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BROKEN PROMISES: A CASE STUDY OF THE EU TURKEY STATEMENT & ACTION PLAN

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**Introduction**

 This paper employs the “EU Turkey Statement & Action Plan” as a case study for a broader pattern of “safe third country” agreements, in which nations send asylum seekers to other, purportedly safe countries, often in exchange for political or monetary concessions. It begins by untangling the unusually informal, imprecise deal, before demonstrating the EU Council’s motivations for initiating the agreement: curbing the flow of asylum seekers to the continent and achieving certain humanitarian aims. By presenting the human rights obligations that correspond to each of the deal’s components, it paves the way for an analysis of how the agreement’s participants–the EU, Greece, and Turkey– violate refugee rights in implementing it. This analysis suggests that while the deal enables European leaders to alleviate domestic pressure, the humanitarian achievements are a mirage.

 The paper makes several contributions to existing literature. First, most research focuses on either the deal’s theoretical implications or its practical aspects; this paper presents a unified narrative heretofore missing. Additionally, it connects the agreement to the wider sociopolitical discussion concerning safe third country deals. In particular, it helps elucidate the complex motivations, mechanics, and outcomes produced by such agreements. Finally, it lays the groundwork for further research about these deals, beckoning the question of whether they are merely tools for nations to project the image of compliance of international law or honest attempts at negotiating human rights and self-interest that fall frighteningly short.

**Background**

The “EU Turkey Statement & Action Plan” has no legal status. It is a declaration on behalf of the EU Council and Turkey to enact a series of measures to alleviate the refugee crisis. An EU Commission memo reveals that Greece and Turkey will implement its provisions, while Martin Verwey, the Director-General of the EU Commission’s Structural Reform Support Service, will coordinate their efforts.[[1]](#footnote-1) These are imprecise delineations, which have become explicit as the agreement has unfolded. It is worth noting that in drafting the agreement, the EU Council and Turkey were bound by the 1967 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol, the core sources of international law legislating nations’ obligations to asylum seekers. In enacting its clauses, the EU Commission, Greece, and Turkey are limited by the Dublin Regulation, the EU rules for determining the Member State responsible for assessing an asylum seeker’s application, and the Asylum Procedures Directive (APD), the EU Directive affirming the rights of refugees in treatment and processing.

The agreement contains broad, vague, and misleading provisions. The first clause deceptively mandates the return of “all new irregular migrants crossing from Turkey to the Greek islands” to Turkey.[[2]](#footnote-2) The use of the phrase “irregular migrants” conceals the agreement’s complex reality: in tandem with signing the deal, the EU Council designated Turkey as a safe third country. By doing so, it provided itself with the legal authority to instruct Greece to return to Turkey not only those whose asylum applications are deemed ineligible–those typically referred to as irregular migrants–but any refugees who had spent time in Turkey before arriving to the Greek islands. Specifically, Turkey’s designation as a safe third country authorized the EU Council to task Greece with employing two concepts, “first country of asylum” and safe third country, enshrined in Articles 35 and 38 of the APD, respectively, to reject the applications of asylum seekers who had spent time in Turkey before arriving to the Greek islands.[[3]](#footnote-3) Contrary to its wording, the first clause closes the door to resettlement to Europe for refugees less those eligible for Dublin Regulation protection arriving to the Greek islands after the deal’s signing.

The deal’s other provisions are also nebulous. The converse of returning refugees from the Greek islands to Turkey, the second clause pledges to resettle Syrian asylum seekers from Turkey to Europe on a 1:1 basis, while the fourth clause enacts a “Voluntary Humanitarian Admission Scheme” once “irregular crossings” have been “substantially reduced.”[[4]](#footnote-4) The EU Commission earmarked 72,000 Syrian refugees for resettlement to Europe irrespective of the second clause’s 1:1 mechanism.[[5]](#footnote-5) Furthermore, it is unclear if the fourth clause’s Scheme constitutes the mechanism through which the 1:1 commitment is achieved. The EU Commission indicates that it aims to fulfill the 18,000 and 54,000 places pledged by Member States in 2015 before activating the Scheme that and Member States, Turkey, the European Asylum Support Office (EASO), and the United Nations High Commissioner for Refugees (UNHCR) engage in “close cooperation” to facilitate this process. [[6]](#footnote-6)

