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INTRODUCTION

In the contemporary age of globalization in which economic, technological, social and cultural relations are being transformed, all the countries pay more attention to the issue of migration in general and in particular that of illegal migration. Developments in the field of transportation and communication, shortening travel times and facilitated access to all kinds of information via internet, mobile phone and satellite have all fostered the complex phenomenon of illegal migration. Within this process, migration politics in Europe had to be reshaped given the fact that the end of the Cold War indicated the beginning of a new era for migration as well (Bade 2004: 339). Also, since then, migration and asylum issues have been steadily taken into consideration in the EU policy circles and academic literature. In fact, when the history of the EU and European integration process are considered, mobility of people is certainly related to the core values of the Union which are democracy, human rights and the rule of law. Jean Monnet[1] underlined it in the beginning: 'We are not forming coalitions of states, we are uniting people'.

The issue of illegal migration constitutes one of the most important subjects of the Chapter 24 of the European Union (EU) Acquis Communautaire, which is 'Justice, Freedom and Security', previously referred to as 'Justice and Home Affairs'. Since a large number of illegal migrants enter the EU each year via land and sea routes and Turkey is on the major route of those migrants owing to its geographically strategic location, it has significant implications for both the EU and Turkey, hence, for the ongoing accession negotiation process of Turkey. So far, thirteen chapters have been opened to negotiations and one of them has been provisionally closed. Currently, eight chapters cannot be opened and no chapters can be provisionally closed due to political reasons.

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[1] French political economist and diplomat, one of the founding fathers of the EU

Taking Turkey as a case study, this dissertation aims to analyse how and to what extent illegal migration has an impact on EU-Turkey relations as means of the prospect of Turkey's EU membership. In other words, the main research question may be formulated as: "What is the effect of the issue of illegal migration on the process of Turkey's accession to the EU?". Basically, it is argued that illegal migration poses a big hurdle to Turkey's membership not only on political grounds and its security aspects, but also on the grounds of some prejudiced ideas against Turkey. Even though Turkey has been trying to comply with the EU acquis, as an official candidate country since 1999, EU-Turkey relations has proved to be more complicated due to several reasons among which lack of cooperation in this area is a really challenging one because of increasing confrontation with irregular migration, terrorism and organised crime. Therefore, it would not be wrong to argue that bilateral relations are currently in a deadlock situation. Turkey is expected to sign the readmission agreement in return for which the EU will grant visa flexibility. This is the pure evident of EU conditionality[2] and the core of Turkey's protracted path towards membership. While Turkey endeavours to develop its migration and asylum policies in line with the EU acquis, financial burden sharing and cooperation with the EU are strongly needed.

For a better grasp of the issue, in the first part, a conceptual framework based on the reasons of illegal migration, its implications for security and fundamental international regulations on combating this issue will be provided. In the second part, development of common EU policy on asylum and immigration, as well as cooperation in fighting illegal migration with respect to its collaborative policies will be explained. Then, the impact of both international regulations and the EU accession process on Turkey's national immigration

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[2] It refers to a set of aprroval procedures that ensure new members should be able to fulfil their part completely as members in order to be admitted. That is to say, they should comply with all the standards and rules of the EU, being approved by the EU institutions and member states, as well as by their citizens via approval mechanisms in their national parliament or referendum (Europa, retrieved from: http://ec.europa.eu/enlargement/policy/conditions-membership/).

legislation and policies in tackling illegal migration will be elaborated on. In the conclusion, possible impact of the issue of illegal migration on EU-Turkey relations will be discussed.

In this dissertation, both the qualitative and quantitative methods have been used. Resources include a wide range of literature both in English and Turkish. Primary resources including Progress Reports, official documents of both the EU and Turkish authorities and some data provided by the Turkish Ministry of Foreign Affairs, Ministry of Interior and UNHCR will be utilized, along with the secondary sources which are books, academic journal articles, some other conference papers, policy briefs and reports. Also, I have conducted an online survey in which mostly my friends have participated through social media. The survey includes just one statement and asks for opinion related to it.[3] The statement is: "Taking its growing importance since the Arab Spring into consideration, it can be claimed that illegal migration has a negative impact on Turkey's EU negotiation process.", which I argue throughout this dissertation. The results out of 100 participants (96 answered and 4 skipped) support my argument with 11.46% strongly agreeing, 42.71% agreeing, 18.75% neither agreeing nor disagreeing, 22.92% disagreeing and 5.21% strongly disagreeing.

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[3] The link for the survey: http://www.surveymonkey.com/s/KFF8ZLF

PART I: ILLEGAL MIGRATION AS A CONCEPT

The term "illegal migration" is used interchangeably with "irregular migration" which is defined by the International Organisation for Migration as

> movement that takes place outside the regulatory norms of the sending, transit and receiving countries. From the perspective of destination countries it is illegal entry, stay or work in a country, meaning that the migrant does not have the necessary authorization or documents required under immigration regulations to enter, reside or work in a given country. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country (IOM 2004: 34-35).

As noted by Morehouse and Blomfield (2011), the terms illegal, irregular, undocumented or unauthorized migrant may have different political connotations, sometimes considered in relation to partisan political agendas. While the European Commission's 2006 'Communication on policy priorities in the fight against illegal migration of third-country nationals' and its 2002 'Proposal for a comprehensive plan to combat illegal immigration and trafficking of human beings' were in favour of the term illegal immigration as the titles show, the European Union directive on 'Common standards and procedures in Member States for returning illegally staying third-country nationals' in 2008 avoided using the term illegal migrant (p. 4).

Illegal migration in general covers different categories concerning the people and various networks in their route to the countries of destination in the EU where they remain illegally (Europa 2002). As clearly defined in the website of Europa (ibid.), those people involve the ones who 'illegally enter the territory of a Member State either with no documents at all or by using false or forged documents'; the ones who 'have entered with a valid visa or residence permit but have "overstayed"'; the ones whose 'legal residence becomes illegal when they take up employed activity'; the ones 'with a residence and work

permit who overstay their period of legal residence or violate residence regulations in other ways'.

