicization in Hooghe and Marks' paper, claiming that they fail to explain the causality of politicization, whether it is endogenous, as neo-functionalism judges, or external, as intergovernmentalism suggests (Schmitter, 2009).

The disagreements between neo-functionalists and liberal intergovernmentalists should not conceal two points of convergence. First and foremost, both choices were envisioned as economic.

Demands for regional integration, according to neo-functionalists, are motivated by Pareto-improving economic gains. Transnational interest groups and supranational players follow the path of least resistance when it comes to economic reform. This would eventually lead to a Europeanization of the national state and even identities. Liberal intergovernmentalists emphasized that aspirations for the European integration were a reflection of the distribution of economic rewards among nations or corporate groups (Hooghe and Marks, 2008). Second, both neo-functionalism and liberal intergovernmentalism are concerned with distributional bargaining amongst (economic) interest groups. Neo-functionalists predicted that such organizations would operate at both the supranational and state level.

The reason of discussing these grand theories in this thesis is that functionalism, neo functionalism and intergovernmentalism explain government policies addressing refugees in the most effective way. In other words, since this thesis analyzes the EU-Turkey relationship from a historical approach in the scope of immigration policies, functionalism best states these two actors' intensified cooperation in order to overcome the Syrian refugee crisis.

Also, functionalism has resurfaced as the EU has failed in terms of sharing the refugee burden with Turkey. It is obvious that there is a direct relationship and contribution of functionalism theory in this regard. As functionalism's one of the features is referring to integration between states on an indisputable problem, and since this study is discussing the EU and Turkey's relations regarding refugee influx, functionalism theory acts as a bridge in certain organizations where that gap is crystal clear because the EU would like to retain its critical attitude towards Turkey in the democracy and law areas until the year 2015. However, afterwards, the same EU prefers to establish dialogue and organize summits to provide for the needs of Turkey's budgetary demands for refugees and mutual expectations are monitored.

The rationale behind the discussion of neo functionalism theory in this thesis is to explain the divergence of Turkey and the EU in the sense of policies. This reason can be supported with Turkey's neo functionalist stance by continuing to pursue policies while the EU proves its stance by eluding from neo functionalist policies. In accordance with the intergovernmentalism theory's discussion in this thesis particularly from the EU view that the EU has moved away from intergovernmentalist approach, whereas at the beginning the opposite stance is observed.

In this respect, subjects of intergovernmentalism such as concept of interest in states, the idea of sovereignty, intergovernmental and supranational balance or gathering are beneficial in order to explain the EU's view towards Turkey and this is as stated before resulted in Turkey's cooperation and agreements with other countries while the EU only would prefer much dialogue except migration issues and its regulations in new policy areas of the countries concerned rather than Turkey.

From my point of view, these grand theories' functions and the perspectives of the forementioned scholars' provide a great deal of knowledge to learn, obtain, and improve from not only different contemporary international relations approaches but also aspects because this thesis' major focus refugee policies is a very dynamic subject to discuss in the academic field and is always exposed to open a new horizon in the academic arena in which I have a great opportunity to develop my international relations knowledge, discussion aspects, and academic improvement.

CHAPTER 3: HISTORICAL ANALYSIS

Historical analysis, one of the most important research approaches in the social sciences, will be briefly presented in this section. Following that, the policies prior to the Syrian civil war, which necessitated adjustments in the EU and Turkey's immigration and refugee policies, are chronologically summarized. In order to comprehend the policies in the period 2011–2021, which is the focus of the research, it is necessary to first grasp the historical context. Following that, the historical analysis section is explained.

3.1. Historical Analysis Method

The discipline of international relations (IR) has tried to distinguish itself from the disciplines of history and political science. In order to understand the term *international*, it is necessary to consider not only the local factors that influence foreign policymaking, but also the historical development of institutions and processes (Palabıyık, 2019). Historical analysis has come to the fore as an important method that fills this gap. In describing a particular phenomenon, this method asks what conditions or factors are generally shared by actors and institutions and which are distinctive (Cohen and O'Connor, 2004).

Historical analysis is defined as (Jupp, 2006).

> *"A method that seeks to make sense of the past through the disciplined and systematic analysis of the 'traces' it leaves behind. Such traces may be of many different kinds, ranging from everyday ephemera, artefacts and visual images to old buildings, archaeological sites or entire landscapes. The most widely used historical traces, however, are written documents, whether of public or private origin".*

In the field of international relations, historical analysis is frequently employed to construct a context or background. Without this technique, no explanation of contemporary phenomena can be properly comprehended.

Historical analysis is frequently integrated with other approaches to answer social research problems (Jupp, 2006). Comparative historical analysis, on the other hand, provides historically justified explanations of large-scale issues and significant results.

It aims to pay close attention to historical sequences and causal configurations that produce important outcomes, the evolution of processes over time, and the systematic and contextual comparison of similar and contrasting cases (Mahoney and Rueschemeyer, 2003).

Comparative historical analysis assumes that huge macro-social structures may be divided into categories or families of situations that are similar in some ways but different in others. In this study, the case families for comparative historical analysis involve Turkey as a nation-state, the United Nations as an intergovernmental organization and the European Union as a supranational organization. Current distinctions between comparable social structures, or between events, behaviours, and trends induced by such structures, are thought to stem from recognizable events or conditions in the historical past that have lasted long enough in comparative-historical analysis. Differences between cases, conceived as different values of common but variable traits, are explained by other differences between the same cases observed in the past—different values of other "variables" in the past, or covariant historical differences (Streeck, 2015).

In other words, comparative historical analysis is the systematic examination of two or more historical phenomena in an attempt to identify similarities and contrasts in order to aid in the description, explanation, and understanding of these events. It is not a single approach, but rather a catch-all term for a variety of social scientific and historical methodological approaches (Palabıyık, 2019).

It is crucial to discuss why historical analysis is conducted in this study. Since this thesis is primarily based on the analysis of immigration policy changes of Turkey and the European Union in the last decade, it is important to read and monitor the policy changes periodically and from historical approach covering the last ten years and its impacts on both Turkey and the EU over the Syrian refugee crisis. It is more significant to discuss how history as a discipline may contribute to international affairs, that is, the different ways in which history or a historical method can be used as an analytical instrument (Salomon, 1993). First, historical methodology can be utilized to establish historical facts. Second, history can be used to create summaries or to track long stages of the development in order to demonstrate change or continuation.

Third, history is used to examine how a phenomenon institutionalizes, becomes entrenched, and is founded. The fourth one is that history is used as an analytical tool for identifying general connections, or, more accurately, to construct and evaluate theories regarding such connections discussed in this study.

The fifth function of history is to determine the genesis of an event or phenomena. Finally, there's the historiographical approach which examines how history is applied and interpreted (Salomon, 1993).

These six features of history are not completely exclusive, but they may be stated as analytically important to differentiate because they represent various approaches to international relations and how they are used. In some ways, historians have traditionally seen the first point as the most fundamental work, and it emphasizes the application of historical methodologies. The other four of them use history as an analytical tool. The last one six signifies how history is used and interpreted as a cultural construction (Salomon, 1993).

Traditionally, historical analysis has been associated with the hope of learning from the past. It is claimed that we may foresee future concerns by using trends and developments from previous decades. For example, it is said that studying international relations from a historical viewpoint might lead to more sensible political judgments (George, 1979). Historians may enrich our understanding of current concerns by studying similar cases from the past, which will provide a foundation of knowledge for recognizing key issues of importance in the future and analysing various improvements. History's existence today makes it easy to figure out the historical processes' importance for the development of the future (Wright, 1969).

The major goal of historical analysis should be a discussion regarding the future and contribution to it rather than providing a service for government officials and policy makers.

Debates amongst historians about central issues and the ways to provide better utilization of history to analyse these concerns will be both inspirational for the historical research communities and historical dimension into focus so that contemporary issues can be perceived better (Salomon, 1993).

3.2. Pre-Syrian Civil War Policies

In this section, first the historical development of the EU immigration and refugee policies will be discussed, and then Turkey's policies will be discussed.

3.2.1. The EU Immigration and Refugee Policies (1951—2011)

In the 20th century, Europe saw some of the largest refugee influxes and violent migration movements in human history, particularly as a result of the First and Second World Wars. Historically, Europe has been a popular destination for global migration flows. But until the Second World War, Europe was not a popular immigration destination. On the contrary, many migrations from Europe to the Americas took place before this date. For example, it is thought that from 1820 to the Second World War, approximately 55-60 million Europeans immigrated to America (Alkan, 2015). In the post-war period, the rapid economic recovery of the European continent and the inability to meet the need for labor were the most important reasons for increased migration to Europe (Özdal, 2008). In the mid-1950s, Germany and other European nations faced a labor shortage due to the German economy's quick recovery following the 1948 German economic reform. After rapid industrialization, the low population ratio in Western European countries has increased the demand for employees. Following that, Western European countries, mainly Austria, the Netherlands, Switzerland, Denmark, and West Germany, created workforce plans and began to welcome guest workers from Southern European countries, with Turkey and North Africa following suit (Canpolat and Arıner, 2012). During this time, Europe had a massive influx of immigrants. Some international agreements have been made since this period. Continental states have tried to develop a common policy against the increasing immigration wave.

3.2.1.1. 1951- The Treaty of Paris

This treaty established the European Coal and Steel Community (France, Germany, Italy, the Netherlands, Belgium, and Luxembourg), which provided inhabitants of these countries the right to labour in the other Member States. The free movement of employees between member states is governed by Article 69 of the Treaty's Chapter 8. The free movement of employees between member states is guaranteed by this treaty (Van Raalte, 1952).

The Treaty of Rome did not grant the EEC any authority over immigration policy, but it did lay the foundation for community action on intra-EU migration for work.

3.2.1.2. 1957- Treaty of Rome

The EU's Common Migration Policy was first introduced in the 1957 Treaty of Rome III. It is included under the title, which includes the provisions on the free movement of persons, services, and capital. With the 1957 Treaty of Rome, it was decided to establish a common market between the six founding states, and in Article 48 of the Treaty, it was stated that immigrants would have the right of free movement if they were workers of the member states and found employment in one of the Member States. In accordance with this article, member states are also required to abolish all forms of discrimination based on citizenship in employment, wages, and working conditions among their workers.

Italy was the country that welcomed the entry into force of Article 48. Italy supported free movement in order to reduce unemployment and create jobs. Although Article 48 came into force in 1968, despite all efforts, the desired labour mobility was limited (Castles and Miller, 2008).

3.2.1.3. 1975- TREVI (Terrorism, Radicalism, Extremism, and International Violence)

With the oil crisis of 1970, the Union's attitude toward immigration began to shift. Immigrants and asylum seekers are no longer seen as people waiting for humanitarian aid or simply seeking protection, but as people who want to take advantage of state social services, endanger the order, and pose a threat at the borders, thanks to the realization of free movement of goods, services, capital, and labour on the basis of the common market.

In 1975, the Trevi Group was established, consisting of the Nine Ministers of the Interior (Germany, France, Italy, England, the Benelux countries, Ireland, and Denmark). This group's mission is to coordinate counter-terrorism measures and ensure legal and police cooperation. This process was intergovernmental and ambiguous:

Politically, the decision-making process is unanimous, and the relevant institutional structure is aligned with the EU (cooperation rather than integration); legally, the framework in which decisions are made, the mechanisms to be applied, and the mechanisms for implementation are all outside the EU and must be based on international law (Zapata-Barrero, 2002).

3.2.1.4. 1985 Schengen Agreement

The Agreement, which is the first result of intergovernmental cooperation on migration, was first signed between the five member states of the European Community (EC) (Belgium, France, Germany, Luxembourg, and the Netherlands). While this treaty gradually eliminated controls at the borders of the treaty's signatory countries, it also resulted in increased inspections at the external borders. In this context, the Schengen Agreement is seen as an initiative that increases the restrictions against immigration while also increasing the security of the borders. Following the abolition of internal border controls, an attempt was made to maintain control through the cooperation of justice and police in the EU. The removal of borders between member states deprives countries of control in terms of identity checks at the entrance and exit of individuals. Therefore, several measures have been taken to ensure that drug dealers, smugglers, or human traffickers do not abuse the freedom of movement.

It has been decided to ensure harmonization between Member States' immigration, asylum, and visa policies to ensure control at external borders. Control was attempted to be ensured with the cooperation of justice and police in the EU following the abolition of internal border controls. The aim here is to ensure free movement in the context of security and migration without any problems, and to prevent illegal migration and irregular migration (Euskirchen, Lebuhn, and Ray, 2008).

3.2.1.5. 1986- The Treaty of The European Single Act

In order to resolve the dilemma of establishing the internal market and continuing their sovereignty on immigration issues, the Single European Act, the first important revision of the Treaty of Rome, was signed. With this treaty, while the establishment of the internal market between member states was completed, the member states also expressed their desire to preserve their national sovereignty in order to keep immigration under control.

With this Bill, which is based on intergovernmental cooperation, the importance of external borders has grown, and the security problems that will arise have increased the importance of external border controls and the need to take action on new topics in this field (Zapata-Barrero, 2002).

3.2.1.6. 1992- The Maastricht Treaty

The Maastricht Treaty, which forms the basis of the European Union, was signed in 1992 and entered into force in 1993. The Maastricht Treaty makes major changes to the founding treaties of the EU. It is an agreement that changes the organizational structure of the integration process as well as the decision-making mechanisms. Firstly, the European Community took the name of the European Union, and with this treaty, three basic pillars were established. The first pillar involved the European Communities and granted a structure providing powers and the second pillar was based on the common foreign and security policy and the third pillar consisted of justice and home affairs defined in the Treaty Title VI (Consolidated Version of the Treaty of European Union, 2020). In addition to this, Titles V and VI ensured intergovernmental cooperation by applying the common institutions with specific supranational characteristics that cover the Commission and consultative Parliament (Stetter, 2007) Thus, it created the EU with the absolute international cooperation mechanisms surrounding the EC, which are effective at the international level to a certain extent and include the ECSC, EEC, and EURATOM (Mathieu, 2006).

One of the most important advantages of the unification of these structures under the EU roof is the merging of organizations such as Trevi and the Migration Group, which are coordinated between states, in an institutional centre, and the integration of the Trevi Group into the field of Justice and Home Affairs, the third pillar of the European Union (Canpolat and Arıner, 2012).

This tripartite structure, which was created by the Maastricht Treaty, was abolished by the Lisbon Treaty (2009), which entered into force in 2009. Two of the nine policy areas identified as issues of common interest regarding internal security in the Maastricht Treaty are asylum policy and immigration policy for third-country nationals.

3.2.1.7. 1997- Amsterdam Treaty

The most important development in migration was the Amsterdam Treaty, which was signed in 1997 and entered into force in 1999, and the European institutions started to work on the creation of a common migration, asylum, and refugee legislation among the Member States.

Although the EU member states had a common idea of increasing cooperation on migration, they failed to establish a migration policy and to show a common stance on asylum and temporary protection issues until the Amsterdam Treaty.

The Amsterdam Treaty attempted to establish standards and common policies on issues such as immigration control, asylum application conditions, control and acceptance of asylum seekers, and ensuring free movement of persons, as specified by the Schengen and Maastricht Treaties.

Immigration and asylum issues in the third column (Justice and Home Affairs) of the Maastricht Treaty were transferred to the first column (European Communities). These are now within community jurisdiction and other policies relating to visas, asylum, immigration, and the free movement of persons are included in Article IV of the treaty. It has been subject to community instruments and methods under its title (Hailbronner, 1999).

The EU's mandate in the field of migration is clearly stated in the Amsterdam Treaty. The Amsterdam Treaty is an important treaty both for the revision of the powers of the EU institutions and for the development of common policy. The transition of immigration policies to the supranational field, which is the first pillar, has had a significant impact on this policy area.

Articles 61–69 of the Treaty of Amsterdam's Title IV cover policies concerning visas, asylum, immigration, and free movement of people. Article 62 of the treaty includes regulations regarding Schengen.

These regulations include the abolition of internal border controls, common visa rules, and the establishment of a standard procedure for external border controls.