Along with the return and resettlement of refugees, the agreement calls for Greece and Turkey to take actions against “irregular migration” and “migrant smugglers.”[[7]](#footnote-7) Restricting arrivals to the Greek islands takes on particular importance in light of the deal’s closure of the Balkan routes to refugees. An examination of the October 2015 “EU-Turkey joint action plan” indicates that these actions include but are not be limited to reinforcing the capabilities of the Hellenic and Turkish coast guards, combatting human trafficking networks, and deporting ineligible asylum seekers to their countries of origin.[[8]](#footnote-8) Moreover, the deal includes political and monetary concessions to Turkey such as a “visa liberalization roadmap,” the resumption of the accession process, and the commitment of up to €6 billion in the form of the “Facility for Refugees in Turkey.”[[9]](#footnote-9) An EU Commission factsheet clarifies that the Facility is a fund consisting of contributions from Member States and steered by the EU Commission that finances projects organized by aid groups improving the quality of life of refugees, not Turkey directly.[[10]](#footnote-10)

Despite its textual ambiguity, the agreement’s context reveals it as a serious effort on the part of EU Council and Turkey to limit the presence of asylum seekers in Europe. The EU Council’s motivations for initiating the deal are contained in the text’s preamble: to “break the business model of smugglers and offer migrants an alternative to putting their lives at risk.”[[11]](#footnote-11) On the one hand, European leaders aim to curb the flow of asylum seekers to the continent and, on the other, they seek to achieve certain humanitarian aims. The former goal originates from the domestic pressure upon government officials. At the time of the deal’s signing, the majority of European leaders belonged to centrist parties such as the Christian Democratic Union, facing competition from populists claiming that refugees bring cultural, sexual, and physical assault to Europe. Worsening economic circumstances and the mismanagement of the 2015 influx also contributed to a sense of their shared incompetence. These factors produced the demand for a solution to the arrival of asylum seekers to Europe with the exception of welcoming them.

At the same time, European leaders are concerned about maintaining at least the façade of compliance with international law. This concern is best explained on the international level of analysis. Upholding global human rights norms confers upon the EU Council a degree of legitimacy. Government officials even pair their language about the agreement’s lawfulness with compassionate rhetoric about reducing the danger to refugees. Some theorists contend that this rhetoric is part and parcel with the EU’s history of paternalism towards asylum seekers.[[12]](#footnote-12) The deal’s humanitarian aims have domestic roots, too. In an addendum to the agreement, the largely liberal European Parliament encourages Member States to demonstrate “more solidarity in welcoming refugees,” revealing that body’s concern about the human rights implications of the deal.[[13]](#footnote-13) Ultimately, the EU Council achieves only one of its goals: while the agreement enables European leaders to alleviate domestic pressure, the humanitarian achievements are a mirage.

Many of the deal’s components do have corresponding human rights obligations. These are enumerated by the UNHCR in line with its mandate to “promote the conclusion and ratifications of international conventions,” reinforced in Article 35 of the 1951 Convention.[[14]](#footnote-14) They bind the actions of the implementors, the EU Commission, Greece, and Turkey. Greece’s processing and return of refugees must be procedurally sound. The Dublin Regulation precedes the APD, and Greece must ensure that refugees are not entitled to protection in a Member State under “family unity” or the “best interests of the child” before evaluating their application.[[15]](#footnote-15) In accordance with Articles 35 and 38 of the APD, Greece must apply the first country of asylum or safe third country concepts on a “case-by-case” basis, and asylum seekers are entitled to personal interviews, access to legal counsel, and “remedy before a court or tribunal.”[[16]](#footnote-16)