1.1 Reasons of Illegal Migration

Considered in the context of Turkey and the entire world, migration is triggered not only by economic reasons, but also by security, pressure, civil unrest, civil war, insecurity and low living standards, besides family and other individual aspects. Illegal migration is triggered by a variety of push factors such as unemployment or low wage levels and natural disasters, as well as some pull factors such as higher wage levels, political stability, effective protection of democracy and human rights (Europa 2007: 5). While some explanations underline individual and psychological factors, others emphasize economic ones. Nevertheless, these approaches have gained a more global dimension since migration is a global issue concerning multiple geographies. As the history of mankind has proven, migration and problems related to it have always existed and do not seem to fade away (Turkish National Police Academy 2013: 9).

From a theoretical perspective, the 'push-pull model' means that there are push factors in countries of origin that make people leave their country, as well as positive or pull factors attracting migrants to a receiving country. The theoretical literature on migration defines five categories of pull-factors associated with economy, history, politics, geography and policy (Thielemann 2006: 9-10).

1.2 The Link between Illegal Migration and Security

Illegal migration has mostly been considered as a threat to the security of the destination countries, in relation to crimes such as terrorism, migrant smuggling and human trafficking, especially after the terrorist attacks in the United States (11 September 2001), in Madrid (2004), in London (2005), and as a more recent example explosions at the Boston

Marathon, which has forced the countries to revise their immigration and asylum policies and to take drastic measures against this serious issue. As a matter of fact, the end of the Cold War and the emergence of newly independent states as a result of the dissolution of the Soviet Union were influential in the prioritization of regulating migration policies. Also, the persistent ethnic and political conflicts around the world with the greater numbers of refugees and asylum seekers have changed the security perception in the West. Hence, refugees are considered as a threat to national security and stability, turning the issues of asylum, immigration and irregular migration into high politics issue area within these changed conditions (Kale 2006: 127). Both at national and international level, there are ongoing efforts to find a solution to illegal migration, illegal migrant and refugee problems, which leave both the countries of origin and those of destination in a predicament.

No matter it is regular and legal or irregular and illegal, foreigners settled in another country face uncertainty and many problems. While those people sometimes adapt to the rules and norms of these new geographies, they do not at other times, which poses a serious threat to public safety and stability. Also, immigrants and asylum seekers are considered to be exploiters of economic opportunities and national welfare provisions in a country at the expense of citizens. Beyond these, they are believed to put the identity of societies and existence of a traditional pattern of living in jeopardy (Karyotis 2011: 13). This is related to the common characteristics of the countries of origin as they are all exposed to one or more adverse conditions including rising unemployment and lack of livelihood due to economic crisis and uncontrolled population growth, or national income below the overall average, intense human rights violations, internal political strifes, wars, totalitarian regimes, frequent natural disasters and scarcity of natural resources. African, South American, Middle Eastern and South Asian states are among the examples of countries of origin.

In the EU case, the link between illegal migration and security should be considered in the sense that massive and uncontrolled flows of third country nationals to the Union's territory have been related to security threats, as mentioned earlier. Current threats and immigration should be concomitantly taken into consideration since terrorist attacks and civil wars may induce closure of the borders, thus, an uneasy access to the Union (Ceccorulli 2009: 7). Also, it is related to the visa policy of the EU that comprises a joint list of visa waivers and obligations towards each country outside the EU. The EU external-border policy in relation to the free movement of persons creates reasonably simplified regulations for EU nationals, harmonized entry requirements for non-EU nationals and enhanced document security (Toth 2006: 21).

1.3 International Regulations on Combating Illegal Migration

Throughout history, almost every country is affected by migration which is a phenomenon as old as human history since the countries of origin, transit, as well as destination have all encountered it. In fact, from the most developed countries to the least developed, any country can be a receiving, sending or transit country at the same time. As this terminological distinction is not so clear, fundamental international regulations and agreements are crucial in tackling the issue both at global and European level. The United Nations (UN) took the leading role in 2000, creating the UN Convention against Transnational Organised Crime and the supplementing Protocol against the Smuggling of Migrants by Land, Sea and Air (Akcadag 2012: 12).

In addition, the 1951 Geneva Convention relating to the Status of Refugees of which Turkey is one of the original signatories, contributed to the previous international regulations regarding the refugees and provided the most comprehensive codification of refugee rights at the international level with its 1967 Protocol (Kirisci 2004: 7; UNHCR 2010: 3). The

principle of non-refoulement defined in the Geneva Convention can be considered as a milestone in refugee protection, prohibiting the sending of a refugee back to a persecuting country. In Europe, the European Convention on Human Rights is complementary to the provisions of the Geneva Convention (Thielemann 2001: 13-14).

In the international context, when the globalization of all markets in the mid-1990s was considered, the migration and development phenomenon appeared to be one of the immensely debated policy issues all around the world in general, and in particular in the US and the EU. Despite the discussions regarding migration and development taking place around the North–South axis in the early 1990s, within the global development process thereafter they evolved in such a greater extent as South–North, South–South, and North–North axis. (Bakirtas 2012: 233). In this conjuncture, it became evident that the politics of transit migration dominated a wide range of policy areas not only in the EU framework, but also various governmental, intergovernmental and multilateral agencies including the US State Department, the International Organization for Migration (IOM), the International Centre for Migration Policy Development (ICMPD) and the United Nations High Commissioner for Refugees (UNHCR), of which the IOM was very influential in putting transit migration into the international and foreign policy agenda by preparing some publications such as country reports (Düvell 2006: 20).

PART II: EUROPE AND MIGRATION

2.1 Towards a Common EU Policy on Asylum and Immigration

In addition to the early initiatives taken by the UN and the Council of Europe, the EU has proved to be an important driving force in combating illegal migration, especially within the enlargement period in the late 1990s. Cooperation in the field of justice and home affairs began with the establishment of EU citizenship in the Treaty of Maastricht (1993) and was identified in the third pillar. After this delicate policy field became institutionalised with the entry into force of the Treaty of Amsterdam (1999), fight against illegal migration has become necessary in the Union that has been subject to both legal and illegal migration throughout history. Hence, the Community gained more decision-making power and competence in this area that has traditionally been associated with national sovereignty concerns. This is explained by the incorporation of immigration and asylum issues into the first pillar with a likelihood of qualified majority setup at the expense of the unanimity rule (Bendel 2007: 33; Lavenex and Ucarer 2002: 5). Within the process of formulating a Community policy on asylum and immigration matters in the framework of the provisions of the Amsterdam Treaty, the Office of the United Nations High Commissioner for Refugees (UNHCR) supported this harmonization process of the EU, towards a consistent and comprehensive European asylum policy based on mutual standards of protection (Klaauw 2002: 33).