It is planned to strengthen coordination among member states in the fields of asylum and migration with the Amsterdam Treaty. In the treaty, the regulation of entry conditions in terms of immigration policy, the residence of third-country nationals, and the fight against illegal immigration were discussed, and the efforts of the member states in this regard were tried to be balanced (Boswell, 2002).

3.2.1.8. 1999- The Tampere Programme

The foundations of the Integrated Border Management (IBM) model in the European Union were laid after the adoption of the Schengen Acquis and continued with the Amsterdam Treaty. With the Treaty of Amsterdam, the gradual construction of the area of freedom, security, and justice gained even more importance. This process also includes the creation of a common asylum system. In order to increase efficiency in the field of freedom and justice, which emerged with the Amsterdam Treaty, the EU has created 5-year EU activity programs that include the objectives and roadmap (Nicol, 2007). After the Amsterdam Treaty came into force, the Tampere Summit is important in terms of presenting a roadmap for the EU's steps to be taken on immigration and asylum. The Tampere Programme, which is the first of the programs covering a 5-year period, covers the years 1999–2004. What the EU will do for freedom, security, and justice has been defined as the priority area. One of the main themes of the EU Tampere Summit is to ensure partnership in the field of asylum and migration. The basis of the Tampere Summit is the common asylum system, cooperation with source countries, granting rights to third-country nationals close to EU citizens, and management of migration flows. The results of the Tampere Summit accelerated the implementation of the Amsterdam Treaty in the field of real policy and were expected to carry the process to the next stage. Advance steps have been taken, and a roadmap has been established, in the areas of the common asylum system, common immigration policy, and the externalization of security and internal affairs (Boswell, 2002).

3.2.1.9. 2003- European Neighbourhood Policy

The first step of the European Neighbourhood Policy (ENP), which is intended to be established in order to determine a new vision for the future of the EU, was taken with the document prepared by the EU Commission in March 2003.

Algeria, Israel, Egypt, Jordan, Libya, Lebanon, Morocco, Palestine, Syria, and Tunisia are included in the southern part of the policy, whereas Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine are included in the eastern part. Despite the fact that Russia participates in cross-border cooperation operations as part of the ENP, it is not a member of the ENP (Özdaşli, 2016). It was created with the goal of preventing new dividing lines between the EU and its neighbours, rather than enhancing prosperity, stability, and security for all. It is founded on democratic values, the rule of law, and human rights respect. This policy, which the EU focuses on, is undoubtedly based on certain interests. ENP serves to solve the important problems facing the Union and to implement the Union's global strategies. Especially with the 2004 enlargement of the European Union, the increase in the number of members and the expansion of the borders brought along security concerns. The instability in neighbouring countries after the 2011 Arab Spring has led to a large migration movement towards the EU. Along with these increasing problems, ENP was also seen as a solution to the problem of irregular migration (Samur, 2009).

3.2.1.10.   2004- The Hague Program

The Hague Agreement, which covers one of the most important stages of the process leading to the common migration policy, is a program that is prepared to support the field of freedom, security, and justice, which is trying to be established within the territory of the Union and brings security to the fore. The Hague Program is seen as the continuation of the program in which the targets set to be achieved in the fields of freedom, security, and justice within a period of five years at the Tampere Summit held in 1999 were established. After the Tampere Programme, The Hague Program offers new targets and a new roadmap for the years 2005–2010. Although not all targets were realized at the Tampere Summit, the foundations of the EU common asylum and migration policy were laid within a 5-year period, preparations for border controls were completed, police cooperation was developed, and judicial cooperation was carried to an advanced stage (Nascimbene, 2008).

As a result of the Hague program covering the period between 2005 and 2010, guidelines were prepared on the creation of funds to regulate activities in the fields of freedom, security, and justice; the signing of readmission agreements; the preparation

of EU common resettlement programs; the creation of the European migration network; and the return of undocumented migrants (Özgür and Özer, 2010).

3.2.1.11. 2005- Global Approach to Migration

In an informal leaders' meeting held at Hampton Court on October 27, 2005, the importance of cooperating with countries and regions at the source and transit points of migration was emphasized. It was requested to prepare a report on migration, with particular emphasis on Africa, stating what needs to be done first. For the first time in this report, the importance of a global approach to the migration problem and the key factors for the development of the source and transit countries (economically and politically) are mentioned for the solution to the problem. At the European Council in December 2005, the Union's Global Approach to Migration was adopted. This new Global Approach brings together migration, foreign relations, and development policies to address the issue of migration through an integrated, comprehensive, and balanced partnership with third countries. Thus, by establishing a link between migration and economic-political development, the way of dealing with the main causes of migration is followed (Samur, 2008).

3.2.1.12. 2008- The Migration and Asylum Pact

The Asylum and Migration Pact of the European Union, which was proposed during France's presidency, was built on five principles. Controlling illegal migration by ensuring that illegal immigrants are returned to their country of origin or transit country; improving border controls; a single asylum procedure and the implementation of a single status for refugees; and the establishment of inclusive partnerships to support the interaction between source and transit countries (Güleç, 2015). The stages of the creation and evaluation of the Pact in the EU include an approach that includes legal immigration as well as controlling immigration. The Pact forms the infrastructure of the next process, the Stockholm Programme.

3.2.1.13. 2009- The Treaty of Lisbon

The Lisbon Treaty, which took effect on December 1, 2009, was one of the most effective arrangements in the framework of the European Union's immigration restrictions.

The Lisbon Treaty addressed an issue that had previously been overlooked in earlier accords and established the goal of developing a unified migration policy. The Lisbon Treaty, in this context, is an agreement that modifies the framework of the European Community Treaty.

For three primary reasons, the Lisbon Treaty had a considerable impact on the development of EU immigration and asylum policies. For starters, this pact went beyond adopting minimal requirements on many parts of asylum systems, granting the EU unprecedented immigration and asylum powers. Second, the Treaty of Lisbon altered the institutional arrangements in the realm of migration policy, bolstering the involvement of EU institutions such as the European Parliament and the European Court of Justice. Finally, the Lisbon Treaty has made the EU Charter of Fundamental Rights, which was ratified in 2000, legal in all the EU member states (Kaunert and Léonard, 2012). The right to asylum was defined as an independent right, and the principle of non-refoulement was also included. With the Lisbon Treaty, the "pillar system" previously created by the Maastricht Treaty was abolished. The fact that the countries themselves continue to control the number of asylum seekers under the name of the new common migration policy shows that national authorities are still sovereign in the field of migration. Special arrangements have been made in the areas of border controls, policies on asylum and immigration, judicial cooperation in civil matters, judicial cooperation in criminal matters and police cooperation (Akçay and Göçmen, 2012).

3.2.2. Turkey Immigration and Refugee Policies

Due to its geography, Turkey has witnessed many migrations throughout the history. Since 2011, it has become the world's largest recipient of refugees. The influence of the EU has been an important driving force when creating migration policies in the past. In this section, Turkey's migration policies in the pre-2011 period are discussed. Turkey's migration history has been evaluated in three phases in some studies (Goularas and Sunata, 2015; Demirhan and Aslan, 2015).

These are:

- Republic of Turkey nation-state establishment process migrations,
- Labour migration from Turkey to Western Europe, followed by different types of migration from Turkey and continuing migrations from the Balkans to Turkey,
- Asylum migration types coming to Turkey or coming to pass through Turkey, which has increased rapidly since the 1990s.

In some studies, this period has been examined in five stages (Sirkeci and Yüceşahin, 2014; Çaki, 2018).

- Migration until 1960,
- Forced migration of citizens of Turkish origin in Cyprus and Bulgaria to Turkey after 1960,
- Forced migrations due to internal turmoil in Turkey's neighbouring countries after 1970,
- Forced migration to Turkey of citizens residing abroad with their families after 1980,
- Migration of foreign citizens to Turkey after 1990.

Until the 1951 Geneva Convention, only an ethnic emphasis was made in the legislation, and no official protection was provided to foreign immigrants. With the Geneva Convention, only those who came from Europe and the Former Soviet Republics before 1951 were granted immigrant status. In accordance with the Geneva Convention, most of those who came were sent to countries such as Canada and the USA by the UNHCR (Kirişçi, 2005). After 1952, they immigrated to the country because they had the status of a Muslim minority in Yugoslavia and Macedonia, and they accepted Turkey as their motherland. The fact that their relatives were also in Turkey has been a factor in migration (Çavuşoğlu, 2006). Housing and job opportunities were provided by the government in accordance with the state plans during the migrations experienced from the establishment of the Republic to the 1960s (Doğanay, 1997).

3.2.2.1. Settlement Law

The first official document regulating immigration is the Settlement Law, which regulates the resettlement of immigrants and dispersed individuals. Providing resources to sustain their lives, such as working areas and living areas, is within the scope of the settlement policy. The 95 thousand immigrants who came in 1935 were arranged within the framework of this law (Araz, 2019). Entry into the territory of the country, settling or gaining citizenship of citizens of Turkish origin is regulated by the Settlement Law No. 2510, which entered into force in 1934. It was revised as the resettlement law numbered 5543 in 2006, but there was no specific change to the law (Erder, 2007). The low population, the development of the economic and social structure, industrialization, and agricultural progress in the name of migration from the same ethnic origin were accepted. Immigrants were also given the opportunity to obtain Turkish citizenship with the Settlement Law of 1934 (Kirişçi, 2000). Persons of Turkish descent and adherents to Turkish culture are considered immigrants in accordance with the Settlement Law. They receive citizenship after the procedures and some exemptions are provided to them. In general terms, the purpose of the law is to ensure Turkish unity by joining the country in order to strengthen Turkish culture.

Another policy that achieves this goal is the placement of different ethnic identities among societies that share Turkish culture (Gök, 2005). Looking at the articles of the Law, it is argued that they are built on racist ground. The definition of immigrant in the law is as follows:

> *"Immigrants: Those who are of Turkish descent and adhere to Turkish culture and who come to Turkey alone or collectively for the purpose of settling are accepted in accordance with this law. If they will not be accepted as immigrants, Foreigners of Turkish descent and non-Turkish culture, deported persons of Turkish descent and Turkish culture, and those who are deemed unsuitable to come to Turkey in terms of security are not considered as immigrants."*

With these and similar articles and definitions, it can be concluded that there is xenophobia in the settlement law.

3.2.2.2. *Geneva Convention*

Until 1951, there was no legal policy in the name of asylum. The turmoil in the surrounding countries forced Turkey, which wanted to receive western support, to make some changes. For this reason, the Geneva Convention was signed in 1951 and ratified in 1961 (Aybay, 2005).

In the 1951 Geneva Convention, the article that says Turkey will only accept asylum requests from Europe shows a geographical limitation similar to the resettlement policy. The member states of the Council of Europe, Russia and the former Soviet countries, including the Caucasus, make up Europe. Refugee rights in the Geneva Convention have been completed with national legislation such as the 2510 Settlement Law, 5683 Law on Residence and Travel of Foreigners in Turkey, Passport Law, and 403 Turkish Citizenship Law (Kirişçi, 1991). Those coming from Asia, Africa, and the Middle East were excluded from the contract. In this period, ethnic Turks from Bulgaria received immigrant status instead of refugees and had broad rights under the Geneva Convention. Refugees under the Convention were either resettled in another country or benefited from policies such as integration and social integration in their country. The rest of the people, on the other hand, were placed in camps as temporary refugees. According to the Geneva Convention, those who were excluded from refugee status were accepted as tourists. Some of them settled in other countries with the UNHCR, and some of them immigrated to different countries with their own connections (İçduygu, 2000). While Geneva Convention refugees gained certain rights, those who remained outside the definition remained in line with the principle of non-refoulement. Although the 1951 Geneva Convention contains provisions on the basis of mass population movements, it does not contain any regulations on temporary protection and collective asylum.

With its temporary protection policy and regulations, Turkey aims to close this gap. The 1951 Geneva Convention and the 1967 Protocol include the protection of priority rights of refugees, such as freedom, non-discrimination, and security issues.

Refugees benefit from primary education, social benefits, working conditions and social security, equal financial gains with the citizens of the country, equal rights, the right to join trade unions, the right to own movable and immovable property, equality before the judiciary, benefit from secondary and higher education, choosing a place of residence, and they benefit from rights such as freedom of travel (Araz, 2019).

3.2.2.3. Period Between 1960-1980

In the 1960s and later, people from the Muslim faith and Turkish language groups migrated freely or settled. Settled or free immigrants from Turkistan and Afghanistan were settled in rural or urban areas, especially in Central Anatolia, East, and Southeast Anatolia. Migration to Anatolia continued in the years when this controlled population policy was seen as a powerful element of politics. Between 1968 and 1979, more than 110.000 people immigrated to Turkey through the Close Relative Immigration Agreement (1969) between Turkey and Bulgaria. The rest of the Bulgarian families that came before came during these years.

The remaining families settled with relatives and families who immigrated as free immigrants on their own (Doğanay, 1997). For reasons such as global crises, unemployment and civil wars, Turkey has been exposed to mass migration movements of people and groups from various ethnic origins. Until this period, it was realized by individuals belonging to Turkish ancestry and culture, but after this date, it consisted of foreign identities to a significant extent. Due to its geographical proximity and the flexibility of visa applications, Turkey has become the target country for temporary immigrants. People whose main purpose is to reach European countries have used Turkey as a route (Erder, 2007).

3.2.2.4. Regulations in the 1990s

Temporary protection was provided to 500.000 Kurdish citizens who migrated due to the events that took place in Iraq in the late 1980s and early 1990s. In the same period, asylum seekers came to Turkey from Africa and Asia, and refugee status was not granted in accordance with the Geneva Convention, and no regulation was made until the 1994 asylum law. These people were accepted as irregular migrants and were given temporary protection (İçduygu, 2004).

In accordance with the 1992 law on the Admission and Settlement of Meskhetian Turks to Turkey, the last wave of settled migration occurred. According to the annual number determined by the Council of Ministers, Meskhetian Turks living in the republics forming the Soviet Union migrated freely and settled in the country, with priority given to those in the most difficult situation. (Alim, Doğanay, and Şimşek, 2006). During this time period, 25.000 Bosnians and 16.000 Kosovo Albanians immigrated, and all of them received temporary protection (Kirişçi, 2004).

Turkey's immigration policy was established within the framework of the nation-state concept throughout this time. Turkey has established new legal arrangements in order to react to these changing and evolving policies. The 1994 Asylum Regulation, the 2005 Turkish National Action Plan in the Field of Asylum and Migration, and the 1934 Settlement Law are all continuations of nation-state-centred policies and practices.

The 1994 Asylum and Asylum Regulation was prepared to meet the need for a new regulation on the turmoil in the Middle East. The purpose of the regulation is to determine the procedures and principles to be applied to foreigners who take refuge in our country individually or request a residence permit from our country to take refuge in other countries, and to foreigners who come to our borders with the aim of collective asylum or asylum, and to determine the procedures and principles to be applied to possible population movements and to determine the institutions in charge (Kirişçi, 2004). It is accepted in Article 2 that asylum seekers can enter not only through legal but also illegal ways. This regulation, which was prepared due to the pressure and criticism experienced, did not present radical decisions in terms of immigration policy. Within the framework of the emphasis on security, the first years worked in cooperation with the UNHCR. Thousands of asylum seekers have been given temporary protection, and the majority of them have migrated to different countries. Reconciliation with UNHCR is accepted as a positive step in terms of migration policy. In the light of these developments, UNHCR units were opened in border provinces that are important for refugees (Kirişçi, 2001). The 1994 regulation determined the conceptual basis of the country's asylum and migration policies, as well as their implementation, until 2005, which is the EU's full membership process.

3.2.2.5. *The EU Candidacy and Changing Immigration Policies*

Turkey announced its official candidacy to the EU at the Helsinki Summit in 1999.Turkey has started to reorganize its legal situation and practices in accordance with the European Union and has stated that it will be compatible with issues under the roof of justice such as visas and asylum, which are among the most important issues for the EU. Turkey, whose work in the field of migration was stagnant until the 2000s, started to focus on studies on migration as a result of the negotiations with the European Union, and with the effect of the process, some policies and decisions were taken and implemented quickly. The first of these is the adaptation of issues related to foreigners and asylum to EU negotiations, and the second is the Accession Partnership Document, adopted in 2003 (Canpolat and Arıner, 2012). The EU has also cooperated with Turkey to prevent or reduce the flow of irregular migration. With the EU's regular report series, Turkey has increased its border controls.