For Turkey to constitute a first country of asylum, it must readmit Syrian refugees, grant them “legal stay,” and accord them “standards of treatment commensurate with the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol, and international human rights standards.”[[17]](#footnote-17) Additionally, Turkey may be a safe third country for non-Syrian asylum seekers if individual refugees have a “sufficient connection” to the country, Turkey provides “fair and efficient” application procedures, and the country does not violate the customary norm against refoulment, the deportation of refugees to nations in which they will face persecution.[[18]](#footnote-18) The UNHCR concludes from the “text, context, object, and purpose” of the APD that “sufficient protection” for asylum seekers admitted to Turkey extends beyond protection against refoulment, including “adequate standards of living, work rights, health care, and education.”[[19]](#footnote-19) Finally, any efforts to restrict “irregular migration” must comply with international law, including that prohibiting the “cruel, inhuman or degrading treatment” of migrants.[[20]](#footnote-20)

**Human Rights Violations in Greece**

 The Greek government struggles to process the applications of asylum seekers. First, the deal increases the Greek government’s workload. While its support of stricter Turkish border control reduces the number of asylum seekers crossing the Aegean, its closure of the Balkan routes increases in the number of refugees applying to Greece for protection.[[21]](#footnote-21) Along with the mounting cases, the Greek government fails to manage the complexity of processing. The Greek Reception and Identification Service assigns asylum seekers to Reception and Identification Centers (RICs) before referring them to the Greek Ministry of Health, whose doctors conduct vulnerability assessments. Vulnerable refugees are transferred to the mainland while others remain on the Greek islands, and the Greek Asylum Service (GAS) and European Asylum Support Office (EASO) divide evaluation duties for both.

This intricate process requires advanced coordination, expert staffing, and effectively utilized resources. The Greek government struggles to coordination agencies. In 2018, insufficient doctors from the Greek Ministry of Health significantly stalled the entire operation.[[22]](#footnote-22) It also fails to provide staffing. While the GAS’s workforce has grown, the European Court of Auditors reports that the GAS must add 110 to its 240 caseworkers to “contain” the backlog.[[23]](#footnote-23) Compounding the lack of its own infrastructure, the Greek government squashes EU resources, including the €464 million in assistance provided by the EU Commission to the Greek government through the Asylum Migration and Integration Fund (AMIF) and Internal Security Fund (ISF).[[24]](#footnote-24) While government officials allege that the Greek government lacks control over these funds, other observers blame politicians’ refusal to delegate disbursement to competent authorities.[[25]](#footnote-25) In 2018, acting on information from the EU Commission, the European Anti-Fraud Office initiated an investigation into corruption in the provision of EU-funded food in Greece.[[26]](#footnote-26) Due to its increased workload and failure to manage the complexity of processing, the Greek government’s pending cases have increased since 2016, reaching 24,553 in March 2019.[[27]](#footnote-27)

 The Greek government also struggles to return refugees to Turkey. Initially, the Greek government faced judicial resistance to this component of the deal. The GAS systemically refused to recognize Turkey as a first country of asylum or safe third country.[[28]](#footnote-28) Appeals Committees, which manage the first stage of appeals, ruled in over 55 cases against returning asylum seekers to Turkey due to human rights violations in that country. [[29]](#footnote-29) In a landmark case, the Council of State, which manages the final stage, legitimized these bodies’ concerns. Although it ruled in favor of designating Turkey as a safe third country, dissenting justices raised several objections, including that transit alone hardly constitutes a “sufficient connection.”[[30]](#footnote-30)

Despite legal challenges ending in 2017, the Greek government still fails to conduct sufficient returns. Like processing, returns are complex, requiring the government to coordinate with the Turkish government, train security personnel to monitor flights, and charter planes and procure other resources. A third of such flights are in fact cancelled due to “returnee refusals, absence of travel documents, absconding, court decisions, or captain refusals.”[[31]](#footnote-31) Until 2018, the Greek government neglected to emplace its own infrastructure for facilitating returns, participating in the efforts of other Member States, and since 2018, it has refused to coordinate with the EU’s well-prepared, well-resourced border control agency, Frontex.[[32]](#footnote-32) Consequently, by 2018, the Greek government had returned only 1806 of the 8928 eligible refugees to Turkey.[[33]](#footnote-33)