The extent and content of common immigration policy has been formulated by Bendel (2007) in line with such aims as: 'the restriction and control of immigration, the protection of refugees, the prevention of refugee movements, the integration of migrants, as well as the attraction of special groups of immigrants (e.g. the highly skilled, as later regulated by the Blue Card Directive). In general, migration policies in the EU can be assumed to be based on prevailing aspects of restriction and control' (p. 34). Since 1999, the EU has developed its

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agenda for migration and asylum-related policies in the shape of five-year programs that concentrate on justice, freedom and security in a broader sense, proposing political priorities, action plans and deadlines as a roadmap (Collett 2010). These are respectively Tampere (1999-2004), Hague (2004-2009) and Stockholm (December 2009) Programs.

The European Council meeting in Tampere paved the way for a number of European regulations and directives regarding immigration policies such as a common asylum system and a common system on fighting illegal migration. Also, it bolstered the obligation to respect the individual right to seek asylum and the need to integrate those issues into the definition and implementation of other Union policies and activities with a specific emphasis on its external dimension (Prümm and Alscher 2007: 81; Wessel et al. 2011: 280). After the Tampere agenda expired, the Hague Programme laid out ten priorities for the Union, which includes 'defining a balanced approach to migration', 'developing integrated management of the Union's external borders'[4], 'setting up a common asylum procedure' and 'maximising the positive impact of immigration' among others related to justice, freedom and security (Europa 2009). For the management of its external borders, the EU established its special agency 'FRONTEX' in 2004.

Moreover, security concerns dominate the asylum policy despite its official harmonisation with the Geneva Convention. The external aspects of asylum have evolved within the framework of the relations with neighbouring states and readmission agreements. Temporary protection procedures for cases of mass influx and readmission agreements for all neighbouring regions have been developed by the flow of victims from the Balkan wars. Reintegration of returnees into unstable democratic and constitutional societies should be

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[4] Integrated border management strategy combines control mechanisms and tools, based on the flows of persons into the EU. It proposes taking precautions at the consulates of the member states in non-EU member countries, measures in cooperation with neighbouring non-EU countries, measures at the border itself and within the Schengen area (Europa 2008a).

enabled through the return policy (for rejected migrants) and cooperation with neighbouring states for the capacity development and expertise building (Toth 2006: 21-22).

There were two important developments challenging the EU in the last two decades. The first one was the abolishment of the internal borders within the EU which necessitated strengthened protection of external frontiers. The second one was the eastward expansion of the EU which exposed it to new routes of (ir)regular migration due to the extension of its eastern border. These induced more efforts to build a common migration policy within the EU and had an impact on Turkey which is a southeastern neighbour of the EU and a candidate country since 2005 (Kale 2010: 4; Kale 2011: 164). Within this framework, as specified in the Article 3 of the Lisbon Treaty, the EU 'shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime' (Europa 2008b). Therefore, the promise of security is not limited just to the citizens of the EU, but also all EU Member States have made a commitment through a range of international and domestic legal instruments, to protect non-citizens who are in an unsafe condition in their country (Schuster 2011: 101). However, this security dimension meaning more protected external borders of the Union without internal borders has led to criticism regarding the 'Fortress Europe'.

Moreover, this issue was listed among the threats to the Union in the European Security Strategy[5] document in 2003, linked to organised crime and terrorism, and even to a greater extent. As also cited by Marchesin (2003), Professor Didier Bigo, one of the leading scientists in the field of security studies, explains this: "What scares Europe is not terrorism, drug trafficking or organised crime. It is the masses of immigrants wishing to settle in

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[5] Available at: http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf

Europe, which scares Europe." (p. 429). Nevertheless, despite all efforts and commitments to liberal democratic values, member states of the EU could not create a common migration policy mainly due to their different attitudes and interests concerning the issue. In this sense, it can be argued that migration is a highly sensitive and politicized issue.

The total number of detections of illegal border-crossing in the EU increased from 104.000 in 2010 to 141.000 in 2011, which shows an increase of 35% (Frontex 2012: 12). This can also be attributed to the effects of the Arab Spring which has resulted in the escalating fear of an exodus of irregular migrants and unwanted migration, thus intensifying efforts of European states on strengthening border control and exerting force on readmission agreements. For instance, as Italy was the most exposed one to migratory flows due to its closeness to Libyan and Tunisian crises, FRONTEX Joint Operation Hermes started the surveillance of the Mediterranean seas in order to deal with the large number of unwanted migrants arriving in Italy and Lampedusa (Fargues and Fandrich 2012: 6).

Nevertheless, the EU migration policy has proved some problems of effectiveness in spite of the prolonged discussion and initiatives since it is difficult for the member states to create a common legal system and a clear political target for all. Some countries support a pan-European migration policy in order to force countries outside the EU to readmit more illegal newcomers whereas some others consider that a common European migration policy will help them avoid harsh political debates (Brady 2008: 2). This can be linked logically to theoretical debate between intergovernmentalism and supranationalism. As Toggenburg (2004) remarks, this leads to a paradox between the supranational level of the emerging EU authority in this field and the intergovernmental level of the member states as long as the EU does not have binding legal instruments (pp. 8-9). That is to say, member countries have preferred to handle issues related to JHA through intergovernmental cooperation, so this area

has not become supranational within the European integration process. Yet, a substantial EU acquis which require candidate countries to harmonize their legislation has been adopted (Kirisci 2003: 80).

2.2 Cooperation in Fighting Illegal Migration

According to the proposal for a comprehensive plan to combat illegal migration and trafficking of human beings in the EU, the main aim is stated as 'to define a common and integrated approach that provides for measures and actions to be adopted and implemented in seven areas: visa policy, information exchange, readmission and return policy, border management, pre-frontier measures, Europol and penalties. Accordingly, taking measures and fighting against illegal migration are prerequisite to the common asylum and immigration policy of the EU (Europa 2002).

The issues of border management, asylum policy and immigration have a direct impact on the Union's relations with the neighbouring areas, namely, the Central and Eastern Europe (CEE), the Maghreb and the Mediterranean Basin. Therefore, the EU first launched the Euro-Mediterranean Partnership (EMP) in 1995 and later the European Negihbourhood Policy (ENP) in 2004. The relations between the EU and its neighbours are structured by Action Plans composed of the agreed frameworks of the policy list upon which the EU and ENP partners decided to cooperate. An effective border management and control mechanism is required in order to prevent the conflict of the EU with its neighbours (Balzacq 2008: 27). Indeed, the proverb by Robert Frost "Good fences make good neighbours"[6] best explains this.