Steps have been taken for applications regarding irregular migration in the short term with the Accession Partnership Document. In the midterm, it aims to prevent irregular migration by creating appropriate units for support and accommodation for asylum seekers and harmonizing with the EU acquis. In addition, another important issue is the removal of the geographical limitation in the Geneva Convention. The removal of this limitation can be shown as a sign that integration policies will come to the fore rather than repatriation to the source country or resettlement to a third country.

3.2.2.6. *Post-Syrian Civil War Policies*

As a result of the civil conflict in Syria, many individuals have left the nation and been looking for better locations. Migration mobility is still present today. Syrians, who have sought asylum in neighbouring countries in large numbers since the onset of the conflict, have attempted to seek refuge in European countries as an alternative way to a better life in the interim. For Syrians with temporary protection status in Turkey, the prospect of better education, housing, and employment chances in a *prosperous* Europe is a compelling inducement. In truth, this movement carried with it a long and difficult process. During and after the difficult migration journey where thousands of them lost their lives, Syrian refugees have faced many problems in Europe.

The desire of Syrians to reach Europe by risking their lives has put the EU in trouble and has brought the applicability of the Dublin Convention to the point of questioning in EU member states. In order to prevent illegal asylum, the EU has developed various policies to keep asylum seekers away from this route.

3.2.3. Policy Changes in the EU

Changes in the EU immigration rules in response to the increased refugee influx following the Syrian civil war are discussed in this section. This section of thesis brings the policy changes starting from the Stockholm Program. The 2009 year is recorded as significant changes and new steps taken period which involves the Stockholm Program which is significant in terms of new migration and asylum policies and goals (Kaunert and Leonard, 2012). This part also explains the years that Stockholm Program covers and its aim serving as outlining the Field of Freedom, Security and Justice (EU Commission, 2009). Secondly, this section of the thesis consists of the Dublin III Regulation which founds criteria and methods so as to decide which member state is responsible for a third country asylum applications or a stateless individual searching for an international protection (Council of the European Union, 29.06.2013, Art.one). Within this section, as a final policy change covering that period, Readmission Agreements is explained that is defined as an agreement aims to regulate the return of people who have entered the borders of a state without a passport, visa, residence allowance irregularly from the various scholars' perspectives such as Özsöz (2014) and Bouteillet-Paquet (2003).

3.2.3.1.Stockholm Program (2010-2015)

2009 has been the year of important changes and new steps taken in this regard. The Lahey Program has come to a conclusion, and the Lisbon Treaty entered into force in this period. During this time, the Stockholm Program introduced new migration and asylum policies and goals. After the Lisbon Treaty entered into force on 1 December 2009, the Stockholm program was accepted by the European Council on 2 December 2009 and some documents were issued by the Commission for new steps. These documents and their content were globally key and instrumental in the development of the European economic and social market in the 21st century. This process attempted to ensure free movement on the one hand while also ensuring citizen security on the other (Kaunert and Léonard, 2012).

The Stockholm Program, which constitutes the other five-year plan of the FFSJ, was announced by the Swedish presidency in December 2009. A new multilateral annual program has been prepared for the Stockholm Program, covering the period between 2010 and 2014. Although there was a slowdown in the program, which took place in the same period as the entry into force of the Lisbon Treaty, important decisions were taken for the formation of the FFSJ, and it started to operate. The priority areas identified by the Council of Europe for the coming years are as follows: focusing on the needs and interests of citizens and ensuring their safety, ensuring respect for fundamental freedoms and guaranteeing security in Europe. In the Stockholm Program, which took place at the same time as the Lisbon process, the desire to deepen and create a European identity, which is the output of the Lisbon Treaty, was reflected as an emphasis on the security of European citizens (Özkan, 2013).

The Stockholm Program is the EU's third multi-year programme, outlining the Field of Freedom, Security and Justice for the next five years. It was approved by the Council of Europe on December 10-11, 2009 and was published under the title *An open and secure Europe that serves and protects its citizens*. The program is mainly focused on the interests and needs of citizens. The document focuses on a European discourse that takes into account the expectations and concerns of citizens. In the document, the challenge is expressed as ensuring respect for fundamental rights while ensuring security within the EU. For all future action, the EU is responsible for focusing on its own citizens and other people with whom the EU interacts (EU Commission, 2009).

3.2.3.2. The Dublin III Regulation

In general, problems have been encountered in practice in the Dublin systems (Dublin I and II), which regulate the country responsible for examining asylum claims as the first country of entry. In the report prepared by the EU Commission in 2007, it was determined that the desired results were not achieved in Dublin I and II. The Dublin III Regulation (Regulation (EU) No. 604/2013), which took effect in 2013, is a revision of the 1990 Dublin Convention and the 2003 Dublin II Regulation. The Dublin III Regulation establishes criteria and methods for deciding which Member State is liable for a third-country asylum application or a stateless individual seeking international protection in one of the member states (Council of the European Union, 29.06.2013, Art. one).

The Dublin III Regulation tries to prohibit asylum seekers from being transferred from one EU member state to another without any EU member state assuming responsibility. It also serves to prohibit an asylum seeker from applying for protection in more than one EU country. Every application for international protection by a third country or a stateless person into the territory, borders, or transit areas of an EU member state will be reviewed by the member states, and each asylum application will be reviewed by a single Member State (Council of the European Union, 29.06.2013, Art. 3(1)). In general, the member country where the asylum seeker first sets foot and where the first application for international protection is made is responsible (Council of the European Union, 29.06.2013, Art. 3(2)).

If a family member of the person applying for international protection resides in a member country benefiting from international protection (Council of the European Union, 29.06.2013, Art. 9) or if he has applied to a member state to benefit from international protection and this application has not been decided yet, (Council of the European Union, 29.06.2013, Art. 10), the member country in question is in a responsible position (EU Commission, 2009).

The system called Dublin III was not sufficient to solve the refugee problem. Because in the Dublin III regulations, criticisms were made that family ties were left only to the nuclear family, extended family ties were ignored, and the will of the asylum seeker was not included in which EU country he wanted to stay (Ağaoğlu, 2021). This situation also shows itself in the case law of the Court of Justice of the European Union (CJEU). For example, in the Mirza and Hungary decision, which was the subject of the CJEU in 2016, Mirza, who is a Pakistani citizen, applied for asylum by illegally entering Hungary through Serbia. Czech authorities asked Hungary to extradite Mirza, and Mirza renewed his application for asylum in Hungary. Hungary rejected this request on the grounds that Serbia is a safe third country, and the issue was moved to the CJEU.

The Court stated that the procedure determined in Dublin III does not require the responsible state to inform the Czech Republic about its national law in order to send the person to a safe third state and that the bureaucratic and systemic problems between Hungary and the Czech Republic will not abolish the right of application of the asylum seeker stated that the request should be re-examined (Özkan, 2018).

While waiting for the asylum seekers' applications to be decided, it is necessary to provide living conditions suitable for human rights by the member states. The Reception Conditions Directive (2013/33/EU) was adopted in 2013 to ensure that the needs of asylum seekers, such as housing, food, health services, and employment, are met during this waiting period. The Asylum Claims Procedures Directive (2013/32/EU) guarantees access to a fairer and more effective asylum procedure and ensures that all member states examine asylum applications to a common high-quality standard. The purpose of the Qualification Directive (2011/95/EU) is to identify third-state nationals or stateless persons in need of international protection with common criteria in all EU member states. Apart from this, the scope of international protection is specified in Article 1 of the Qualification Directive (2011/95/EU) (Eren and Çakran, 2017).

In this period, it was observed that the European Union had a tendency to narrow the policy areas of member countries. In response to the influx of Syrian refugees, a policy has begun to be implemented, asking countries to share the burden rather than blaming each other.

3.2.3.3. *Readmission Agreements*

The readmission agreements are designed to make it easier for third-country people to return to their home nations (Bal, 2016). In other words, readmission agreements are agreements that regulate the return of people who have entered the borders of a state without a passport, visa, residence permit, or similar travel document, irregularly and generally, from places that are not considered legal customs gates, but from places that are not considered entry points to the state of their citizenship (Özsöz, 2014).

In 1996, when bilateral agreements were already being implemented, member states initiated a broad discussion on the Common European Policy on Asylum and Migration at the Intergovernmental Conference. As a result of these discussions, the title *Common European Asylum and Migration Policy* was included in the Final Declaration of the Tampere Summit convened in 1999, and the subject of "management of refugee influxes" was also included under this title.

In Article 27 of the Declaration, the Treaty of Amsterdam, which gives powers in the field of readmission to the Community, invited the EU Council of Ministers and the European Council of Heads of State and Government to sign readmission agreements between the European Community and third countries or to introduce a standard readmission clause in other agreements (Bouteillet-Paquet, 2003).

The EU's Readmission Directive aims to harmonize and encourage national efforts to better manage returns and facilitate reintegration through the Readmission Directive. Return legislation is part of the Schengen acquis, and its right implementation in EU member states is monitored through Commission-led evaluation visits with experts selected by the EU member states and other Schengen participating states (European Commission, 2017). Readmission agreements are an important part of the EU's common migration and refugee policy, which has been developed by EU member states and organizations for nearly 30 years. Changes in the EU's immigration and asylum policy have occurred in tandem with the EU's enlargement, as the EU's borders have expanded geographically. At this time, a strategy focusing on irregular migration and border restrictions has been chosen, and third-country duties for preventing migration to the EU have begun to be imposed. The construction of information exchange and communication systems between the EU and third states, as well as the negotiation and signature of bilateral or multilateral agreements, are all responsibilities imposed on third countries in the EU's migration policy. Readmission agreements are one of the EU's most essential instruments in this context (Akdoğan, 2018).

3.2.4. Policy Changes in Turkey

In several respects, the period following the start of the Syrian civil war has been a turning point for Turkey. According to the Directorate General of Migration Management data, approximately one and a half million people from different countries, ethnicities, religions, and sects immigrated to Turkey between 1922 and 2013 (Demirhan and Aslan, 2015). The number of Syrians who took refuge in Turkey due to the civil war that broke out in Syria in 2011 reached 3,739,925 (as of 7.01.2022) (DGMM, 2022). The amount of immigration that took place in a very short period of time forced Turkey to develop new policies regarding immigration.

National and international solutions have been sought in order to combat this extraordinary amount of migration. In this section, the policies implemented by Turkey and some related institutions will be explained.

3.2.4.1. *Law on Foreigners and International Protection No. 6458 (LFIP)*

As stated in the general justifications of the Law on Foreigners and International Protection No. 6458, the Passport Law and the Law on the Residence and Travel of Foreigners in Turkey, which are the two main laws that contain regulations regarding the entry and residence of foreigners, were enacted in 1950 and were insufficient to meet current needs (DGMM, 2022). In addition, there was no law-level regulation in the field of international protection; implementations were carried out in line with administrative regulations, and the existing legislation was insufficient in the face of the increasing number of foreigners from year to year. These reasons have led to the need to make a new regulation in the fields of foreigners and international protection, and therefore, in 2009, the preparatory work of the LFIP was started by the Ministry of Interior, Asylum and Migration Legislation and Administrative Capacity Development and Implementation Bureau. The preparations for the law ended in May 2012, and the LFIP entered into force in April 2013 (Canyaş, 2015).

Looking at the LFIP, the subjects consist of three main titles and six parts. These main topics are issues related to foreigners, international protection, and organization. LFIP includes six parts under these main headings. The first part consists of foreigners' entry into Turkey and visa procedures (art. 5-18); the second part regulates their residence and travels (art. 19-49); the third part focuses on stateless people (art. 50-51); the fourth part regulates the deportation of foreigners (art. 52-60); the fifth part (art. 61-95) focuses on international protection; and finally, the sixth part (art. 103-123) regulates the administrative organization. The purpose of LFIP is;

> *"to determine the procedures and principles regarding the entry of foreigners into Turkey, their stay in Turkey and their exit from Turkey, and the scope and application of the protection to be provided to foreigners who request protection from Turkey, and to regulate the establishment, duty, responsibilities, and authority of the General Directorate of Migration Management under the Ministry of Interior (art. 1)."*

In this context, LFIP deals with foreigners and their transactions;

> *"It covers the international protection to be provided at the borders, at the border gates or within Turkey upon individual protection requests of foreigners; the emergency protection to be provided to foreigners who cannot return to the country they were forced to leave and who come to Turkey en masse; and the establishment, duties, powers, and responsibilities of the General Directorate of Migration Management (art. 2)."*

However, it should be noted that the provisions of the LFIP can only be applied in cases where there is no bilateral or multilateral international agreement or special law to which Turkey is a party (article 2/2) (Özçelik, 2013).

Within the LFIP, three types of protection status have been arranged within the scope of the geographical restriction accepted in the 1951 Convention. These statuses are *refugee*, *conditional refugee*, and *secondary protection*. The definition of refugee is the same as the definition that made a geographical reservation in the 1994 regulation (Bozbeyoğlu, 2015). *Conditional refugee* is defined in Article 62 of the relevant law:

> *"A person who, as a result of events occurring outside European countries and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted conditional refugee status upon completion of the refugee status determination process. Conditional refugees shall be allowed to reside in Turkey temporarily until they are resettled in a third country."*

With this law, the *principle of non-refoulement* is accepted in Turkey and the international protection status problem called *Secondary Protection*, which is not included in the 1994 Regulation, occurs (Bozbeyoğlu, 2015).

The issue specified with secondary protection is that they are foreigners who are not qualified as refugees or conditional refugees in the LFIP and who will be exposed to inhumane treatment such as danger of death and torture when they go back to their country of residence and origin. This term is for people who are not able to benefit from the protection of their country of residence and origin from foreigners who are seriously threatened by acts of international or national violence.

The *Temporary Protection Regulation* envisaged to be prepared in Article 91 of LFIP was also published in the Official Gazette on 22.10.14 and entered into force. The purpose of this regulation is;

> *"To establish the procedures and principles of the temporary protection procedures that can be provided to those whose international protection requests cannot be evaluated individually, their admission to Turkey, their stay in Turkey, their rights and obligations, the procedures to be followed when they leave Turkey, the measures to be taken against mass movements, and to regulate the issues related to cooperation between national and international organizations. According to the Temporary Protection Regulation, foreigners arriving in mass migration flows, no matter which country they come from, are considered within the scope of this regulation. This regulation is critical for Syrians who have taken refuge in Turkey in order to obtain legal status (Bozbeyoğlu, 2015)."*

Another important issue regarding the recent period is the mass migration movements. Accordingly, temporary protection and asylum should be separated from the procedures (Ergüven and Özturanlı, 2013).

An important innovation brought by the law is the regulation of institutions and organizations related to immigration policies. Article 105 of the Law states that the Migration Policy Board is a central institution within the Ministry of Interior that takes decisions regarding immigration. The Board convenes with the participation of the Ministry of Interior, Labour and Social Security, Family and Social Policies, Foreign Affairs, European Union, Culture and Tourism, Health, Finance, National Education, Transport, Maritime and Communications, General Directorate of Migration Management, and the President of Turks Abroad and Related Communities (Art.105).

Another institution organized within the central government is the General Directorate of Migration Management. Apart from the headquarters, the General Directorate has fields of activity in the countryside and abroad. In Articles 113 and 117 of Law No. 6458, the duties of the Coordination Board for Combating Irregular Migration, the International Protection and Evaluation Agency, and the Migration Advisory Board, which are the permanent committees and commissions of the General Directorate of Migration Management, are mentioned. It is stated that there are other institutions and organizations that support these boards, and the Disaster and Emergency Management Presidency (AFAD) under the Prime Ministry is included, and the duties and authorities of the organization are explained (Art. 113–117).

Within the scope of LFIP, GDMM has been given authority and duty on many issues. Most of the issues previously within the jurisdiction of the law enforcement authorities have been phased out and transferred to the GDMM. This is important as it shows that Turkey no longer looks at foreigners and international protection issues from a security perspective. It should also be emphasized that the provisions on foreigners and international protection should include issues that may involve international organizations and non-governmental organizations related to migration (Erten, 2015). At a general glance, the effects of the ECHR, ECtHR decisions, and EU regulations can be easily observed in the provisions of the LFIP.