 These struggles to process and return refugees produce two additional human rights concerns. As the Greek government’s backlog has grown, the GAS has adopted increasingly problematic application procedures. The GAS routinely uses Refugee Recognition Rates, calculated by the UNHCR by “dividing the number of asylum-seekers granted Convention refugee status by the total number of accepted and rejected cases,” to sort the applications of asylum seekers.[[34]](#footnote-34) For example, Syrian refugees receive more expedient processing than those from countries with low Refugee Recognition Rates like Pakistan. However, some observers suggest that following the Deal’s implementation, the Greek government has utilized this tool beyond reasonable bounds, indiscriminately rejecting the applications of asylum seekers from less recognizable countries.[[35]](#footnote-35) The “declining quality” of decisions reinforces this concern; in 2018, 17.8% of decisions were overturned in comparison to 5.2% in 2017.[[36]](#footnote-36) The nationalization of application procedures contradicts the individual approach to processing enshrined in the APD. Indeed, the APD which mandates that refugees’ applications are evaluated in terms not of their national origin but of their personal characteristics.

 Moreover, the growing number of refugees on the Greek islands worsens everybody’s situation. The RICs are overcrowded, Human Rights Watch indicating that they house 37000 people in structures designed for 6000.[[37]](#footnote-37) This overcrowding makes it difficult to govern, police, and provide care. The facilities lack “running water sanitation, and hygiene” among other basic services. The *New York Times* observes “sexual assaults, knife attacks, and suicide attacks” in the Moria RIC, while the International Rescue Committee and Doctors Without Borders describe mental health epidemics throughout their facilities.[[38]](#footnote-38) The Greek government’s response to the threat of COVID-19 in the RICs illustrate these issues. While the pandemic accelerated efforts to transfer asylum seekers to the Greek mainland, media outlets describe the housing in Athens and other cities as “appalling.”[[39]](#footnote-39) Likewise, when the virus infected people in camps, the Greek government imposed “unjustified and dangerous” lockdowns.[[40]](#footnote-40) In September 2020, protests against such restrictions led to the Moria RIC burning down. The Greek government responded violently, then failed to relocate the majority of refugees and built an equally objectional camp.[[41]](#footnote-41) These conditions constitute “cruel, inhuman, or degrading treatment,” rendering them unlawful.

 Along with the Greek government’s struggles to process and return refugees, the EU’s pressure on the Greek government to act more forcefully causes infringements of refugee rights. Throughout the agreement’s lifespan, European leaders have pressured the Greek government to increase the efficiency of processing.[[42]](#footnote-42) At a 2016 meeting in Luxembourg, Member State representatives encouraged Greek leaders to override judicial resistance to returns.[[43]](#footnote-43) Many also expressed frustration about the presence of human rights experts on Greece’s Appeals Committees, and the EU Commissioner for Migration, Home Affairs, and Citizenship publicly requested the Greek government to “upgrade and enhance” these bodies.[[44]](#footnote-44) Together with the rise to power of the conservative New Democracy party and the protests of local politicians, this pressure culminated in the Greek parliament’s January 2020 passage of the EU-supported International Protection Act, which overhauls Greece’s application procedures with the dubious aim of preventing “thousands of foreigners evading authorities oversight.”[[45]](#footnote-45)

 The Act enables the Greek government to process and return refugees quicker at the cost of fairness. It normalizes the “fast track system,” shortening the window of most claims and authorizing GAS to reject applications for arbitrary reasons like missing deadlines.[[46]](#footnote-46) While shortened windows discount the variability of refugees’ lives, arbitrary rejections violate asylum seekers’ guarantee of personal interviews.[[47]](#footnote-47) Its requirement that asylum seekers appeal in legal and Greek terms without mandating government-provided aid contravenes refugees’ right to legal counsel.[[48]](#footnote-48) The Act prioritizes the processing of refugees who arrive in 2020, a deterrence measure against new arrivals. This provision ensures the continued mistreatment of those whose claims lie in the increasing backlog.[[49]](#footnote-49) It even permits the detention of children, adding to the 229 already detained, paving the way for transgressions of the Dublin Regulation.[[50]](#footnote-50)

Ultimately, both the Greek government and the EU’s efforts to implement the deal produce violations of the agreement’s corresponding human rights obligations.