Indeed, the Arab Spring and current troubled waters in the Middle East have given a new impetus to those policies of the EU. The fact that the region still experiences some problems such as economic stagnation, political instability, social unrest, civil violence and

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[6] This is quoted from the poem by Robert Frost titled "Mending Wall" (1914).

unresolved conflicts poses a serious threat to the EU countries in terms of migration, in particular Italy, Spain, Greece and Malta. Therefore, within this framework, the Arab Spring and the changes resulting from it have provided the EU and its Mediterranean partners with the opportunity to reconsider and revive their partnership as the southern and eastern Mediterranean still remain in the EU's sphere of influence (Knoops 2011: 20). Although the EMP and the ENP are considered in relation to the foreign policy and external relations of the EU, it should not be underestimated that they are closely linked with its internal affairs as well. Hence, in addition to the collaboration with the Mediterranean and its neighbours, the EU adopted many provisions within the framework of tackling illegal migration, which comprise the returns directive adopted in 2008, creating commonly agreed rules for the repatriation of illegal migrants to third countries (Hix and Høyland 2011: 285).

As a next step, readmission agreements are an essential part of the EU illegal migration policy, aiming to facilitate the readmission of third-country nationals, residing without authorisation in a member state, to their own country. Therefore, in 1994 member states gave consent to utilize a common sample agreement as a basis for negotiation in case of such a relation between a member state and a third country. The main principles for the implementation of readmission agreements were adopted one year later. In this context, agreements must be in compliance with the Geneva Convention and its 1967 New York Protocol on the status of refugees, internal treaties and regulations with regard to surrender and readmission of foreign nationals and asylum (especially the 1990 Dublin Convention) and the 1950 European Human Rights Convention as well (Europa, n.d.).

When the Treaty of Amsterdam entered into force in 1999, the European Commission became fully authorised to negotiate and sign readmission agreements with third countries on

behalf of all member states.[7] These agreements have been gradually used by states and the EU more and more, in order to manage migration flows and combat illegal immigration more effectively (Euro-Mediterranean Human Rights Network 2013: 5). In fact, the readmission agreement fairly serves the interests of the receiving states, thus, for their purposes. In this sense, the receiving state has the right to repatriate anyone who lacks the proper documentation to be in the country, but it may still welcome immigrants that it wants to embrace while the sending state does not seem to be willing to receive them back. In particular, transit countries, Turkey as referred throughout this dissertation, simply do not want to accept the return of foreigners.[8]

The EU is aware of the fact that fighting illegal migration requires an effective protection of human rights as well, which creates a challenge for the member states that are trying to achieve a more strengthened protection of external frontiers. While it is presumed that illegal migration menaces state sovereignty, respect for human rights has, and should have, an equal precedence for states. Therefore, the challenge for them is to take into consideration the right to seek and enjoy protection while restricting access to their territories in the case of refugees and asylum seekers who have an irregular or illegal status in those countries of destination (Koser 2005: 4). Related to this, a UN Human Rights Council report underlines that the EU must reconcile its security concerns with a comprehensive human rights approach. Cecilia Malmström, the Commissioner for Home Affairs, also emphasized the respect for the rights of migrants and refugees and added that the EU should focus on increasing the legal ways to come to Europe possibly via changing visa regimes and embracing more legal labour migration. Malmström said: "This is a need that is here in the

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[7] So far agreements have been signed with sixteen countries (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Cape Verde, FYROM, Hong Kong, Georgia, Macao, Moldova, Montenegro, Pakistan, Russia, Serbia, Sri Lanka and Ukraine) whereas negotiations with China, Algeria, Turkey, Belarus, Morocco and Tunisia are still in process (Euro-Mediterranean Human Rights Network 2013: 5).

[8] http://gifford.ucdavis.edu/migration-workshop/lockhart-money-nov15-readmission.pdf

EU, but you are all aware as politicians and other stakeholders of how difficult it is to make that argument in the EU today where we have immense figures of unemployment. We need to deal with unemployment, but we also need to deal with the fact that we need a labour migration. We should welcome it and facilitate it" (Euractiv 2013).
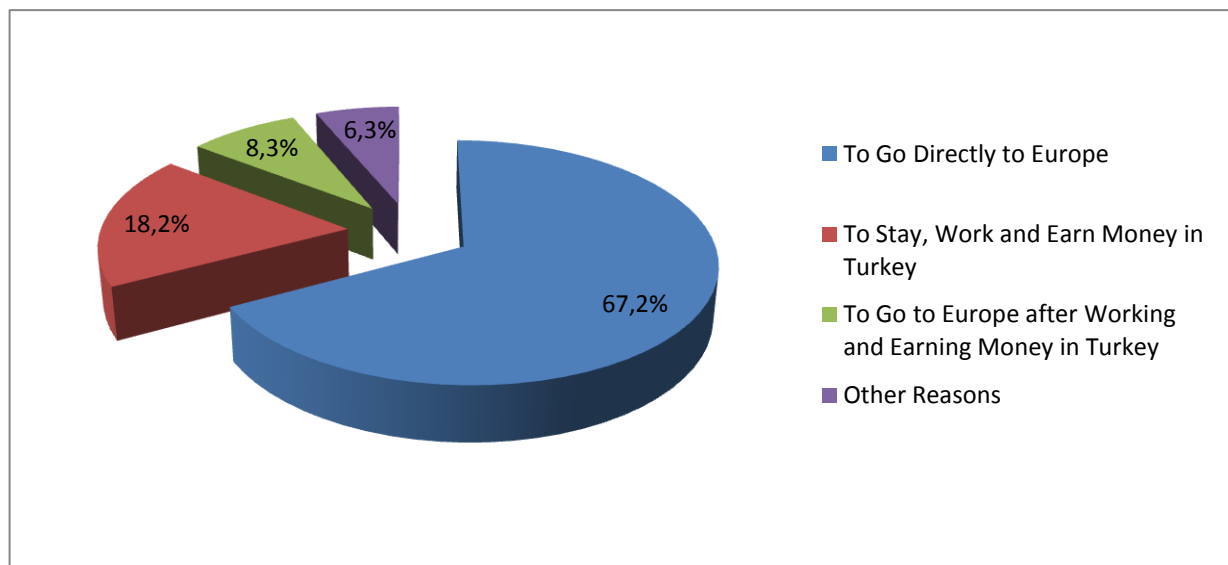
PART III: ILLEGAL MIGRATION AND TURKEY