However, at the end of a careful examination, it should be stated that there is a possibility that the assurances provided may be ineffective due to the concepts contained in some of the provisions themselves and in others.

It is seen that the will of the legislator is not only to bring the current practice to a legal basis, but also to aim at a system change those respects human rights and conforms to a contemporary understanding (Soykan, 2012).

3.2.4.2. Temporary Protection Regulation

Temporary protection is governed by Article 91 of Law No. 6458 on Foreigners and International Protection, which took effect on April 11, 2014. As a result, the procedures and principles governing all work and transactions related to temporary protection that can be provided to foreigners who are forced to leave their country and are unable to return, who come to or cross the borders en masse in order to find

emergency and temporary protection, have been decreed by the Council of Ministers. Due to events that occurred in the Syrian Arab Republic as of April 28, 2011, the Syrian Arab Republic came to the borders or crossed the borders en masse or individually for the purpose of temporary protection according to the Temporary Protection Regulation, which was published in the Official Gazette on October 22, 2014, and numbered 29153. Even if they have asked for international protection, Syrian Arab Republic citizens, Palestinians, stateless people, and refugees are placed under temporary protection.

The main innovations brought by the Temporary Protection Regulation consists of Articles 7, 9,11,16,48,29 and 26 which are summarized here. Beginning with the Article 7, it provides temporary protection for the foreigners who left their countries forcibly and cannot move back to their countries. Secondly, Article 9 stresses that maintaining temporary protection is valid only under the condition of Council of Minister's decision.

Moreover, supporting Article 9, it is definite that Article 11 states the power of Council of Ministers which has the right to offer restriction, suspension and termination about temporary protection. People who are permitted to stay in Turkey and take the advantage of temporary protection is subject to the conditions to be defined within the scope of the Law. Article 16 states that foreigners who applied for the individual international protection file cannot be proceeded during the progress of temporary protection.

Temporary Protection Law has the section of Temporary Protection Document which provides the foreigners to stay in Turkey in accordance with the legal rights without any expenses. However, the document does not provide the similar residency defined in the Law No. 6458. and does not guarantee either the legal right for the application of Turkish citizenship or the travel to Turkey. Finally, foreigner is named as *said foreigner* in the document including the foreigner's identification number that enables the foreigners to proceed their legal and social transactions (DGMM, 2021).

 Section 6 in the document stresses that foreigner with the identification numbers have the legal rights such as education, benefiting from the labour market, social assistance and health services.

Furthermore, the arrangements within the context of this regulation, Article 48 clearly defines that the unaccompanied children who need special care and help are significantly taken care for their needs in terms of rehabilitation, health services and psychological reinforcement.

The other two articles above Article 29 and Article 26 are based on the legal rights provided for the foreigners in the sense of application for the job-related lines and work permit. Additionally, the foreigners who obtained the identification number can take the advantage of other services.

3.2.4.3.The Directorate General of Migration Management (DGMM)

Turkey in 2013, with the Law on Foreigners and International Protection (LFIP) number 6458, established the Directorate General of Migration Management (DGMM), which is organized both in the centre and in the provinces depending on its internal affairs, revised its law and management of immigration and asylum, and took an important step in favour of asylum seekers. The institution, which works under the Ministry of Interior, has been organized as the competent authority in Turkey in order to assist immigrants by carrying out various activities and programs related to migration. The founding purpose of DGMM is;

> *"To implement policies and strategies regarding migration, to ensure coordination between institutions and organizations related to these issues, to ensure that foreigners enter and stay in Turkey, leave Turkey, and are deported, international protection, temporary protection, and to carry out business and transactions regarding the protection of victims of human trafficking (art. 103)."*

Article 103 of the LFIP, titled *Establishment*, includes the establishment purposes of the Directorate General of Migration Management. In the presidential decree issued on July 15, 2018, the article was rearranged without applying any changes to article 103. According to the regulation, the Directorate General of Migration Management was established to achieve firstly the enforcement of the policies and strategies regarding migration, and secondly maintaining the connection between the institutions and organizations about migration activities. The third one embracing the foreigners who arrive in Turkey and continue to stay in Turkey.

The last objective of this article is based on the foreign people's deportation and expulsion in Turkey and protecting them from human trafficking by conducting the proceeding tasks.

In order to achieve these goals, there was a need for a structure that has a certain competence, is open to international cooperation, and closely follows up-to-date information and developments. In other words, it can keep up with the activities to be carried out to the point of using all the dynamics in the process. Therefore, the Directorate General of Migration Management was established (DGMM, 2017, p. 19).

The central organization of the General Directorate consists of the Assistant General Managers under the management of the General Manager and the units listed below. These units are (DGMM, 2022):

- *Combating Irregular Migration Department:* This department aims to proceed irregular migration related duties and transactions and guarantee the relations between law enforcement units and related institutions so as to engage irregular migration, improve precautions and observe if the taken measures are applied appropriately.

- *Department of the Protection of Victims of Human Trafficking*: The objectives of this department consist of conducting programs about combatting in human trafficking, saving lives of victims, and founding assistance hotlines.

- *Foreign Relations Department:* The department implements organizations to communicate with other countries in the international arenas so as to establish latest collaboration arenas. While conducting these tasks, the department also keeps observations in foreign countries and maintains relations with the European Union regarding matters.

- *Foreigners Department:* Foreigners department not only applies transactions and business about regular immigration and stateless people but also conducts tasks defined in Law No.5543.

- *Harmonization and Communication Department*: It aims to create a mutual adaptation for foreigners with the public in the sense of carrying out business and transactions.

In addition to this, department provides information for the public about the matters and ensures society is aware of these people and their issues with the cooperation of the General Directorate in the area.

- *Information Technologies Department:* The department engages with migration related information systems and implements connection between the General Directorates. Also, Information Technologies Departments assures electronic documents' delivery, categorization and enrolment.

- *International Protection Department:* International preservation duties and transactions are provided by this department. Moreover, duties and operations relevant to temporary protection are conducted with refreshed knowledge.

- *Migration Policies and Projects Department:* Observation and collaboration of policies and plannings with regards to migration and proceeding projects about migrations are involved among the objectives of this department. Working in cooperation with Turkish Statistical Institute, research and results of the projects about migration are evaluated and yearly report is provided by this department.

- *Office of Legal Counsellor:* The department is responsible from attending and conducting all types of law cases and approved jurisdiction in legal bodies that will be a cause against the victims of human trafficking. These assigned tasks will be implemented according to the conditions of the Decree-Law based on the Execution of Legal Services in the Public Administrations and Special Budget Administrations within the of the General Budget, dated 26/9/2011 and numbered 659.

- *Strategy Development Department:* It performs both legislation and authorized tasks assigned to the department and financial services in accordance with the Public Financial Management and Control Law No 5018 dated 10/12/2003, Law No. 5436 dated 22/12/2005

- *Support Services Department:* It is in charge of carrying out all the basic needs of civilians in terms of cleaning, purchasing, security, heating systems, disaster and emergency services within the Law No. 5018

- *The Head of Personnel Department:* The department provides, improves and implements job-related tasks in the sense of covering human resources services, organizing interviews, arranging retirement and other services.

- *Training Department:* The department conducts and plans training activities such as scientific articles' publications, seminars, presentations and summits according to the General Directorate duty area.

3.2.4.4. AFAD

On April 29, 2011, Syrians whose lives were in danger crossed the Cilvegözü border gate in the Yayladağ district of Hatay province for the first time following the internal turmoil in Syria. After these first refugees were taken to temporary protection centres, tent cities were established with the remainder of the refugees. AFAD has been the first institution determined to manage this whole process at the point of the arrival of approximately 3 million asylum seekers to Turkey, which implemented an open-door policy. It also handled the situation by working in coordination with many other ministries.

Since the first day of the refugee influx, AFAD has made significant contributions to the shelter and other needs of immigrants. According to the amendment made in the Temporary Protection Regulation published in the Official Gazette in 2018, the management of the asylum centres was taken from AFAD and given to the Directorate General of Migration Management. In the last report published by AFAD in 2018, there were 178,965 people in temporary accommodation centres (AFAD, 2018). Today, there are 7 temporary accommodation centres in 5 provinces under the Directorate General of Migration Management. There are 51,435 Syrians in these centres (as of January 7, 2022) (DGMM, 2022).

3.3. Agreements And Institutions Created by Common Policy

The policies and institutions that have emerged as a result of mutual agreements and negotiations will be discussed in this section.

3.3.1. The EU-Turkey Readmission Agreement

A readmission agreement is an agreement regarding the return to the country of origin or the country of transit, on the basis of the principles determined by the parties to the agreement, of those who enter a country other than the designated legal entry routes or those who have entered into an illegal position by violating a visa or residence permit in the process, even if they entered through legal means (Batır, 2017). Turkey has made readmission agreements with some states. With these agreements, the procedures and principles regarding the return of illegal immigrants who came to Turkey through Turkey to the said states or through the said states were determined. Turkey signed readmission agreements with Greece in 2001, Syria in 2007, Vietnam and Ukraine in 2008, the Kyrgyz Republic and Romania in 2009, Russia in 2011, Belarus and Moldova in 2014, and Pakistan and Montenegro in 2016 (Ekşi, 2017). The fact that immigrants who came to the EU countries in the 2000s could not be effectively sent back to their countries was due to a lack of cooperation with the countries of which these immigrants were citizens as a result of irregular migration movements that took place in the EU countries in the 2000s. As a result, EU members have begun to negotiate arrangements with other countries known as *Readmission Agreements*. (Batır, 2017).

On March 4, 2003, the European Commission made a proposal to Turkey to sign a readmission agreement. The EU presented its agreement proposal to Turkey on March 10, 2005. Although the negotiations followed a volatile course, the agreed text was adopted on June 21, 2012, on the condition that Turkish citizens could travel to the EU without a visa. On the same date, the European Council made a proposal to the Commission to initiate the visa dialogue process with Turkey. However, despite the passing of the mentioned date, the EU's declaration that it would evaluate the visa dialogue with a *gradual and long-term perspective* as stipulated in the agreement, delayed the implementation of the Readmission Agreement with all its provisions (Ekinci, 2016).

The text of the agreement, which was negotiated in four rounds between 2005 and 2006, and technical talks were carried out between 2009 and 2010, was initialed on June 21, 2012, and the agreement signed on December 16, 2013, entered into force on October 1, 2014.

The Agreement covers all the EU member states and Turkey, with the exception of the United Kingdom, Denmark, and Ireland, which are included in the 2009 Lisbon Treaty, and which do not participate in EU freedom, security, and home affairs. The agreement establishes rules for two groups. Within this framework, the citizens of the countries party to the agreement constitute the first group, and third-country nationals and stateless persons constitute the second group. The basis of the agreement is the prevention of irregular migration mobility and the promotion of regular migration. As a matter of fact, in addition to the Agreement and the Turkey-EU Memorandum of March 18, 2016, a protocol on the implementation of readmission was signed with Turkey, Greece, and Bulgaria. The main argument can be summarized as preventing irregular migration and encouraging regular migration. When we look at the burden-sharing agreement, the expenses of the people to be readmitted up to the borders of the relevant country are covered by the requesting country, and all kinds of expenses, such as accommodation and transportation from the border region, that is, after the readmission takes place, are covered by the readmission country.

In order to make the agreement operative and lay its legislative foundations, the EU and Turkey representatives held meetings at various levels, and high-level negotiations continued at the technical level.

While it is planned to fulfil the requirements of the Readmission Agreement (GAA) as the final target, the visa exemption perspective has also been made the main subject of the negotiations. As a matter of fact, linking the readmission agreement, which has a critical position in Turkey-EU relations, to visa liberalization required a two-way study in order to bring the agreement to the action phase. In this framework, the EU side has put forward a roadmap consisting of 72 criteria, taking into account the demands of Turkey in the visa exemption process, and on the other hand, the Turkish side has committed to taking measures on issues such as border security, increasing the readmission capacity, or completing the legal legislation for the execution of the obligations under the readmission agreement.

During the talks, the parties agreed to follow a readmission procedure in line with the rights of irregular migrants provided by international agreements. At the meeting held on October 15, 2015, a joint action plan on preventing irregular migration flows from Turkey into the EU was accepted by the parties (Idriz, 2017).

After the problems experienced in practice and the increasing number of refugees, the 29 November 2015 Turkey-EU Summit was held in Brussels. At the summit, the obligations of the parties determined in the Readmission Agreement, especially the visa exemption process and the financial support to be provided to the Syrians who are currently under temporary protection in Turkey, were also discussed. In addition, the parties discussed and decided to determine a road map for the implementation of the Turkey-EU Joint Migration Action Plan, adopted on October 15, 2015, the prevention of irregular migration flows and the prompt execution of obligations regarding readmission. The readmission of third countries and stateless persons included in the Readmission Agreement has been moved from October 2017 to June 2016, in order to abolish the visa application until October 2016 for Turkish citizens traveling to the Schengen area, provided that Turkey fulfill the obligations specified in the visa roadmap (Nas, 2015).

3.3.2. The EU-Turkey Statement on 18 March 2016

The EU-Turkey relations, which had picked up steam following the November 29, 2015 meeting, have been maintained through mutual high-level interactions.

The third EU-Turkey summit, held in Brussels on March 18–19, 2016, focused on improving Turkey-EU ties and, additionally, the migratory problem.

The continuous efforts to restrict irregular migration have come to a conclusion with this EU Leaders' Summit. It features crucial discourses in terms of visa liberalization conversation, in addition to the determination of concrete actions in the fight against irregular migration in the Memorandum of Understanding agreed at the end of the summit (Şen and Özkorul, 2016).

The said agreement was formed on the basis of preventing irregular migrants from trying to cross into Greece via Turkey. The content of the agreement, which consists of 9 articles, is summarized as follows:

- *"As of March 20, 2016, among all irregular migrants arriving in the Aegean Islands via Turkey, those who do not apply for international protection and those who have applied but have been rejected will be returned to Turkey."*

- *"Under the one-to-one formula, one Syrian will be resettled in the EU for every Syrian returned to Turkey. The placements will cover 18 thousand people in the first stage. This number can be increased to up to 54,000 people on a voluntary basis in order to make more placements."*

- *"Turkey will take every precaution on land and sea routes in the fight against irregular migration and will cooperate with its neighbouring countries.*

- *The Voluntary Humanitarian Admission Plan will be implemented when irregular migration to the EU via Turkey is terminated or reduced to a significant level."*

- *"Until the end of June 2016, visa liberalization will be accelerated, provided that the issues in the visa liberalization criteria are fulfilled."*

- *"The payment of 3 billion euros allocated under the Refugee Financial Facility for Turkey will be accelerated and projects involving aid to Syrians will be financed. An additional 3 billion euros will be allocated by the end of 2018, provided that all obligations are met, and the resource is fully utilized."*

- *"Satisfaction with the improvement of the Customs Union was expressed."*

- *"The satisfaction that the 17th Chapter has been opened to negotiation has been expressed, and it has been decided to open the 33rd Chapter under the Dutch Presidency as the next step."*

- *"The EU will work together with Turkey to improve humanitarian conditions inside Syria."*

The signing of the agreement brought many additional criticisms, however. One of the reasons for these criticisms is the shift of the EU, which is accepted as a community of values, towards policy preferences close to the functionalist line. In addition, the legal nature of the text signed at the end of the summit was also discussed at length. It has been argued that the readmission agreement between Turkey and the European Union will cause serious problems in terms of human rights and asylum. It is also stated that the treaty imposes unreasonably heavy obligations on Turkey (Ekşi, 2017).

3.3.3. The Emergency Social Safety Net (ESSN)

With the flood of Syrian refugees to neighbouring countries such as Turkey, Lebanon, and Jordan, and subsequently a rising number of refugees traveling to Europe in the previous 10 years, it has gained traction. In this process, where many different human tragedies are encountered, several solutions have been established. According to Gabiam (2016), it serves as a testing ground for new ideas. It has also influenced policy to a large extent. As of 2015, cash programs received the lion's share of humanitarian relief funding provided to Syria (Çetinoğlu and Yılmaz, 2021).