**Infringement of International Law in Turkey**

Even before the deal’s implementation, the Turkish government’s refugee policies–Temporary Protection Status (TPS) for Syrians and Conditional Refugee Status for non-Syrians–were legally questionable. For Turkey to constitute a first country of asylum or safe third country, its government must offer asylum seekers protection guaranteed in the 1951 Refugee Convention and its 1967 Protocol. However, Turkey ratified these agreements with geographic restrictions.[[51]](#footnote-51) Only refugees fleeing Council of Europe nations receive 1951- and 1967-specified protection in the country.[[52]](#footnote-52) This issue would be cosmetic if TPS and Conditional Refugee Status met the standards enumerated in the 1951 and 1967 treaties, but the Turkish government’s refugee policies differ meaningfully from those envisioned in these conventions.

While TPS and Conditional Refugee Status provide basic access to healthcare, education, and the labor market, they proscribe long-term residency in Turkey.[[53]](#footnote-53) Turkish politicians have reiterated the temporariness of these arrangements, and TPS may be unilaterally withdrawn by the Turkish Council of Ministers.[[54]](#footnote-54) Furthermore, Presidential Decree No. 676, enacted following the 2016 coup d’etat attempt, amended Articles 36 and 54 of Turkey’s Law on Foreigners and International Protection to legalize the deportation without court hearings of asylum seekers identified as “members of a terrorist organization.”[[55]](#footnote-55) In 2017, the Greek Council of State ruled that the Turkish government need only provide “equivalent protection” to that envisioned in the 1951 and 1967 treaties to constitute a first country of asylum, but dissenting justices highlighted the differences between the Turkish government’s policies and those proposed by these conventions.[[56]](#footnote-56) The UNHCR reinforces these judges’ contentions in its statement that Syrian refugees currently cannot “be recognized and granted refugee status” in accordance with the 1951 Convention in Turkey.[[57]](#footnote-57) The legal questionability of the Turkish government’s refugee policies might have excluded it as a destination for asylum seekers in the first place.

The Turkish government’s application procedures also violate human rights. At the time of deal’s signing, the country processed only 38,595 claims against its backlog of 200,000.[[58]](#footnote-58) The deal imposes further responsibility upon Turkey’s Directorate General of Migration Management (DGMM) such as visa liberalization, reducing the probability that asylum seekers will receive fair and efficient processing.[[59]](#footnote-59) Returned Syrian refugees face obstacles to obtaining TPS. Human Rights Watch reports that the decentralized nature of TPS registration results in many Syrians being denied status.[[60]](#footnote-60) Confirming this phenomenon, the Turkish government prevented two out of ten Syrians interviewed by Utrecht University researchers from acquiring TPS.[[61]](#footnote-61) This systemic inability to obtain TPS annuls the applicability of the first country of asylum standard to Turkey. Moreover, returned non-Syrian asylum seekers struggle to apply for Conditional Refugee Status. The DGMM immediately admits them to detention centers, where they are deprived of assistance from lawyers, human rights workers, and international civil servants.[[62]](#footnote-62) The remote locations of these facilities and language barriers exacerbate non-Syrians’ situation. Turkish bar associations’ refusal to subsidize legal aid, DGMM officials’ unfamiliarity with international law, and the Turkish government’s demonization of refugee rights advocates cement the violation of rights presupposed by the safe third country concept.[[63]](#footnote-63)

Even asylum seekers admitted to Turkey experience poor quality of life in the country. Only 15,000 Syrian refugees have received work permits from the Turkish government.[[64]](#footnote-64) Relatedly, the UN Economic and Social Commission for Western Asia estimates that 83.4% of the asylum seekers in the country live below the poverty line.[[65]](#footnote-65) The circumstances of children exemplify these challenges. The Syrian Relief Network observes the physical abuse of young refugees throughout Turkey, and many minors lack access to education. Human Rights Watch reports that over 400,000 are out of school, supported by UNICEF’s finding that of the 80% of minors living outside of camps, only 27% between the ages of 16 and 17 are in school.[[66]](#footnote-66) These issues demonstrate that the Turkish government fails to secure the standards of “sufficient protection” extrapolated from the “text, context, object, and purpose” of the APD.