In this scope, without a doubt, Turkey is a crucial country with regard to migration flows owing to its geopolitically significant location and proximity to the EU and MENA (Middle East and North Africa), which led to more concern on the European side about the migration potentials from Turkey in case of Turkish membership since it is directly at the central point of emigration, immigration and transit migration (Elitok and Straubhaar 2010: 5). However, Turkey has long been known by its image of labour migration to Europe and refugee movements from Turkey. Massive labour migration occured in the 1960s and 1970s, which was later followed by migration related to family reunification. In the 1980s and 1990s, there was a remarkable growth in the number of Kurdish asylum seekers (Kirisci 2002a: 11). After an agreement of labour migration between Turkey and Germany in 1961, allowing German employers to employ Turkish guest workers, Turkey signed those labour-recruitment agreements with Austria, Belgium, France, the Netherlands and Sweden (Martin 2012: 127).

Let alone these, Turkey has a strategic importance for the EU, standing at the crossroads of the Balkans, the Caucasus, Central Asia, the Middle East, the Eastern Mediterranean territories and Asia for land and air transportation, as well as Russia and Ukraine for sea transportation, hence serving as a transit country between these regions. Immigration flows to Turkey have not been a new phenomenon since migration flows into the country have existed since the early years of the Republic that has encountered the paradox of being a country of both emigration and immigration. However, Turkey has increasingly confronted with large-scale migratory flows of those coming from various countries with different religious and ethnic backgrounds in the recent decades (Icduygu 2006: 70; Icduygu 2007: 204).

The majority of those migrants come to Turkey to go directly to Europe while some of them want to stay, work and earn money in Turkey (See Figure 1). The ones transiting through Turkey mostly attempt to reach Germany, the United Kingdom, the Netherlands and other Western European countries. Those travelling by land come from Iran, Iraq or Syria and arrive in Western Europe, either via Turkey, Greece and the Balkans, or via Romania, Hungry and Austria. Also, they may use the route from Turkey's Aegean or Mediterranean coast by smuggler boats or ships heading to Greece, Italy or southern France. There is also air route both directly from Turkey and some other transit centres with flexible visa procedure. Therefore, it is clear that Turkey is a very central country with respect to EU's concerns about immigration and asylum issues (Mannaert 2003: 4; Kirisci 2003: 80).

Figure 1: Reasons for Illegal Migrants to come to Turkey

Source: Cicekli, B. and Omer, O. (2013, p. 134)

Recently, twenty-four migrants have drowned off after a boat overturned in the Aegean Sea near the Turkish coast and it has been reported that forty-two people including

civilians of Syria, Burma and Afghanistan were rescued, which clearly indicates the persistent importance of the issue for Turkey (Associated Press 2013).[9]

3.1 The Impact of International Regulations on Turkey's National Immigration Legislation and Policies

It has been essential for Turkey to develop a comprehensive policy framework and legal mechanism to cope with asylum and migration issues because it has not had national legislation that particularly focuses on this field since the establishment of the Republic in 1923 until April 2013 when a new law on asylum entered into force. Therefore, so far, the main legislation controlling general migration area in Turkey has been composed of the 1926 Law of Settlement (No. 885), the 1934 Law on Settlement (No. 2510), the Passport Law (No. 5682), the Law on Residence and Travel of Aliens (No. 5683), the Law on Work Permits for Aliens (No. 4817), the Citizenship Law and Turkish Criminal Code (No. 5237). Also, though with geographic limitations, Turkey signed the 1951 Convention (Kale 2012: 2). Basically, Turkish asylum policy is based on three main sources of legislation that are the Law on Settlement, the Geneva Convention and the Asylum Regulation (Mannaert 2003: 7; Kirisci 2001: 73-74).

Since irregular migration is regarded as a threat in Turkey for security, economic and social reasons, as well as for the country, population, and also migrant in case of human trafficking, as indicated above, stringent regulations and control mechanisms of which international law and the EU legislation are part have been introduced within time (Kaya 2008: 8). Therefore, as a country of destination and transit with a prolonged history of immigration and asylum, Turkey had to harmonize its legislation with international

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[9] Available at: http://www.neurope.eu/news/wire/least-24-migrants-dead-after-boat-capsizes-aegean-sea-turkeys-coast

regulations and EU policies in this field. In this context, Turkey signed the United Nations Convention against Transnational Organized Crime and its Additional Protocol against the Smuggling of Migrants by Land, Sea and Air. Some legal measures were taken in accordance with the Additional Protocol, such revisions and additional provisions in the Turkish Penal Code (Turkish Ministry of Foreign Affairs 2011). Also, as required by international cooperation, the issue of readmission agreement should be touched upon in the case of Turkey, which will be explored in the next part in more detail.