The 2016 EU-Turkey accord, sometimes known as the *refugee agreement*, resulted in ESSN, a multi-purpose monetary support program. With this deal, the EU was able to formally prohibit Syrian refugees from leaving Turkey, keep them away from European borders, give Turkey worldwide credibility, and provide financial assistance to Syrian refugees within Turkey. Critics who questioned the agreement's moral preconditions and legality, on the other hand, pointed out that it served to "institutionalize" the dwindling opportunities for obtaining refugee status and the erosion of legal protections, ultimately turning refugees into a political bargaining chip in the region (Çetinoğlu and Yılmaz, 2021).

The European Commission (EC) has granted €3 billion to the Facility for Refugees in Turkey (FRiT) to fund humanitarian, health, education, infrastructural, and socioeconomic assistance initiatives. The EU has also deemed the ESSN to be the largest humanitarian initiative it has ever funded. (EC, 2016).

Nearly six years after the crisis began, the ESSN, an emergency basic needs program, was established. The failure of the domestic policy response to the Syrian crisis, which was supposed to be transitory (Öner and Genç, 2015), is one of the causes for this. Second, there is a delayed international and local political acknowledgment of the necessity for a coordinated and scaled response to migrants' urgent fundamental needs. Humanitarian help on this magnitude has only arrived after the crisis has become a serious challenge for the EU's migration management. The ESSN program is designed to respect beneficiaries' preferences.

The policy decision of a cash program to satisfy basic necessities is described as an acknowledgement that refugees should have the ability to choose how they manage their lives, notwithstanding their hardships (ESSN, 2019). Aside from the emphasis on selection, the cash scheme is deemed appropriate for Turkey, which has robust markets and financial infrastructure. The ESSN is the result of a single, integrated, and targeted strategy to addressing basic requirements at the home level as well as a government-dependent and cohesive hybrid outreach plan, according to the press release. In global and local policy circles, the ESSN has been hailed as a reaction that finally gives migrants legitimacy, allowing them to spend their money on anything they choose (Pitel, 2017).

3.4. Brexit, Its Impact on the relationship between Turkey and the EU, and FRONTEX

3.4.1. Brexit

In a referendum conducted in June 2016, the United Kingdom (UK) decided to leave the European Union. The growth of Euroscepticism in the United Kingdom has been caused by a number of factors. The Brexit campaign was shaped by debates over the economics, immigration, and national sovereignty. Despite the fact that the UK government was one of the most vocal proponents of Turkey's EU membership prior to the Brexit referendum, the question of Turkey's EU membership emerged as a major element. Turkey's participation in the EU has been portrayed as a potential threat to European stability and the security of the United Kingdom (Gasimzade, 2018). 72.2 percent of voters participated in the referendum. By a majority of 51.9%, the United Kingdom voted to leave the European Union, while 48.1% opted to stay in. Between the UK's regions, there was a collision of ideologies. London, Scotland, and Northern Ireland chose to stay in the 43-year-old organization (EU: In or out? Results in full, 2016).

By voting to leave the EU, just over half of British voters shaped the country's future. This part provides us to consider the problem from Turkey's perspective. Although Turkey's EU membership does not appear to be a major element in Brexit at first look, Eurosceptics perceive Turkey as a major threat to European stability and the UK's national security.

The goal of this part of this study is to look at how Turkey's relationship is affected with the Brexit process, as well as how the UK-Turkey relationship will continue after Brexit from scholars' perspectives.

Because it was irrelevant to British interests, the United Kingdom declined to join the European Economic Community in 1957. The United Kingdom then began her membership candidacy due to the economic recession. After the death of Charles de Gaulle, who had banned British membership in the EEC twice, the United Kingdom became a member of the European Economic Community in 1973 as a consequence of its third application. However, it was not regarded as a success for Europhiles; rather, it was a historical example of UK exceptionalism. It indicates that Brexit is entrenched in Britain's colonial past, ambitions, and global diplomacy that is not restricted to Europe (Peel, 2016).

During and after the Brexit campaign, a variety of arguments were made. On the day of the referendum, Lord Ashcroft asked 12,369 people in the UK to find out what they thought about Brexit and what factors influenced their decision.

According to the quote from the poll stated below:

> *"Nearly half (49%) of leave voters said the biggest single reason for wanting to leave the EU was "the principle that decisions about the UK should be taken in the UK". One third (33%) said the main reason was that leaving "offered the best chance for the UK to regain control over immigration and its own borders." Just over one in eight (13%) said remaining would mean having no choice "about how the EU expanded its membership or its powers in the years ahead." Only just over one in twenty (6%) said their main reason was that "when it comes to trade and the economy, the UK would benefit more from being outside the EU than from being part of it." (Ashcroft, 2016)*

Immigration and sovereignty were the most popular words during the campaign and the most stated causes for Brexit, according to the results of the poll economy.

To begin with, the *Leave* campaign believes that Brexit will improve the UK's economy more than remaining in the EU. One of the main arguments used by Brexit advocates was the UK's payment to the EU budget.

The European Union mandates its members to contribute to the union's budget on a yearly basis. The UK, like all other member states, pays to the EU budget through customs taxes and levies, a proportion of the VAT base, and a percentage of Gross National Income (GNI). That means that the higher the UK's national income, the more payments it must give to the EU budget. The United Kingdom, on the other hand, is the only country in the European Union that receives a permanent rebate.

Second, one of the main reasons advanced by the Leave campaign is that immigration lowers the quality of life in the United Kingdom. EU nationals can travel, reside, and work in other EU nations under EU law. Supporters of Brexit believe that immigrants from EU nations lower UK citizens' incomes and job potential (Wadsworth et al., 2016).

Finally, Brexit supporters' most popular argument was that Britain's sovereignty would be jeopardized if it remained as member of the EU. Eurosceptics argue that decisions affecting the UK should be taken in the UK, as stated in the poll results (Ashcroft, 2016).

3.4.2. The UK -Turkey Relationship before and after Brexit and Turkey's EU stance

The admission of Turkey to the European Union was one of the decisive factors of the Brexit proposal, as noted in the first paragraph above. Due to the British government's support for Turkey's EU membership, it does not appear to be a significant factor at first. According to Eurosceptics, accepting Turkey as a member of the European Union, on the other hand, poses a significant risk to European stability and the national security of the United Kingdom (Ker-Lindsay, 2017).

In terms of geopolitical issues, Turkey's contribution to increasing the EU's global status, and developing the EU as a great power, Turkey is extremely important to the EU. The European Union represents economic growth, political stability, and modernization in all parts of society for Turkey. As a result, Turkey has been waiting for its name to be added on the list of candidate nations since it first requested to join the European Community in 1987.

At the Helsinki Summit in 1999, Turkey was declared as a candidate country for EU membership, and accession negotiations have been conducted since October 3, 2005 (Arikan, 2017). According to the results received from the poll YouGov conducted in 2013, the majority of British citizens oppose Turkey's entry into the EU. 52% percent of British votes clearly stated their rejection and opposition for the support of Turkey's membership in the EU (Ker-Lindsay, 2018). It is crucial to ask the question of why the British view Turkey as a potential threat and risk in terms of Europe's consistency and the United Kingdom's security.

The first factor can be uncontrolled immigration into Britain from Turkey and its neighbours. 84 million Turks will have the right to free movement as a result of the EU membership, and the EU passports will allow them to enter the UK. Because immigration from the EU countries is one of the main arguments used by Brexit supporters, opening Britain's doors to millions of Turkish workers makes British citizens concerned about rising unemployment and salary decreases. Furthermore, Turkey shares borders with Syria and Iraq, where human rights violations and a large refugee population can be monitored. Those who advocate leaving believe that immigration would increase the risk of terrorism in the borderless EU, and that being in the same union as Turkey puts them at risk from thousands of Islamic State in Iraq and the Syria (ISIS) sponsored terrorists. Turkey's accession means that it will have a significant effect on European Union decision-making.

Turkey's population is expected to increase and reach 95 million by 2050. That means the number of Turkish MEPs will also increase in the European Parliament (Gasimzade, 2018).

As a final word to sum up this part, it can be mentioned that Brexit placed the rebuilding of the UK-Turkey cooperation on both countries' agendas. The period should be evaluated as before Brexit and post Brexit. Before Brexit, Turkey-UK relations were on pace with Turkey-EU relations. Now that the United Kingdom has voted to leave the European Union, all EU legislation and agreements will be amended following Brexit. During the Brexit campaign, popular opinion against Turkey was largely negative, and it was cited as one of the primary reasons for leaving the EU. If both parties disrespect their relationship in the post-Brexit age, it may have an impact on the UK-Turkey relationship.

Turkey may also benefit from Brexit, as it will be able to expand its collaboration with the UK and replace the EU in commercial dealings with the UK (Gasimzade, 2018).

3.4.3. The rationale of Brexit and critical analysis of Brexit from post-functionalist perspective.

This section of the thesis analyses Brexit from a theoretical standpoint. The influential integration theory, post-functionalism is used as a different viewpoint on explaining the rationale for Brexit. For many years, European integration appeared to be irrevocable, and integration theories tended to encourage this belief. Recent events in the EU and its surroundings, however, have aroused a scholarly debate over the probability of disintegration.

At first glance, Brexit appears to be an expression of European disintegration, both theoretically and practically. This approach is based on the belief that the British can do better without EU laws, regulations, and institutions, which have reportedly become too restrictive and confining for the British society and the economy (Nugent, 2017).

National governments are more likely than supranational Brussels authorities to respond effectively to current and future issues.

National governments are more likely than supranational Brussels authorities to respond effectively to current and future issues. It is no surprise that a significant portion of the Brexit debate focused on attempts to rationalize and explain the decision. Despite the difficulties and challenges posed by Brexit, there had to be some justification for the entire process. This stance was particularly obvious for Eurosceptic politicians and commentators.

It was more advantageous to join the EU than to remain outside the integration process due to geopolitical considerations. However, like with migration into the UK, British membership in the EU has always engendered dissatisfaction among voters. As a result, London has adopted an outsider's mindset, preferring European confederation over closer integration. Britain joined the EU to preserve its interests, not to become more integrated with continental ideals and systems. It was a convenience marriage, not a union of love and commitment (Czech and Katowice, 2019).

In this view, Brexit is just a reaction to changing circumstances and the effects of membership in the EU. It should come as no surprise that Britain was the first to react to negative developments both inside and outside the EU, given that it has historically been the most skeptic member (Richardson, 2018).

In the process of administering the EU, top-down coercion has substituted consensus-seeking and respect for national differences. The difference of opinions between European elites and the public has never been grown so much. As a result, scholar Richardson (2018) opposes the opinion that Brexit was caused by internal British political issues. Many Europeans' hostility toward the EU was triggered by the EU's undesirable and arbitrary encroachment into national public policies and regulations, which were considerably beyond the expectations of European residents. Integration and unification processes move at their own pace and place too much pressure on them grow detrimental implications (Czech and Katowice, 2019).

Immigration control, rejection of Brussel's bureaucracy, antagonism to the establishment, and a desire to "make Britain great again" were among the basic reasons for leaving.

 Unfortunately, no concrete strategy for achieving these objectives was offered. It was an emotional game aimed at the displeased people, rather than a dialogue based on intellectual, geopolitical, and economic calculations (Czech and Katowice, 2019).

Many studies have confirmed that anti-immigration and anti-establishment sentiments drove the British vote to exit the EU. They were attempting to convey their insufficiency in confidence with recent developments in modern cultures, and they had identified an appropriate scapegoat for their declining well-being and increasing uncertainty of life. The Leavers were frequently the less educated and well-off ones who felt left behind by globalization processes consisting of the activities of people and capital flows which reflects the condition in many nations across Europe (Hobolt, 2016).

From a theoretical standpoint, Brexit can be viewed through the post-functionalist integration theory, which places explanation pressure on the masses and politicians.

First of all, in order to understand the reasons behind scholar Schimmelfennig statement explaining the power of post functionalist theory, that should be identified with differentiation disintegration. Additionally, it is needed to explore if the existing definitions of disintegration can explicate Brexit. European integration has two separate components which are uniformity/differentiation and integration/disintegration. Integration suggests an increase in centralization, policy scope, and the EU membership, while disintegration signifies a decrease (Börzel, 2005).

According to Schimmelfennig, the Leave campaign and the reasons for leaving the EU, were in agreement with post functionalist expectations. He also anticipated that nations pursuing disintegration would have to adjust their expectations and make concessions to the EU when discussing the conditions of their exit because of their poor institutional bargaining power (Schimmelfennig, 2018). The referendum campaign and result support the post functionalist interpretation even more. Identity and self-determination themes were at the forefront of the Leave campaign. It promised to' regain control' of immigration and the economic, cultural, and security problems it brings, as well as to revive sovereignty and democracy and redirect the EU financial commitments to the UK (Clarke, 2017).

As a result, the Leave voters were notably more inclined to believe that Britain would be better equipped to control immigration and prevent terrorism outside of the EU. On the other hand, the Remain campaign stressed the severe economic effects of Brexit.

Finally, Remain and Leave voters mirrored the post-functionalist division between elites and public, as well as the winners and losers in cultural and economic integration (Schimmelfennig, 2018). Also, Hooghe and Marks (2019) stress that the Brexit referendum portrays contradictions between functional integration and nationalist resistance that have never been linked before. Both sides' arguments were entirely disjointed and covered a wide range of topics such as national identity and economics. Thus, they could not establish a common criterion to base a reasonable discussion. As a result, the immigration issue became the decisive factor.

The case of Brexit appears to justify the post-functionalist approach to European integration's key assumptions. In this view, governments and interest groups' political and economic rationality is countered by other rationalities addressing identity and social issues, as well as the legitimization of power. Even if national administrations have previously exploited discordant inclinations to keep the consensus on the EU integration at distant, the British government itself caused an outbreak of Euroscepticism. As a result, Brexit represents the risk of unpredictably caving into Eurosceptic demands, as well as a shift in the terms of the game in European integration politics. It could also serve as a criterion for leaders to determine how far they can go in terms of political gamble, given the strong level of support for the EU in their own countries (Czech and Katowice, 2019). The findings of these scholars signify that by focusing on mass politics and identity issues rather than economic rationality, only post-functionalism is able to explain Brexit successfully.

3.4.4. The European Border and Coast Guard Agency and the case of FRONTEX

Because the European Union has no internal borders, internal and external security have become intertwined policy issues that member states discuss together. In this regard, as a sub-policy area, external border management is a vital component of European internal security in terms of ensuring the protection of the EU people. Despite their strong claims to national sovereignty in security and defence matters, the MS harmonized their methods to police, intelligence, and border protection, that is, everything from European (Cross, 2011). However, because security integration in the EU is a shared competence area between the MS and the EU, it is a truth that it is difficult to implement completely. On the other hand, attempts to develop a unified internal security system cannot be unnoticed since this area now constitutes one of the EU's most well-harmonized policy-making areas.

Many scholars have identified the internal security sector as one of the EU's fastest-developing policy-making areas as a result of various legal reforms in the Justice and Home Affairs (JHA) and later adopting the form of the Area of Freedom, Security, and Justice (AFSJ) (Léonard and Kaunert, 2012; Monar, 2006).

External border management has a specific place in this policy-making arena. The Justice and Home Affairs was created in response to growing internal security worries about the Union's internal borders being lifted in order to realize the Single Market by obtaining an agreement with Schengen. With growing concerns about internal security, initial MS efforts to combat cross-border crime and terrorism through intergovernmental cooperation such as TREVI needed to be upgraded into a more institutionalized structure to provide internal security to the EU citizens and allow for the free flow of economic activities within the EU territory.

The goal of free movement of people, as well as commodities, services, and capital, necessitated the establishment of common exterior borders in order for the Single Market to work. The Schengen Convention, and later the European Agency for the Management of Operational Cooperation at the External Borders of the member states of the European Union were built on this new view of freedom of movement in the EU's internal security (Frontex).