In Turkey, the EU exacerbates the situation of asylum seekers not by pressuring the Turkish government to act more forcefully but by remaining passive in response to its infractions. European leaders are aware of the aforementioned human rights challenges. In 2015, EU Commissioner Jean-Claude Juncker delayed the publication of the EU Commission’s annual assessment of Turkey’s progress towards accession to secure the deal.[[67]](#footnote-67) This report discusses the potential illegality of the Turkish government’s refugee policies and the poor quality of life experienced by asylum seekers in the country.[[68]](#footnote-68) In addition, while the deal’s €6 billion Facility, a fund financing projects improving the quality of life of refugees, is a formidable commitment, it lacks a body dedicated to monitoring its progress.[[69]](#footnote-69) Accordingly, the EU Commission’s webpages on the Facility list only the category and funding, not the impact on asylum seekers, of each project.[[70]](#footnote-70) Lastly, European leaders have demonstrated a willingness to support particularly alarming Turkish initiatives to sustain the deal. In January 2020, Angela Merkel signaled her commitment to funding infrastructure for refugees in “Turkish-controlled areas within Syria.”[[71]](#footnote-71) By creating a space within Syria itself for those who are seeking asylum from Syria, this policy would breach the customary ban against deporting refugees to nations that endanger them.

The EU also prolongs the suffering of asylum seekers in Turkey by failing to resettle Syrian refugees to Europe. Most likely, the EU Commission struggles to coordinate the diffuse actors involved in this process. The Turkish government, which refers candidates to the UNHCR, imposes restrictive policies on applicants, including confining them to certain cities.[[72]](#footnote-72) Given that the Turkish government aims to reduce the presence of asylum seekers in the country, these policies reflect an effort to manage its burdens. Moreover, the UNHCR, which assesses the vulnerability of candidates before transferring their applications to Member States, experiences barriers to operating in Turkey, such as insufficient access to detention centers.[[73]](#footnote-73) It is also unclear which actor–the EU Commission, Turkish government, or UNHCR–promulgates resettlement opportunities among refugees, with several families having discovered them informally.[[74]](#footnote-74) Paradigmatic of the mistreatment of refugees in Turkey as a whole, the EU Commission has resettled only 10,000 of the 72,000 refugees earmarked for this program.[[75]](#footnote-75)

As in Greece, both the Turkish government and the EU’s efforts to enact the agreement generate violations of the deal’s corresponding human rights obligations.

**Transgressions by Coast Guard**

The deal’s support for Greek and Turkish efforts against “migrant smuggling” and “irregular migration” results in these governments’ violation of refugee rights.[[76]](#footnote-76) In the former case, Turkey’s DGMM deports innumerable asylum seekers returned from Greece to their countries of origin.[[77]](#footnote-77) The Turkish government’s flawed application procedures imply that many returns violate the customary ban against deporting refugees to nations that endanger them. In fact, researchers report that DGMM officials intimidated several asylum seekers into accepting “voluntary” deportations to their countries of origin.[[78]](#footnote-78) While the specifics of this intimidation are unclear, the DGMM’s practices plausibly constitute “cruel, inhuman, or degrading treatment.”

In the latter case, the agreement entails the EU Commission’s reinforcement of the Hellenic and Turkish coast guards through means including but not limited to deepening Frontex cooperation, funding the acquisition of specialty vessels, and providing operational support.[[79]](#footnote-79) Importantly, a 2020 *Deutsche Welle* investigation uncovered evidence of masked Hellenic Coast Guard agents damaging refugee boats and pushing them back to Turkish waters.[[80]](#footnote-80) In response to the report, the Hellenic Coast Guard denies employing “illegal methods” while highlighting “organized migration flows” from Turkey during the pandemic.[[81]](#footnote-81) Likewise, watchdogs observe Turkish Coast Guard officials neglecting to assist asylum seekers.[[82]](#footnote-82)Along with threatening refugees’ lives, these actions violate the basic right to asylum, which mandates that once they enter Greek territory, asylum seekers also enter the care of the Greek government.