Furthermore, related to the Law on Work Permits for Aliens, the Ministry of Labour and Social Security is given the authority to issue a variety of work permits for foreign nationals, as well as to grant employment in domestic service. Also, the Turkish Citizenship Law was amended in 2003, which is a restrictive step that aims to prevent marriages of convenience. The Road Transportation Law was enforced in the same year as well (Kaya 2008: 8). Hence, it can be argued that there is a comprehensive legal framework in order to cope with illegal migration in Turkey, including the asylum policy and the new asylum law that has recently been passed. Turkey is dedicated to improve its policies and legislation in accordance with international law and fulfilling the conditions for EU membership.
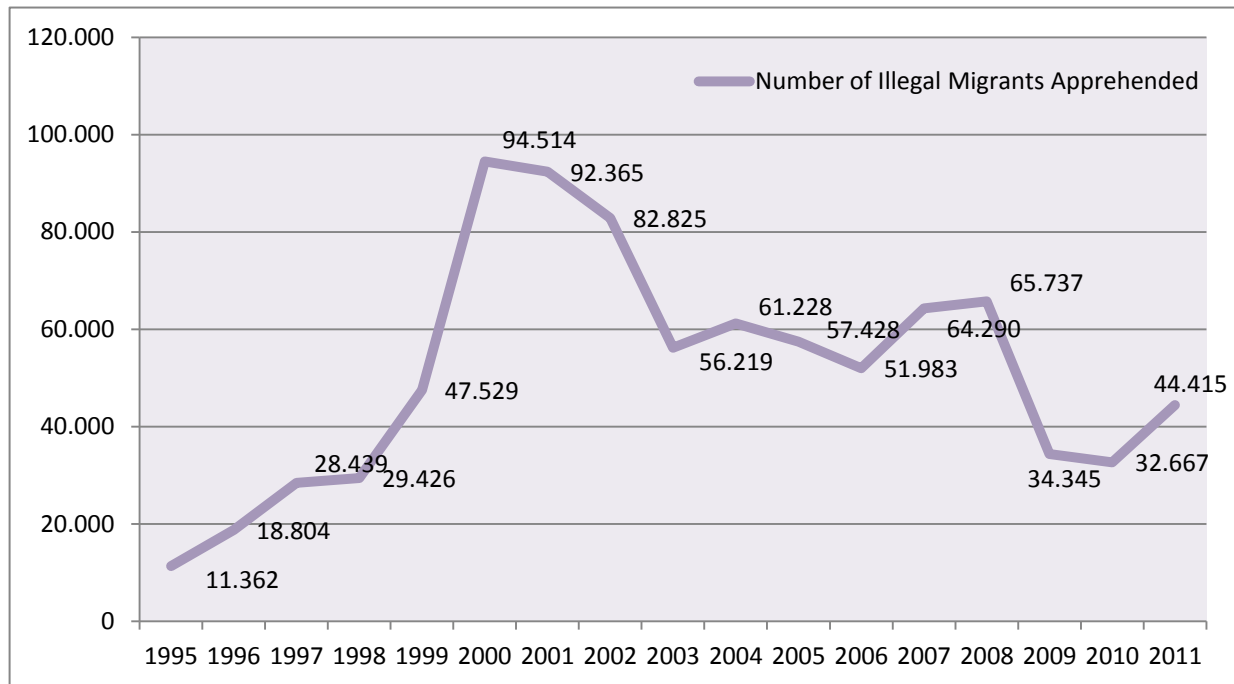
As mentioned before, Turkey accepted to comply with the terms of the 1951 Convention for refugees avoiding persecution in Europe in the wake of events before 1951. Nonetheless, the fact that it persisted in maintaining the geographical limitation resulted in the evolution of a two-tiered asylum policy composed of asylum seekers to whom Turkey has maintained the Convention and the ones that may be referred to as 'Non-Convention' refugees (Kirisci 2002a: 14-17). According to this definition by Kirisci (ibid.), Turkey, in cooperation with the UNHCR, granted refuge to the asylum seekers coming from Eastern Europe and the Soviet Union due to communist pressure during the Cold War. Those

refugees benefited from all the rights designated in the Geneva Convention while the ones described in the framework of the second tier do not since they come from geographical regions outside of Europe. Turkey followed a policy based on pragmatism and did not have any provisions regarding the status of such asylum seekers and refugees. However, it showed some flexibility for entrance during the 1980s when a large group of Iranians escaping Ayatollah Khomeini's regime began to reach, which had been easier thanks to visa exemption for Iranian nationals (Kirisci 2002a: 14-17; Keser 2006: 125).

Notwithstanding, Turkey introduced the 1994 Asylum Regulation due to the large influxes of refugees and asylum seekers and increasingly restrictive European immigration policies which put Turkey into a host country position embracing asylum seekers and other migrants that fail to reach the West. This regulation formed the basis of the current Turkish asylum procedures, authorising the Turkish Ministry of Interior for status determination, rather than the UNHCR. Hence, only asylum seekers recognised in advance by the Ministry of Interior can later apply to UNHCR for resettlement (Mannaert 2003: 7). In terms of definition, anyone who enters, leaves or is present in Turkey as breaching migration law mentioned earlier is accepted as 'illegal migrant' by the Ministry of Interior and the total number of illegal migrants apprehended in the last seventeen years is shown below (Kaya 2008: 1; see Figure 2). In addition, the data provided by the General Staff of the Republic of Turkey states that the number of those apprehended in 2012 is 48.264 and legal action has been launched against them.[10]

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[10] Available at:
http://www.tsk.tr/11_haberler_olaylar/11_4_yasadisi_sinir_gecisleri/yasadisi_sinir_gecisleri_2012.htm

Figure 2: Number of Illegal Migrants Apprehended by Turkish Security Forces between 1995 and 2011

Year	Number of Illegal Migrants Apprehended
1995	11.362
1996	18.804
1997	28.439
1998	29.426
1999	47.529
2000	94.514
2001	92.365
2002	82.825
2003	56.219
2004	61.228
2005	57.428
2006	51.983
2007	64.290
2008	65.737
2009	34.345
2010	32.667
2011	44.415

Source: Turkish National Police, Department of Foreigners, Borders, and Asylum

As pointed out earlier, asylum related issues in Turkey have been regulated by a number of legislative pieces regarding the passport, residence permit and travel of foreigners, as well as the 1994 Council of Ministers Regulation which was amended in 1999 and 2006 (Kaya 2009: 1). Then, as stated by Kaya (ibid.), 'In 2006, General Directorate of Security of the Ministry of Interior prepared an Implementation Circular so as to manage the asylum procedure and the rights and obligations of asylum seekers and refugees' (p. 1). More recently and as planned previously, Turkey passed a new asylum law with the title 'Law on Foreigners and International Protection' (No. 6458), generating the first legal framework for refugee protection in Turkey. In fact, Turkey, as a candidate for EU membership, has been under international pressure to regulate its asylum laws, especially due to the arrival of 400.000 Syrian refugees fleeing civil war in the last two years. Thus, the new legislation

provides a complete refugee status to those arriving in Turkey from European countries in addition to building a new civilian body to direct refugee applications more effectively. While the fifth part of the legislation concerning governance and organisational structure has entered into force, the other parts will be validated next year (Reuters 2013; Tunc 2013). Having a historical significance, this new law has been welcomed by UNHCR and European Commission. Its relevance and importance for Turkey's accession to the EU will be elaborated on in the next part below.