Frontex's most recent incarnation, the European Border and Coast Guard (EBCG) has become a key agency in the equation of ensuring internal security in the EU by improving border management and establishing a *shared responsibility approach* on external borders. Due to its connected nature with migration and security issues which are at the very core concerns of the MS, the Agency now plays an important position among the EU AFSJ institutions in analyzing the EU integration. As a result, evaluating the creation of a Union Border Agency is critical to comprehending external border management as well as the character and direction of the EU integration.

Frontex has been one of the key agencies in the EU that has been studied in many ways in the literature. With its consequences on the EU internal security, particularly in the policy areas of asylum, migration, and counterterrorism, external border control, and operational activity, the Agency has a unique position in the EU security studies. Since the Agency's operational actions began in 2005, there have been growing concerns about the Agency's operational aspect, particularly in terms of justice and human rights, due to its activities' impact on the migration area (Aas and Gundhus, 2015).

Frontex is a European Community organization based in Warsaw, Poland, and is different from the EU institutions such as the European Commission, the European Parliament, and the Council of the European Union. It is a decentralized agency with its own legal entity separate from the EU institutions that assists in the application of the EU policies. (European Union a, n.d.). The Agency was founded in 2004 with the goal of facilitating operational coordination amongst the MS in the management of the Union's external borders (European Commission, 2007).

The establishment of such an agency in the field of external border management is referred to as a significant milestone in the development of European governance since the agency's field of work covers a contentious policy area which is not only strongly associated with the nation-state but also politically very sensitive (Ekelund, 2010).

With its founding Regulation 2007/2004, Frontex was founded on October 26, 2004 with a view to improving the integrated management of the external borders of the member states of the European Union (EU Law, 2004/2007) Although the MS are responsible for the control and surveillance of their external borders, the MS have come to terms with the need for a common action in managing the external borders as a result of some internal and external developments that will be discussed. This need is represented in Frontex's mission to better coordinating the operational cooperation (European Commission a, 2003).

In this context, Frontex primarily has the job of coordinating among the MS in order to offer "a high and uniform level" of external border control, in addition to other responsibilities (Frontex a, 2021). This has increasingly evolved as the MS and the Union have embraced a shared responsibility approach to external boundaries over time. Frontex's key responsibilities are specified in Article 2 of the EC 2007/2004 establishing regulation as follows:

> *"(a)coordinate operational cooperation between the Member States in the field of management of external borders; (b) assist the Member States on training of national border guards, including the establishment of common training standards; (c) carry out risk analyses;*

(d) follow up on the development of research relevant for the control and surveillance of external borders; I assist the Member States in circumstances requiring increased technical and operational assistance at external borders; (f) provide the Member States with the necessary support in organizing joint return operations (Regulation 2007/2004, p.4)."

The Agency went through four legislative modifications after its founding, resulting in a significant growth of its activities and responsibilities. These changes were placed correspondingly in 2007, 2011, 2016, and 2019. The first legislative modification after the foundation of Frontex was Regulation (EC) No 863/2007, which established the Rapid Border Intervention Teams (RABITs).

These teams were created "to bring immediate assistance to a MS that is under urgent and exceptional pressure at its external border" particularly due to the influx of significant numbers of third-country citizens attempting to cross without authorisation (Frontex b, 2021).

Along with other changes, the following Regulation solidified the agency's role in external interactions. The second revision, brought about by Regulation (EU) No 1168/2011, is regarded as one of the most significant changes indicating the supranationalization of external border control (Mungianu, 2013). Frontex's operational powers were strengthened, and RABITs were renamed European Border Guard Teams (EBGTs).

The European Border Surveillance System (EUROSUR) was formed in 2013 by Regulation (EU) No 1052/2013, with the goal of serving as a significant step in the future progressive construction of a common European integrated border management system (Commission Communication, 2008). The establishment of EUROSUR was deemed necessary in order to promote information exchange and cooperation between MS and Frontex" (European Commission 3, n.d.).

Between January and November of the year 2015, the Syrian refugee crisis put pressure on the EU's external borders, resulting in the uncontrolled movement of 1.5 million people (European Commission, 2015, p.2).

Mixed migrant flows (which consist of refugees, asylum seekers, economic migrants, and other categories of migrants) and secondary movements have been stated as reasons for some MS, including Austria, Germany, Slovenia, and Hungary, to introduce border controls at their internal borders (European Commission, 2015), and this was the first time that migration had been mentioned as a reason for reintroducing border controls (Deutsche Welle, 2019).

3.4.5. The European Border and Coast Guard Agency and the case of FRONTEX from the lenses of neo-functionalist theory

EBCG, formerly Frontex, is now the most well-funded AFSJ agency, having risen to the forefront of internal and external security in the EU's implementation of external border control while functioning in a sovereign and politically sensitive field.

The Agency's increased external border management tasks and responsibilities, as reflected in laws, imply a harmonization of the MS's shared external border management. The Agency underwent a reform, moving from providing coordination among MS and its aiding role to obtaining its own border guards, as a result of the amendments passed in 2007, 2011, 2016, and 2019. The adjustments resulted in alterations to the Agency's remit and competences.

This section of the thesis uses neo functionalist theory to explain the integration of the EU's external border management. The neo functionalist tool of spillover in the types of functional, political, cultivated, and exogenous was discovered to be essential mechanisms in the formation of the Union border agency Frontex and the EBCG. By following the negotiation periods of the establishment of Frontex and the EBCG in the years 2004 and 2016, particular actors and events were formed to be effective in activating integration in the EU's external border management sub-policy area and are matched with spillover dynamics as suggested by neo functionalist integration theory. Functional spillover, exogenous functional spillover, and cultivated spillover are detected in the establishment of Frontex, whereas exogenous functional spillover, cultivated spillover, and political spillover are found in the establishment of EBCG (Mungianu, 2013).

With the increasing concerns of the member states regarding enlargement and irregular migration, functional spillover was also observed as a mechanism in the JHA/AFSJ that created its own dynamics towards a common policy on external border management, contributing to the establishment of a more supranational governance in the area.

Actors such as the European Commission and the European Parliament as supranational institutions demonstrated cultivated spillovers in the formation of both Frontex and the EBCG. Political spillover was exemplified by actors such as NGOs and business interest groups, which had a remarkable influence on the EBCG's formation process. During the founding of Frontex, no political spillover was noted in the research.

Exogenous spillover for increased coherence in external border control can be seen in events like international terrorism, 2004 enlargement, and the 2015 refugee crisis (Bossong, 2019).

Spillover idea is to apply neo-functionalism to the founding of Frontex and the EBCG in assessing the external border management integration. In a neo functionalist view, the spillover idea is a technique for reflecting dynamism in the integration process. Between political and economic areas, functional spillover remains a limited explanation in the status of external border management from the logic of neo functionalism. Furthermore, since JHA formed its own acts and administered them with the member states, it was reformed into an AFSJ and the enacting mechanisms made the change for further resolutions in the area because the internal security became intertwined with asylum, migration, irregular migration sub-policy areas and the member states' worries improved regarding these problems with revocation of internal borders. (O'Dowd, 2010).

The EU's institutional developments in relation to the AFSJ have affected Frontex's arrival on the scene. Furthermore, the European Council created multiannual policy initiatives to carry out new regulations, processes, and institutions in the field which marked out the priorities and provided the EU's AFSJ a direction (Kaunert et al. 2014).

Although migration and security policy were discussed with independently in the AFSJ, the two sectors began to intercept in recent years as migration concerns grew. As a result, the EU policy programs regarding irregular migration and internal security have stressed external border management and the Frontex agency as a crucial player at the crossroads of both policy areas.

With the foundation of the EBCG, the 2015 refugee crisis became an external occurrence, providing a dynamic in the ongoing development of external border control. The incident is being referred to be the EU's worst humanitarian catastrophe since it focuses on the problem of external border management as a result of the MS's concerns about irregular migration, as well as the dysfunctionalities in earlier migration management accomplishments.

The presence of government and non-governmental elites (NGOs) was recognized during the founding of the EBCG, alongside the Commission and the Parliament, though their pressure was mild (Meissner, 2019).

Since the Frontex discussions, the Commission and the EP have decided on a more supranational approach, which they have eventually achieved with the EBCG. In 2015, the Commission proposed "A European Agenda on Migration," which was seen as a strategic move toward increasing Frontex's authority and transforming it into a new EBCG (Meissner, 2019).

Interpreting the founding of the EU's Border Agency from a theoretical viewpoint allows us to take a more holistic overview of the EU integration in terms of external border management. Neo-functionalism is particularly significant in examining and assessing the institutional and external framework in which the Border Agency emerged, and it is useful to monitor the Union's response to these developments, as well as the individuals involved and their viewpoints. As a result, neo functionalist theory is so far relevant in comprehending the Union and integration.

In evaluating the neo functionalist theory and the field of external border management, it is important to note that the field of external border management has not yet been completely integrated since it is a sensitive area in terms of the Member States' sovereignty and internal security.

Although the Member States' viewpoints come before the supranational institutions', the fact that the field is open to harmonization efforts indicates that a "new" integration approach to the Union's external border management is growing. As a result, closely monitoring the Agency's position and evolution, as well as attempting to comprehend its interaction with other actors and/or the EU agencies, can bring contributions to the EU integration theories, both in terms of creating new ideas and enhancing existing ones.

3.5. Post-Covid and Refugee Crisis

3.5.1. Impacts of Covid on Refugee Crisis

This part of the thesis explains the effects of Covid-19 on refugee crisis and immigrants for both Turkey and the EU. Contrary to popular belief, the Covid-19 epidemic is not a "great equaliser," but rather a magnifier of existing disparities, especially those related to migration. Refugees, who are generally the most alienated among migrants have nothing but to lose. Refugees and displaced people living in overcrowded and unsanitary conditions have often been unable to protect themselves from the virus, and inevitably they are encountering rising economic precarity and also, they are excluded from poverty and hunger alleviation programs (Crawley, 2020).

Refugees are threatened not only by material (in) security, but also by the rising exclusion and exceptionalism consisting of politics of protection. Findings from the first nine months of the Covid-19 pandemic reveal that governments particularly in Europe and the United States, but also in the Global South utilized from Covid-19 and stated the pandemic as an excuse to strengthen border closures and/or use their migration policy packages to display their preparedness (Crawley, 2020).

Refugees are acceleratingly not permitted to access to international protection and moreover, they are portrayed as scapegoats by the populist leaders who take the advantage of Covid-19 for their political benefits. Some countries have taken advantage of the epidemic to conduct contradictive policies that further restrict refugee access to protection and/or institutionalize refugee marginalization (Crawley, 2020).

From the point of scholar Rasche (2020), Covid-19 influences the EU's asylum and migration policy in four ways.

The first one is that the Covid-19 outbreak has limited people's capability to search for asylum in the EU. Secondly, the EU's proficiency in leading a *common* asylum and migration strategy has been damaged by the member states' largely uncoordinated reactions. Thirdly, the virus has put an emphasis on the significance of migrants as *indispensable laborers*. Fourth, the virus has the potential to reinforce existing trigger factors in EU-neighbouring countries.

Regarding the first way in the sense of restriction of access for asylum is that the precautions put in place to prevent Covid-19 from spreading across member states have limited migrants' capacity to enter the EU territory and request for asylum. The European Council resolved on March 17 to close the Union's external borders for non-essential travel, based on a proposal by Commission President von der Leyen (EU Commission-Statement, 2020).

The entrance embargo was planned to last 30 days at first, but member states were encouraged to postpone it to May 15 and then to June 15 (Rasche, 2020). In order to protect international law and respect the principle of non-refoulement, the Commission issued guidelines on March 30 clearly stating that persons in need of international protection or for other humanitarian reasons should be exempted from the ban.

Despite these official exemptions, UNHCR and IOM discovered that travel plans for resettling refugees are currently vulnerable to substantial interruptions, prompting them to halt resettlement and humanitarian entry programs as of March 17 (Rasche, 2020).

As a result of these measures, the dramatic drop in the number of asylum applications can be observed with the numbers stated. In March, the number of new asylum applications fell by 43% and is recorded as (31,661) compared to February's (55,886). According to the European Asylum Support Office (EASO) the number of asylum applications decreased in April to 7,507. These figures are especially impressive in light of the fact that the number of asylum applications in the first two months of 2020 (116,009) was up from the same time in 2019. (104,055). As a result, it appears that the mandated border closures considerably harmed asylum applicants' chances of filing a claim in the EU member state (Rasche, 2020).

Despite the Commission's request that member states exempt asylum seekers from entry limitations, some member states have invoked Covid-19 as an excuse to reject migrants access to their national territory.

The Mediterranean has been the most vivid example of this. Cypriot authorities stopped a boat carrying 175 Syrian asylum seekers from accessing the country's maritime territory on March 20. The retaliation was explained as a necessary tactic to implement the March 15th entry ban for all foreign nationals (Rasche, 2020).

The second way pointed out by the scholar Rasche (2020) is regarding the EU's weakened capability to conduct a common asylum and migration policy. National factors drove most of the immediate responses to the Covid-19 epidemic in the EU. Prior to the Council's finalization of a common position on March 17, 12 Schengen countries including Switzerland and Norway had ex parte implemented border controls. This has damaged the EU's function to act as a crisis manager capable of managing a common asylum and migration strategy. Six Schengen countries (Norway, Sweden, Denmark, Germany, Austria, and France) have maintained border controls since 2016, altering the legal reasons for resuming, but de facto extending, border checks. Following the outbreak of Covid-19, member states implemented border controls in accordance with the Schengen Border Codex's legal provisions.

The third way is to signify the significance of migrants as indispensable laborers. Since physical distancing restrictions have put limitations on a considerable portion of the workforce at home across the EU member states. Several actions remained unaffected by the lockdown in order to ensure that access to health care and other essential services remained untouched. Migrants from the EU and other countries play a critical role as *essential laborers* in maintaining these services working during the pandemic (Rasche, 2020).

In accordance with the fourth way that scholar Rasche (2020) pointed out is about supporting the EU neighbourhood countries for the potential risk of virus so as to decrease the trigger factors. The EU's ambition as a global actor should not be hampered by Covid-19-related consequences in member states' asylum policies. The Commission's promise to assist in developing a Covid-19 vaccine and providing universal access to medical care is a positive step in that direction.

Such measures should be customized to help migrants and asylum seekers in first-refugee countries as well. Considering the Commission's desire for a comprehensive view in its New Pact, it's worth evaluating how Covid-19 affected the situation in refugee-hosting countries bordering the EU.

Overpopulation in refugee camps and a lack of access to health care are among the issues that refugees face in Turkey. Syrians seeking temporary asylum in Turkey face a lack of healthcare and financial difficulties. Since the Turkish economy is in turmoil, public is increasingly hostile against refugees who are seen as a burden on the country's social and economic aspects (Rasche, 2020).

To provide some conclusions with regards to above statements; the Covid-19 has certainly had a terrible influence on the asylum institution, in terms of significantly limiting the amenities for refugees to search international protection.

Furthermore, in fact, at the beginning of 2020 months, the right to search asylum is monitored to have seen an impressive end (Crawley, 2021).

Because social inclusion and integration require a one-stop shop for them, which a host country may not be able to provide due to a variety of restrictions. Because refugees must deal with issues such as safety, employment, and family reunification, they require flexibility and consistent support for their families and livelihoods. This pandemic has a global impact unlike any other epidemic in history.

There is a risk that they will be completely forgotten in the present, and, worse, that they will be wrongly blamed in the aftermath of the pandemic, once control has been gained in most communities, but the disease is still active in these areas (Hossain, 2020). The hardships of developing refugee (hosting) countries are substantially greater due to their inability to manage and administer pandemics, as well as their economy. It also applies to refugee management due to policy gaps and a lack of prior experience in their own nations. Legal and institutional difficulties, notably bureaucratic assistance, are part of the administrative and practical support, which helps them find inexpensive housing within or outside of the camp.

It is now a major challenge for states to maintain and play their role in providing humanitarian assistance and development to refugees and displaced people in the post-Covid-19 period, with other local, regional, and international GOs and NGOs (Hossain, 2020).

After the Covid-19 pandemic, refugees may be seen as a new political dimension in international politics, with the potential to transform human and political geography both within and outside of sovereign polities. Covid-19 pandemics, on the other hand, highlight the world's governments' and within-governments' synergistic efforts. However, because the causes of conflict remain much the same as they were in the past, the world reacts to conflict in quite different ways (Hossain, 2020).