**Vulnerabilities of Deal Structure**

 Finally, the deal’s structure creates human rights risks for refugees. The agreement documents a transaction between the EU Council and Turkey. Turkey utilizes its position as a transit nation and its willingness to host asylum seekers to help European leaders achieve their goals, and the EU Council authorizes funding, visa liberalization, and accession negotiations to benefit Turkey. However, disagreements over the agreement’s concessions to Turkey and the Turkish government’s boldness have jeopardized its sustainability. The Turkish government argues that the EU Commission is yet to disburse the €6 billion committed, while the EU Commission insists that it already has in the form of contracts with aid groups. Additionally, Turkish leaders express frustration over the slow pace of visa liberalization and the breakdown of accession negotiations. A November 2020 European Commission report suggests that the Turkish government must meet “benchmarks” in topics including “data protection” and “judicial cooperation” to achieve visa liberalization, unlikely given the Turkish government’s increasingly authoritarian character. More damningly, the 2020 assessment of Turkey’s progress towards accession confirms “instances of backsliding” across several issues. Perhaps due to contention over the deal’s stated concessions, Turkish leaders repeatedly makes alternative demands of the EU to sustain the agreement. It recently called on the EU to support its political endeavors against Russia and Syria in northern Syria, for example.[[83]](#footnote-83) Despite Turkish diplomats’ assurances that the government would maintain its refugee policy in February 2020, in March 2020 Turkey suspended the deal by encouraging refugees to cross its land border with Greece.[[84]](#footnote-84)

 The ensuing events reveal the vulnerabilities created by the deal’s structure. Indeed, like any contract, its effects create new costs in the event of its collapse. These costs are initially borne by Greece: by closing the door to resettlement to Europe and the Balkan route to refugees, the agreement renders returns to Turkey the only method for the Greek government to reduce the presence of asylum seekers on the Greek islands and Greece the only destination for refugees in the event of the deal’s collapse. Of most interest to this paper, however, the agreement’s suspension indicates that Greece offsets these costs to asylum seekers. In March 2020, the Greek government responded by confronting the refugees arriving to its land border with riot gear and violent tactics.[[85]](#footnote-85) Furthermore, it suspended asylum, which was scheduled to end in March 2020 but continued until May 2020.[[86]](#footnote-86) Even after asylum has resumed, the Greek government has engaged in illegal activities. Greek media outlets report “aggressive surveillance” of refugees reaching the country, and a 2020 *Deutsche Welle* investigation identifies several asylum seekers collected from the Diavata RIC and deported to Turkey by either life rafts or unmarked trucks.[[87]](#footnote-87) These practices suggest that the agreement’s structure creates vulnerabilities not only for the EU Council but also for Greece and, crucially, for the refugees under the Greek government’s care.

**Conclusion**

 In sum, the EU, Greece, and Turkey violate the human rights of asylum seekers in implementing the deal. These violations have been:

* Due to the Greek government’s inability to implement the agreement and resistance to the deal’s illegal elements within Greece’s judiciary
* Due to the EU’s pressure on the Greek government to act more forcefully
* Due to the Turkish government’s pre-existing mistreatment of refugees inconsistent with the 1951 Convention and its 1967 Protocol, which might have excluded Turkey as a destination for asylum seekers in the first place
* Due to the EU’s passivity in the face of the Turkish government’s various infringements of international law, even cynically co-opting some illegal policies
* Due to the EU-supported Hellenic and Turkish coast guards’ fraught efforts at curbing the flow of refugees to the Greek islands
* Due to the vulnerabilities created by the agreement’s structure for the EU Council, Greece, and asylum seekers

These refugee rights issues reflect the challenges of processing asylum seekers, the difficulties in returning them to a third country, as well as the intractability of coordinating with and monitoring the condition of refugees in that country. It also reveals a cynicism within the deal; at various stages, European leaders compromised human rights in order to secure or sustain the agreement. This analysis suggests that while the deal may enable the EU Council to alleviate domestic pressure, the humanitarian achievements are a mirage. Further research would assess similar agreements to determine whether nations use these safe third country deals to project the image of compliance with international law or if they actually intend to but are simply unable.

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