3.2 The Effect of the EU Accession Process on the Fight against Illegal Migration in Turkey

When this issue is considered in the context of Turkey's accession process to the EU beginning with the Ankara Agreement which entered into force in 1964, in an ever-continuing and never-ending process with the Additional Protocol (1973), joining the Customs Union (1996), gaining the official candidate status (1999) and opening of the accession negotiations (2005), EU-Turkey relations have been an uneasy one (Kale 2012: 220). The process of Europeanization, implying a set of interrelated economic and political reforms in accordance with EU conditionality, dates back to the commencement of the Customs Union by the end of 1995. Although the Customs Union was effective in accelerating regulatory and democratization reforms, it could not create a promising picture for Turkey's membership (Onis 2008: 37). Henceforth, it can be argued that there has been a variation in the pace of reforms in Turkey. In this sense, as suggested by many analysts, EU-Turkey relations during the Justice and Development Party (AKP) era is divided into two periods, namely, the 'Golden Age of Europeanization' in Turkey (2002-2005) and the 'stalemate' or 'loose Europeanization' period (post-2005) (Onis and Yilmaz 2009: 13).

The negotiation process stalled due to many issues, but mostly political considerations. Without a doubt, the Cyprus issue has been the most challenging one although it has been on the policy agenda of both Turkey and Cyprus since the early years of the post-Second World War period. In particular, as regards Turkey-EU relations, it has proved to be an impediment basically due to economic factors that are also related to the fulfilment of the Customs Union Agreement. Also, the EU membership of Cyprus in 2004 aggravated the dispute and already troublesome relations. Since the EU Council meeting of December 2009, Cyprus has been blocking the opening of six chapters including the Chapter 24 'Justice, Freedom and Security' (Republic of Turkey Ministry of Foreign Affairs).[11]

Before moving to the technical and political details of this process in relation to the issue of illegal migration, first of all, it should be noted that previous labour migration that was mentioned earlier also brought about an assumption that Turkish guest workers would move in and out of labour markets, and return with new skills, which would in return accelerate economic and job growth, as well as support the Ankara Association Agreement of 1963 and the Additional Protocol that granted Turkey a reciprocal decreasing of tariff and migration barriers, providing Turks with 'free access' to the EC labour market by December 1986 (Martin 2012: 127). However, since most of the Turkish guest workers in the West preferred to stay, particularly in Germany, migration from Turkey is in general considered as a threat in Europe. This fear has accelerated with the prospect of Turkish membership due to the assumption that there will be increasing migration both from the Middle East and African countries, for instance via Syria to Turkey, which clearly indicates the geographical significance of Turkey.

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[11] Other blocked chapters comprise '2-Freedom of Movement for Workers', '15-Energy', '23-Judiciary and Fundamental Rights', '26-Education and Culture' and '31-Foreign, Security and Defence Policy. Retrieved from: http://www.mfa.gov.tr/relations-between-turkey-and-the-european-union.en.mfa

Hence, in this case, the country tries to align with the EU policies in this field since it has a large geography and strategic position in the region in which political instability, economic problems, wars and pressures prevail. Aside from the issue of illegal migration, developments in the Middle East and North Africa since 2011 have left Turkey with hundreds of thousands of Syrian refugees. According to the statement by the UN, since the revolt in Syria ignited, more than 1.2 million Syrians escaping violence and oppression have registered as refugees or have been waiting for processing in neighboring countries and North Africa. It is reported that there are 261.635 of those in Turkey, mainly staying in 17 camps (Today's Zaman 2009). Also, when the terrorist activities by the militants of the Kurdistan Workers' Party (PKK) and Kurdish asylum seekers in the region are taken into consideration, it is clear that Turkey has to cope with this issue on a larger scale. The presence of those terrorist groups perpetuates acts of violence and terrorism both within Turkey and the external borders. Thus, Turkey prioritizes border control by the military instead of the management of the borders by a civilian authority that was preferred by the EU (Kirisci 2007: 2).

3.2.1 Integrated Border Management

The security and control of the borders is essential not only for Turkey but also for the EU, hence, affecting bilateral relations. It is directly related to the concerns of the EU over stability in the Mediterranean Basin. In this respect, an unstable Mediterranean means for the EU the loss of control over energy t-routes to Europe, the rise of anti-Western Islamic fundamentalism, international terrorism, organised crime and illegal migration. Hence, the EU regards this as a threat to its interests as Klaus Hansch, one of the former presidents of the European Parliament, stated just before the Barcelona Conference: "Either we export stability, or we import instability" (Xenakis 1998)[12]. Therefore, cooperation in this field will

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[12] Available at: http://www.fscpo.unict.it/EuroMed/jmwp17.htm#45b

be advantageous for both sides, as well as Turkey's prospect of membership. However, the EU insists on Turkey for meeting some conditions.

While the EU is primarily concerned with integrated border management, Turkey has to cope with Syrian refugees, as well as the problem of terrorism and asylum issues related to it in southeastern part of the country. Although talks on migration related issues as part of the Chapter 24 'Justice, Freedom and Security' have not been started yet, these issues seem to be more critical, dominating the agenda of membership talks (Icduygu 2011: 3). In this case, two main problematic areas in EU-Turkey relations with respect to migration policies can be referred as readmission agreement and the issue of geographical limitation to the UNHCR Convention relating to the Status of Refugees.

3.2.2 Readmission Agreement

As concerns the readmission agreement, Turkey is supposed to sign them with third countries of origin, which is determined as a key part of the Schengen acquis and required by the accession alignment procedure.[13] For the EU case, it is a remarkably sensitive issue (Apap et al. 2004: 9). EU-Turkey Readmission Agreement was initialised on 21 June 2012, which reflects their common interest in a more effective migration and border management. However, it has not been signed yet. As suggested by the European Commission in its Turkey 2012 Progress Report, its rapid conclusion and effective implementation is an imperative. Also, it is necessary for Turkey to fulfil already existing bilateral readmission agreements. At this point, the readmission protocol with Greece seems problematic (Europa 2012a). In Turkey's accession process, this issue is taken into consideration with respect to visa facilitation that Turkey expects from the EU. Nevertheless, while the EU pressures Turkey to

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[13] So far, readmission agreements have been signed with Syria, Kyrgyzistan, Romania, the Ukraine, Pakistan, Yemen, Nigeria, Russia, Greece, Moldova, Bosnia and Herzegovina (2012 Progress Report prepared by Turkey, pp. 176-177).

sign a readmission deal on illegal immigrants before facilitation of visa requirements for Turkish nationals, the Turkish government criticises this request (Today's Zaman 2012). In short, this issue is politicized to a great extent, which exacerbates the deadlock situation of the accession talks.