CHAPTER 4: CONCLUSION & DISCUSSION

When the historical development of the migration policies of the EU and Turkey is examined, it is seen that they have undergone significant transformations. Although there have been important turning points in the past few years, none of them has led to such sharp decisions as the Syrian refugee crisis. While Turkey was in the process of gradually aligning its policies with the EU and dealing with an acceptable number of immigrants, it suddenly became the world's largest refugee-hosting country. This situation necessitated the enactment of new laws and the establishment of new institutions related to immigrants. LFIS and DGMM emerged during this period. The EU, on the other hand, experienced the effects of the crisis with a little delay. However, as a result of the record number of immigrant applications in 2015, a migrant crisis was experienced. The necessary steps were taken quickly to resolve the problem.

When examining the EU's policies during this period, it has been found that the majority of them, particularly those concerning Turkey, have taken a functionalist stance. Functionalism focuses on cooperation and issues such as dialogues between governments and technical experts. Speaking about the internal dynamics of cooperation, they argued that if states work together in certain limited areas and create new bodies to oversee this cooperation, they will work together in other areas through an "invisible hand". It would be difficult for the EU member states to resist the environment created by an integration based on this logic. If one of the members broke the contract, the cost should have been more than the benefit (McCormick, 2020). In a sense, functionalism refers to acting as a bridge in certain organizations where the gap between states is noticeable. According to functionalism, integration between states on an indisputable issue such as the prevention of a very high refugee influx will lead to the integration of more important issues in the future, and in a way, it will serve as a secret hand extended to peace. Instead of military or economic policies, technical issues that are seen as less important will form the basis of a larger structure to be created in the future. In this situation, solving a problem becomes more important than how it is solved. The EU, which had a critical increase towards Turkey in the fields of democracy and law until 2015, suddenly started to establish dialogue and organize summits at the highest level. Institutions such as the Emergency Social Safety Net were established to meet Turkey's budgetary demands regarding refugees, and mutual expectations were met.

The intensity of relations, which decreased due to the 'serious regression' in the Turkish judiciary and fundamental freedoms as pointed out by the EU progress reports, changed with the migrant crisis. It is another indication that recent policies have shifted to a functionalist line. The 2016 EU-Turkey summit is also a policy initiative close to the functionalist line. The summit and the agreement caused very different reactions. Although it is approved by the parliament, its legal validity is also being discussed. In this respect, as required by the "function" of the agreement, what had to be done under the conditions required by the period was done, and the EU found a temporary solution by transferring the problem to another country (Turkey).

When the policies of the EU and Turkey are examined via a neo-functionalist viewpoint, it is clear that they diverge. While the EU shifted away from neo-functionalist policies, Turkey continued to pursue them. The neo-functionalism approach argues that an international reconciliation strategy will replace the power policy between states due to its ability to explain the EU's integration process. By monitoring the EU's integration process, the construction of the customs union prior to the program with the influence of the spillover effect and the progress made in the Common Agricultural Policy backed the new functional claims.

According to neo-functionalist theory, while integration can be successful in strategic economic sectors with low policy areas, a high level of authority is required to support the integration process, because the integration of certain economic sectors across the country creates functional pressure for the integration of related economic sectors. More and more, the loyalty of social interests will shift towards the new supranational centre. With this approach, Turkey expected the relations, which had come to a standstill before, would increase as a result of the 2015 and 2016 summits and the agreements made. Deeper economic integration will also increase the need for further institutionalization in Europe.

Haas, one of the important names in the approach, adapted the ramification effect developed by Mitrany as the spill-over effect. The spillover effect means that the integration started in one sector expands to other sectors, and in this context, he defended the thesis that states will have the ability to learn in the process and act in this direction, so that the expansion of the scope of integration, although not planned at the first stage, can bring benefits.

According to Haas, the integration process is also to persuade, through political actors in the context of different national formations, to shift loyalty, expectations, and political activities to newer and larger institutions similar to those that existed before the nation-state (Sandıklı and Kaya, 2012).

Haas used the concepts of spill-over and loyalty while explaining his theory. He mentioned that the fields of activity that will be formed in cooperation with the concept of spill-over and the spread of them (spill-over) will decrease the state's sovereignty. Thus, even at the regional level, a supranational bureaucratic decision-making process will develop, as the number of actors increases, the loyalty to the nation-state among the elites will decrease, and a new socialization situation will occur. Haas's spillover effect claims that integration that starts in one area will spread to other areas, especially economic and technical (Griffiths, Roach, and Salamon, 2011). But this did not happen during this period. Contrary to its past policies, the EU followed more pragmatist policies in this process and was willing to take steps to resolve the refugee crisis (Saatçioğlu, 2020).

The concept of loyalty in the approach has come to the fore as an important term that best explains the relationship between the EU and Turkey and the differentiation in the examined period. According to Haas, predictably over long periods, the authority (EU) can be said to be loyal to a set of symbols and institutions in order to be consistent and meet important expectations. It is seen that mutual disappointments were experienced in the break in the EU-Turkey relationship after the refugee crisis.

The visa liberalization, which did not take place in the years following the readmission agreement and its association with visa liberalization, caused great disappointment for Turkey. While it was expected that the EU would show loyalty to its previous neo-functionalist policies, this did not happen. Therefore, while the EU moved away from the neo-functionalist line, Turkey followed a policy closer to the neo-functionalist line.

Finally, when migration policies are evaluated in terms of intergovernmentalism, it is seen that the EU has moved away from this approach, even though it initially acted with this approach. The basic assumption of intergovernmentalism has been that the decisions to be taken are based on the decisions and actions of the European nation states.

Based on the concept of interest inherent in states, the idea of intergovernmental and supranational balance and sovereignty sharing or gathering under a single roof has been the subject of this theory. Its foundations are based on the realist idea, which assumes that the actors will act in accordance with their own interests in the anarchic environment of the international environment, where there is no inclusive authority. Intergovernmentalism seeks to minimize the creation of new institutions and policies. However, in this period, Europe has tried to establish many new mechanisms. Intergovernmentalism, which is based on a bi-level approach, assumes that both local and the EU policies are important in the decision-making processes of national politicians. In this period, the burden sharing of countries towards immigrants has been a major topic of discussion. Therefore, the EU has made regulations in new policies that restrict the policy areas of the countries concerned. Turkey preferred to make agreements with neighbouring countries since the EU was reluctant to establish much dialogue other than on migration issues. Its relations and agreements with some European countries can sometimes be the subject of discussion within Europe. However, when it comes to national migration policies, it attaches great importance to international institutions and organizations. In fact, it constantly complains about the lack of international support and calls for more. Intergovernmentalism approach can be observed and stressed as helpful in the relations between Hungary and Turkey in terms of bilateral relations. In accordance with the FEUTURE country report no.28 (2017), it states that Hungary supported Turkey during the accession period to the EU (FEUTURE EU 28 Country Report Hungary, 2017). Hungary kept its stance and defended the idea of being fair towards Turkey during the process regardless the issues between Turkey and the EU. The poll conducted in the year 2005 by Eurobarometer clearly shows the majority of Hungary population was in favour of Turkey's accession to the EU membership.

In the following years covering 2011, 2016, and 2017 the Hungarian government continued establishing strong relations with Turkey both in economy and energy levels and these two countries are often discussed at the level of bilateral rather than European (FEUTURE EU 28 Country Report Hungary, 2017).

This thesis also identifies post-functionalism as related to European Union integration. In the last decade, Europe has seen numerous crises with varying outcomes. Post functionalism emerged as a "pessimistic" framework that emphasizes disintegration. It arose as a critique or a contrast to the optimistic ideas of European integration. Theories of post-functionalism can be considered a new theoretical framework (Webber, 2019). Theories of post-functionalism examine the causes and implications of politics in three steps. Post functionalism perceives European integration as a struggle between conflicting belief systems. In turn, each theory interprets key events in the development of European (dis)integration considering its underlying assumptions (Hooghe and Marks, 2008).

Both Hooghe and Marks oppose neo-functionalism and intergovernmentalism because they consider preferences to be economic. According to intergovernmentalists, the distribution of economic rewards across nations or business groupings is a reason for integration. The "distributional bargaining among (economic) interest groups" was mirrored in preferences for European integration (Hooghe and Marks, 2008).

Hooghe and Marks have criticized neo functionalism and intergovernmentalism as they both think of preferences as economic. The distribution of economic gains among states or business groups is a cause for integration, according to intergovernmentalists. Preferences regarding European integration reflected the "distributional bargaining among (economic) interest groups". Hooghe and Marks argue that since 1991, elites and party leaders have had to look to their constituents while charting a route for integration. They argue that the politicization of European integration through referendums and elections is to blame for the shift from permissive consensus to restricting dissension (Hooghe and Marks, 2008).

The most distinguishing characteristic of post-functionalism from neo functionalism and intergovernmentalism is its emphasis on identity. As a devout neo-functionalist, Schmitter began with the politicization in Hooghe and Marks' paper, claiming that they failed to explain the causality of politicization (Schmitter, 2009).

Neo-functionalism and liberal intergovernmentalism are concerned with distributional bargaining amongst (economic) interest groups. Transnational interest groups and supranational players follow the path of least resistance for economic reform.

This would eventually lead to Europeanization of the national state and even identities (Hooghe and Marks, 2008).

This study also points out important features with regards to the Brexit and Turkey relationship which significantly draws a clear picture of why Turkey is seen as a threat for both the European Union and the UK. The United Kingdom (UK) voted to exit the European Union in a referendum held in June 2016. A variety of causes have contributed to the rise of Euroscepticism in the United Kingdom. Debates on economics, immigration, and national sovereignty shaped the Brexit campaign. Despite the fact that the UK government was one of the most ardent supporters of Turkey's EU membership prior to the Brexit referendum, the issue of Turkey's EU membership became a major factor. Turkey's membership in the EU has been presented as a possible threat to European stability and the United Kingdom's security (Gasimzade, 2018).

Turkey's admittance to the European Union was one of the deciding reasons in the Brexit plan. It did not appear to be a huge factor at first due to the British government's support for Turkey's EU membership. Accepting Turkey as a member of the European Union, on the other hand, poses a huge risk to European stability and the United Kingdom's national security, according to Eurosceptics (Ker-Lindsay, 2017).

The first element might be uncontrolled immigration from Turkey and its neighbours into the United Kingdom. As a result of the EU membership, 84 million Turks will have the right to free movement, and the EU passports will allow them to enter the UK. Because one of the main justifications used by the Brexit supporters is that immigration from the EU countries causes rising unemployment and salary reductions, opening Britain's borders to millions of Turkish workers causes British citizens to be concerned about rising unemployment and salary decreases. Turkey also shares borders with Syria and Iraq, which might be monitored for human rights violations and a huge refugee population. Those who favour leaving fear that immigration would raise the risk of terrorism in the EU's borderless environment, and that being in the same union as Turkey puts them at risk of thousands of ISIS-sponsored terrorists.

The entrance of Turkey to the European Union will have a substantial impact on the EU decision-making. Turkey's population is predicted to grow to 95 million people by 2050. As a result, the number of Turkish MEPs in the European Parliament will rise (Gasimzade, 2018).

It should be noted that Brexit has put the rebuild of the UK-Turkey collaboration on both countries' agendas. The time period should be divided into two parts: pre-Brexit and post-Brexit. Turkey-UK relations were on line with Turkey-EU relations prior to Brexit. All the EU legislation and agreements will be altered as a result of the United Kingdom's choice to leave the European Union. During the Brexit campaign, public sentiment against Turkey was overwhelmingly hostile, and it was mentioned as one of the main reasons for exiting the EU. If both parties disregard their relationship in the post-Brexit era, the UK-Turkey partnership may suffer. Turkey may benefit from Brexit as well, as it will be able to increase its collaboration with the UK and take the place of the EU in commercial interactions with the UK (Gasimzade, 2018).

Due to geopolitical reasons, joining the EU was preferable to remaining outside the integration process. However, just like immigration into the UK, British participation in the EU has always caused public displeasure. As a result, London has adopted an outsider's perspective, favouring the European Union to tighter integration.

The United Kingdom joined the EU to protect its own interests, not to become increasingly intertwined with continental values and processes. It wasn't a love and commitment marriage, but rather a convenience marriage (Czech and Katowice, 2019).

Brexit can be understood through the lens of post-functionalist integration theory, which puts explanatory pressure on the masses and politicians. To begin, differentiation disintegration must be defined in order to comprehend the reasons for researcher Schimmelfennig's comment describing the power of post functionalist theory. Furthermore, it is necessary to investigate if existing concepts of disintegration can explain Brexit. The components of European integration are uniformity/differentiation and integration/disintegration. Integration denotes a rise in centralization, policy breadth, and the EU membership, whereas disintegration denotes a fall (Leuffen, 2013).

The Leave campaign and the grounds for leaving the EU, according to Schimmelfennig, were in line with post functionalist predictions. Because of their weak institutional negotiating power, he predicted that countries pursuing disintegration would have to change their expectations and make concessions to the EU when debating the terms of their leave (Schimmelfennig, 2018). Even more so, the referendum campaign and outcome corroborate the post functionalist perspective. The themes of identity and self-determination were prominent in the Leave campaign. It claimed to "regain control" of immigration and the economic, cultural, and security issues that it brings, as well as to "revitalize sovereignty and democracy" and "redirect the EU financial commitments to the UK" (Clarke, 2017).

Leave voters were significantly more likely to believe that outside of the EU, Britain would be better positioned to control immigration and prevent terrorism. The Remain campaign, on the other hand, emphasized the negative economic consequences of Brexit. Finally, the post-functionalist divide between elites and the public, as well as the victors and losers in cultural and economic integration, was echoed by Remain and Leave voters (Schimmelfennig, 2018).

The case of Brexit appears to support the key assumptions of the post-functionalist approach to European integration. The political and economic rationality of governments and interest groups, according to this theory, is countered by other rationalities addressing identity and societal issues, as well as the legitimization of power. Even if national governments have traditionally leveraged divergent interests to keep the EU integration consensus at bay, the British government has sparked a wave of Euroscepticism.

As a result, Brexit poses the risk of unpredictably falling into Eurosceptic demands, as well as a change in the rules of the European integration game. Given the tremendous degree of support for the EU in their own countries, it might also serve as a benchmark for leaders to evaluate how far they can go in terms of political risk (Czech Republic and Katowice, Poland, 2019). These researchers' findings indicate that only post-functionalism can successfully explain Brexit by focusing on mass politics and identity problems rather than economic rationality.

It is crucial to discuss how the new system will work after Brexit in terms of new immigration system. Overall, the new immigration system presents both obstacles and opportunities for integration processes, which are defined as a *"two-way process of mutual adjustment"* between migrants and the rest of society. On the one hand, some of the issues that local communities have faced in the past may be alleviated under the new immigration system.

In particular, the new approach is projected to decrease migration to the UK and, as a result, the rate of change in many local regions, assuming all other factors remain constant. The new immigration system also prioritizes factors that have traditionally been linked to integration, such as language proficiency. The post-Brexit immigration system exposes particular categories of migrants to additional risks. The reason is that newly arrived the EU migrants would have fewer rights than they did under free movement, and some will be subjected to visas that bind them to their employment; and the lack of legal migration pathways, as observed in other countries, can encourage irregular migration (de Hass, 2011; Cummings et al, 2015; and Holzer, 2011).

Various groups in the UK have different rights and entitlements as a result of immigration policy. People on temporary work, family, or student visas in the UK are often restricted in what they can accomplish. The majority of these restrictions are lifted once they are granted permanent status, which is known as indefinite leave to remain (ILR) for non-EU nationals and settled status for the EU members. The nature of migration is projected to alter as a result of the post-Brexit system, including the number of people who migrate as well as their reasons and individual characteristics. Migration patterns are hard to anticipate, and even in the absence of policy changes, they can shift dramatically over time due to factors such as changing economic conditions at the origin and destination (Sumption and Kierans, 2021).

It is rational to anticipate that, in the long run, the post-Brexit immigration system will reduce the EU immigration relative to what the UK would have seen under continuing free movement.

Furthermore, the system affecting non-EU nationals has grown slightly more permissive, which, all else to be equal, should lead to a rise in non-EU migration (Sumption and Kierans, 2021).

New migration policies are anticipated to have an impact on the composition of migration to the UK. Again, these changes are difficult to foresee with any certainty, but based on the policy, it is expected that the EU immigration cutbacks will be focused on lower-wage jobs, resulting in a higher earnings profile for newly arrived migrants on average (Sumption and Kierans, 2021).

The fourth chapter of this study states Frontex and EBCG and the function of them related to border protection legislations of the EU countries and its relationship with migrants and refugees. Internal and external security have become intertwined policy concerns that member states tackle jointly because the European Union has no internal borders. External border management, as a sub-policy area, is a critical component of European internal security in terms of ensuring the protection of the EU citizens. Despite their strong claims to national security and defence autonomy, the MS "harmonized their approaches to police, intelligence, and border protection, that is, everything from European" (Cross,2011). However, because security integration in the EU is a shared competence area between the MS and the EU, it is a fact that complete implementation is challenging.

The European Border and Coast Guard (EBCG), Frontex's most recent embodiment, has established itself as a vital institution in the equation of safeguarding internal security in the EU by strengthening border administration and adopting a shared responsibility approach on external borders. Because of its ties to migration and security issues, which are at the heart of the MS's concerns, the Agency has taken a leading role among the EU AFSJ institutions in studying the EU integration. As a result, assessing the development of a Union Border Agency is crucial to understanding both external border control and the character and path of the EU integration (Aas and Gundhus, 2015).

Frontex was established on October 26, 2004, by Regulation 2007/2004, "with a view to improve the integrated administration of the external borders of the member states of the European Union." (Art.1) Despite the fact that the MS are responsible for the management and surveillance of their external borders, as a result of several internal and external developments that will be highlighted, the MS have come to terms with the need for a collective action in controlling the external borders.

Frontex's objective to "better coordinate operational cooperation" reflects this requirement (European Commission a, 2003). In this sense, Frontex's main responsibility is to coordinate with the MS in order to provide "a high and uniform level" of external border control, among other things (Frontex a, 2021). Over time, as the MS and the Union have accepted a shared responsibility approach to external limits, this has evolved.

The Syrian refugee crisis increased pressure on the EU's external borders between January and November 2015, resulting in the uncontrolled movement of 1.5 million individuals (European Commission, 2015, p.2).

Mixed migrant flows (which include refugees, asylum seekers, economic migrants, and other types of migrants) and secondary movements have been cited as reasons for some MS, including Austria, Germany, Slovenia, and Hungary, to reintroduce border controls at their internal borders (European Commission, 2015). (Deutsche Welle, 2019).

EBCG, formerly Frontex, is now the most well-funded of the AFSJ agency, having moved to the forefront of internal and external security in the EU's deployment of external border control while working in a sovereign and politically sensitive subject. As a result of the Agency's increasing external border management tasks and responsibilities, which are reflected in laws, the MS's shared external border management is being harmonized.

The integration of the EU's external border management is explained in this section of the thesis using neo-functionalist theory. The neo-functionalist tool of spillover in the forms of functional, political, cultivated, and exogenous was identified as critical mechanisms in the development of the EU border agency Frontex and the EBCG. Following the negotiations for the establishment of Frontex and the EBCG between 2004 and 2016, specific actors and events emerged that were effective in activating integration in the EU's external border management sub-policy area and were matched with spillover dynamics, as suggested by neo functionalist integration theory. Frontex's establishment indicates functional spillover, exogenous functional spillover, and cultivated spillover, whereas EBCG's establishment shows exogenous functional spillover, cultivated spillover, and political spillover (Mungianu, 2013).

In the development of both Frontex and the EBCG, actors such as the European Commission's supranational institutions and the European Parliament displayed cultivated spillovers. Actors like NGOs and business interest groups, which had a significant impact on the development of the EBCG, exemplified political spillover.

There was no political spillover during the formation of Frontex. International terrorism, the 2004 enlargement, and the 2015 refugee crisis are examples of exogenous spillover demanding improved coherence in external border management.

With the Member States' concerns about enlargement and irregular migration growing, functional spillover was identified as a mechanism in the JHA/AFSJ that created its own dynamics toward a common policy on external border management, contributing to the establishment of more supranational governance in the area. In examining the external border management integration, the spillover idea is to apply neofunctionalism to the formation of Frontex and the EBCG. The spillover concept, according to neo functionalists, is a technique for portraying dynamism in the integration process. Functional spillover remains a limited explanation in the condition of external border management from the logic of neofunctionalism in both political and economic realms. Furthermore, since the JHA formed its own acts and administered them with the Member States, it has been reformed into an AFSJ, and the enacting mechanisms have changed for future resolutions in the area because internal security has become intertwined with asylum, migration, and irregular migration sub-policy areas, and Member States' concerns about revocation of internal borders have improved (O'Dowd, 2010).

Frontex's emergence on the scene has been influenced by the EU's institutional reforms in connection to the AFSJ. In addition, the European Council established multiannual policy initiatives to implement new legislation, processes, and institutions in the field, establishing priorities and providing guidance to the EU's AFSJ (Kaunert, 2014). The 2015 refugee crisis became an external occurrence after the establishment of the EBCG, adding a dynamic to the ongoing development of external border control.

The incident has been dubbed the EU's worst humanitarian disaster since it focuses on the issue of external border management as a result of the MS's concerns about irregular migration, as well as the failures of previous migration management accomplishments. During the establishment of the EBCG, the presence of government and non-governmental elites (NGOs), as well as the Commission and the Parliament, was acknowledged, though their influence was limited (Meissner, 2019).

When assessing the neo functionalist theory and the field of external border management, it's vital to remember that the field of external border management hasn't been fully integrated yet because it's a sensitive subject in terms of Member States' sovereignty and domestic security.

The fact that the space is open to harmonization efforts implies that a new integration approach to the Union's external border management is evolving.

As a result, closely monitoring the Agency's position and progress, as well as striving to comprehend its interactions with other actors and/or the EU agencies, might contribute to the EU integration theories, both in terms of generating new ideas and enhancing those that already exist.

This study also analyses the post-Covid period and its stance and significance in the refugee crisis. Refugees face danger not just from material (in) security, but also from increased exclusion and exceptionalism in the form of protective politics. The first nine months of the Covid-19 pandemic revealed that countries, especially in Europe and the United States, but also in the Global South, used the pandemic as a reason to reinforce border controls and/or use their migration policy packages to demonstrate their preparation.

Refugees are increasingly denied access to international protection, and populist leaders who profit from Covid-19 depict them as scapegoats. Some countries have used the epidemic to implement contradictory policies that further restrict refugee access to protection and/or institutionalize refugee marginalization (Crawley, 2020).

According to scholar Rasche (2020), Covid-19 has four different effects on the EU asylum and migration policy. The first is that the Covid-19 outbreak has made it more difficult for people to seek asylum in the EU. Second, member states' mostly

disorganized responses have harmed the EU's ability to lead a *single* asylum and migration strategy. Finally, the virus has highlighted the importance of migrants as *indispensable labourers.* Fourth, the virus has the potential to amplify existing trigger variables in the EU member states.

In Turkey, refugees confront challenges such as overcrowding in refugee camps and a lack of access to health care. Syrians seeking temporary shelter in Turkey confront health-care shortages and financial hardships. The Turkish populace has become increasingly hostile to refugees, who are perceived as a burden on the country's social and economic aspects, while the Turkish economy has been in upheaval (Rasche, 2020).

To draw some inferences from the preceding remarks, the Covid-19 has unquestionably had a negative impact on the asylum system, drastically reducing the facilities available to refugees seeking international protection. Furthermore, at the start of the year 2020, the ability to seek asylum is expected to come to an end (Crawley, 2021).

Around the world, refugees and displaced individuals are not well greeted. They are not limited to one country and can have a negative impact on neighbouring countries, necessitating prompt action. Despite the fact that the issue of refugees and displaced people is not given the same priority as economics, the state and government should consider it a priority because it has caused millions of people unable to work in camps.

It also tells the story of how refugees and displaced people have been treated as by-products of economic and military conflict in many countries. It also tells the past of refugees and displaced individuals who have been treated as by-products of economic and military conflict in several countries. The Covid-19 pandemic may provide an opportunity for governance reforms and the restoration of socio-cultural, socio-political, and socio-historical estrangements that create susceptibility in a particular disenfranchised population (Hossain, 2020).

This thesis brings a valuable contribution in order to see the comprehensive and holistic picture of how the EU and Turkey have been in an impressive change in the sense of creating, proposing and conducting policies with regards to refugees and

migration particularly in the last decade since the inevitable Syrian refugee crisis trigger not only Turkey but also the EU within the frame of border protection and security of their own citizens in their countries. Also, this study utilized from theories functionalism, intergovernmentalism, and neo functionalism so as to interpret not only the refugee policies by the EU and Turkey benefiting from a recent period but also to analyse the Brexit, its impacts on Turkey and the UK relationship from the lenses of neo functionalist theory. The contribution within the context of post Brexit effects on Turkey and the UK relations from the migration aspect, the study brought a fruitful analysis of why Turkey is still not welcomed and seen as a risk and threat for not only the EU but also the UK. Since the UK exited the EU, Turkey's one of the most supportive partner risk the membership of Turkey into the EU also creates a potential risk for its trade relations with other countries and the UK.

This thesis' focus is on how Turkey's and the EU's migrant policies converged or diverged after the Syrian refugee crisis. In relation with the research question, it is vital to discuss this aspect. The current government's Justice and Development Party's (AKP) strategy of zero-problems with neighbours was no longer sustainable due to changing circumstances in the Middle East in 2010 and 2011.

Turkey's foreign policy toward its neighbours at this time was interventionist, and it risked being identified with specific factions in neighbouring countries, to the point where its foreign policy was essentially incompatible with that of the EU (Torun, 2021).

The Turkish government did not immediately turn against Syrian President Bashar al-Assad once the upheavals erupted in Syria. Turkey's attitude to the Syrian crisis and developments there widened its gap and created divergence with the EU.

Both Turkey and the EU remained convinced that Assad had no choice but to step down (Council of the EU, 2016, 2017). On the other hand, the EU did not give countenance to Turkey's request for the creation of a no-fly zone (BBC News, 2015). In response to a proposal for the establishment of a no-fly zone in Syria, the High Representative of the Union stressed that refugees who are currently residing in Turkey would carry on fleeing rather than returning to Syria (Torun, 2021).

The Syrian war had a range of effects on Turkey, and one of them was the persistent influx of Syrian refugees into the country. As mentioned before, Turkey was housing 3.6 million Syrian refugees by May 2020, according to the UNHCR (2020). The Syrians who attempted to enter Europe illegally through Turkey, particularly in 2015, a humanitarian catastrophe occurred, and this significant situation put pressure on the EU member states to act. The EU has to negotiate with Turkey to ensure its cooperation in enforcing strict border controls (Torun, 2021)

The EU-Turkey refugee deal was based on the return of irregular migrants who arrived in Greece after March 20, 2016, and the resettlement of one Syrian refugee from Turkey to the EU for every Syrian returned from Greece to Turkey. The deal also anticipated Ankara taking the necessary precautions to deter irregular migration through Turkey, as well as the EU providing 6 billion Euros to Turkey's Refugee Facility (Erdoğan, 2019). Despite future challenges with the arrangement's process, it shows that, despite the EU's and Turkey's continuing divergences, interest-driven and issue-specific cooperation can be monitored in their foreign policies (Dimitriadi, 2018).

When the Idlib crisis broke out in 2020, Turkey authorized the refugees to enter Greece so as to gain attention and also support from the EU in terms regarding refugees in its region (Harris, 2020) Turkey's action was a breach of the EU-Turkey refugee deal which was meant to prevent a migrant crisis at Europe's borders.

Apart from the Idlib crisis, the move of Turkey reflected Turkey's dissatisfaction with the EU's lack of financial support for the refugees that Turkey hosted, as well as the EU's broken promises to update the EU–Turkey Customs Union, restart accession negotiations, and proceed visa-free travel for Turkish citizens (Torun, 2021).

The European Union Council (2018) stated that Turkey grows away from the EU. Within this scope, foreign policy becomes a more significant subject that both parties share a common interest in maintaining peace and stability in the EU's neighbourhood. If the EU builds an institutional framework that allows for cooperative actions with Turkey on foreign policy concerns, the collaboration may improve.

Alternatively, if Turkey and the EU agree on a partnership agreement other than membership, the EU-Turkey cooperation would inevitably increase. In this scenario, Turkey's failure to fulfil the EU's political requirements, particularly in terms of democracy and the rule of law, would likely fade away, and ties would become strong and away from divergence (Torun, 2021).

However, Turkey is not the source of all risks of divergence between the EU and Turkey. In this regard, a noteworthy observation is that while the EU worked under the ENP framework, the foreign policy goals of Turkey and the EU easily aligned. However, in sectors where the EU relies on bilateral connections between its member states and other parties, Turkey's and these member states' national goals frequently clash. One crucial aspect contributing to this danger is that, in the absence of a single European voice, Turkey is forced to deal with diverse – and often unpredictable – voices from its European allies, with no effective mechanisms in place to resolve any disagreements (Evin and Hatipoğlu, 2014).

This thesis makes a worthwhile contribution to the pandemic period's effects on refugee crisis with a refreshed evaluation and comments from different views of academics so as to perceive the entire refugee crisis picture.

In conclusion, despite the fact that both parties position their policies in a humanitarian context, the debate has revealed that they are truly following their own personal interests and are unable to solve the root cause of the humanitarian crisis. The results of this bilateral study reveal that Turkish and the EU policymakers place a higher emphasis on their national interests than on constructed identities. In other words, the main assumptions underlying the problem of representation in the creation process of foreign policy are founded on national interests and selfishness. As a result, both Turkey and the EU have adopted different attitudes toward each other in order to achieve their desired results, and their relationship appears to be improving.

Nonetheless, this is hardly a long-term solution because their policies do not address the root causes of the crisis. Based on the findings of this study, the recommendation could be to reframe the foreign policy problem, because a precise portrayal of the problem can lead to a specific policy that can truly resolve the problem.

To do so, Turkey and the EU need to put their prejudices and self-interests aside and concentrate on a resolution that will benefit the people of the region.

The recommendation for Turkey and the EU foreign policy makers could be to reframe the foreign policy problems, because a precise portrayal of the problem can lead to a specific policy that can truly resolve the problem. To do so, Turkey and the EU need to put their prejudices and self-interests aside and concentrate on a resolution that will benefit the people of the region.

As a final interpretation regarding the study, it is clear that the Syrian Refugee Crisis emphasized the deprivations in both countries' refugee policies in preventing further mass migration of Syrians to Europe, particularly in the view of the EU. The EU's fear provided a chance for Turkey to take advantage of the crisis, not only to receive much-needed aid for Syrians but also to gain additional political and economic gains. Not in the sense of limitations, however as a suggestion, this thesis could be improved with interviews to be conducted to some policymakers and authorities from the Ministry of Interior Presidency of Migration Management.

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APPENDICES

Appendix A- Theories Summary

THEORIES	MAIN SCHOLARS	MAIN ARGUMENTS	FINDINGS
Functionalism	David Mitrany	Societal harmony and prosperity Aims to create type of authority based on needs and functions	Since 2015 Syrian refugee crisis, the nature of the relationship between Turkey and the EU has changed and both actors intensified their cooperation to manage the crisis. For example, March 2016 EU-Turkey Statement is a strategic bargaining between the two actors. Majority of the EU policies concerning Turkey are in the functionalist line.
Neo-functionalism	Ernst B. Haas Philipe Schmitter Leon Lindberg Stuart Scheingold Joseph Nye	Describes the deepening of European integration and the role of supranational bodies in its advancement.	Immigration policies of the EU and Turkey diverge from neo-functionalist approach. While the EU shifted away from neo-functionalist perspective, Turkey continued to follow them
Intergovernmentalism	Stanley Hoffman Andrew Moravscik	It is not possible to explain European integration with one single factor	Turkey preferred to make agreements with neighbouring countries since the EU was reluctant to establish dialogue on migration issues.