The first health check of the Schengen system carried out by the European Commission, covering the period between November 2011 and April 2012, identified the Greek-Turkish border as the main security threat and weak point of the Schengen zone (Petkova 2012: 5). The report points out: 'The pressure at the Schengen external borders is focused on a limited number of hot spots, in particular the Eastern Mediterranean route via Turkey to Greece. In the last three months of 2011, nearly 30.000 irregular border crossings were detected at the external borders and about 75 percent of these were on the Eastern Mediterranean route' (ibid.: 6; Europa 2012b). While the EU accepts to undertake some part of financial costs of returning illegal migrants, a large part of the burden seems to be on Turkey since it is under the obligation to take back most of the illegal migrants who often cannot be repatriated due to the unstable conditions in their countries of origin. However, in terms of cost-benefit calculation, Turkey is not so enthusiastic about signing the readmission agreement in the absence of the reward of EU membership. Even, the reward of a visa liberalization dialogue that is expected by Turkey is rejected by some member states, particularly by Germany and France, which is the clear indication of continuing opposition to Turkey's EU membership (Bürgin 2012: 883-884). Clearly, there is a lack of trust in the EU and decreasing credibility of 'conditionality' when it comes to the adoption of the Schengen visa regime as part of the EU acquis and the negotiation and signing of a readmission agreement (Kirisci 2009: 6).

3.2.3 Geographical Limitation to the 1951 Convention

For the 1951 Convention, Turkey insisted on the introduction of a geographical and a time limitation to the convention, though it withdrew the time limit in 1967, but continued to apply the geographical one which does not grant 'refugee' status to non-European nationals (Kirisci 2002b: 127). Turkey is expected to remove the geographical limitation during accession process, which has been clearly stated in the 'Accession Partnership Strategies' adopted by the EU in 2000 and 2003. The Turkish government specified its consent to lift the limitation in 'National Program for the Acquisition of the Acquis' of 2001 and 2003, as well as the 'Action Plan on Asylum and Migration' adopted in March 2005. In the latter, 2012 was noted as the year when a decision by the government may be anticipated (Kirisci 2005: 2). However, Turkey needs to make an evaluation of the possible implications of removing geographical reservation due to the prospect of increasing number of migrants and asylum seekers in the absence of this limitation.

3.2.4 Turkey's Efforts to harmonize its Migration Policies with the EU

Being aware of the severity of this issue and endeavouring to cope with it on the way towards membership, Turkey has spent great effort despite the uncertain future of the accession process. Firstly, it created a special task force whose activities resulted in the 'Strategy Paper on Activities Foreseen in the Field of Asylum within the Process of Turkey's Accession to the European Union (Asylum Strategy Paper)' in October 2003. Various state agencies responsible for the task of border control, management of migration and asylum are represented by this special task force. (Kaya 2009: 9; Turkish National Action Plan for the Adoption of the 'EU Acquis' in the Field of Asylum and Migration' 2005: 4). It was, in fact, planned within the framework of the 2003 Turkish National Program on the Adoption of EU Acquis Communautaire under which Turkey committed itself to initiate a 'harmonization process with EU legislation in the field of asylum, which was identified as a priority in the

Accession Partnership Document of 2003', as entitled in the publication of 2005 Turkish National Action Plan in the Official Journal No. 25178 of 24 July 2003.[14]

The National Action Plan can be regarded as an important step with the National Program in terms of Turkey's harmonization process with EU standards and policies. It congruently put forward the priority and awareness of Turkey in meeting the EU requirements in asylum and migration policy. Turkey is aware of the fact that the issue of illegal migration is sensitive both for the country itself due to security concerns and for Turkey's candidature for EU membership. Therefore, in 2008, Turkey prepared a new draft National Program which was put into force at the end of the year. Basically, it emphasises the priority 'continuing efforts of Turkey to implement the National Action Plan on Asylum and Migration including through the adoption of a roadmap, making preparations for the adoption of a comprehensive asylum law in line with the EU Acquis including the establishment of an asylum authority and increasing the capacity for combating illegal migration in line with international standards' (Kaya 2009: 9-10)[15]. The Action Plans intended to provide the base for the financial support of the EU, as well as infrastructure and equipment investments as Turkey highly needs them. They also try to identify legal and institutional reforms, also training activities that are necessary for the progress of integration process (Kale 2012: 5).

This is actually related to transformation process which implies the Europeanization of illegal migration policy as means domestic reforms as a result of the 'conditionality' effect. In this sense, it also necessitates the adoption of laws and legislation governing illegal migration, for which Turkey has been trying hard in recent years since a single and specific legislation controlling migration in general framework and particularly illegal migration has

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[14] Turkish National Action Plan for the Adoption of the 'EU acquis' in the Field of Asylum and Migration 2005: 4-5. Retrieved from: http://www.carim.org/public/legaltexts/LE2TUR003_EN.pdf

[15] The official English version of the new National Programme available at: http://www.abgs.gov.tr/index.php?p=42260&l=2. This priority is listed as Priority 24.2.

been lacking until now (Ozcurumez and Senses 2011: 244). Although Turkey has been widely criticised for that, it has finally accomplished to put a new asylum law into effect as mentioned earlier. It is an important step not only for compliance with international regulations but also for harmonization with the EU standards. In their joint statement on the adoption by the Turkish Parliament of the 'Law on Foreigners and International Protection' on 5 April 2013, Commissioners Štefan Füle and Cecilia Malmström welcomed it saying:

> "This law is a clear sign of Turkey's efforts to establish a sound legal and institutional framework for migration and asylum. This law and the institutions that it provides for indicate Turkey's clear commitment to build an effective migration management system in line with EU and international standards. In this context the Commission also welcomes the advanced steps taken by Turkey in the field of respect of human rights" (Europa 2013).[16]

Furthermore, the Commission believes that if this law is implemented in a proper way, it will at the same time tackle several issues determined in the Commission Roadmap for visa liberalization, upon which the dialogue for visa liberalization will be founded once this begins. The Commission has made a concluding remark and stated: "The Commission is ready to extend its support with all necessary instruments to Turkey in its quest to reshape its migration and asylum management" (Today's Zaman 2013).

In light of the above-mentioned, one should also bear in mind that all these developments have not only a security dimension, but also a humanitarian one which is often overlooked. Majority of those people who apply to illegal migration have to live in very difficult conditions both during migration and upon arrival in the destination country, which encumbers Turkey with the key responsibilities, and which may have a negative impact on the process of Turkey's accession to the EU. Although the number of apprehended illegal migrants in Turkey decreased substantially within the period 2000-2007, it was 64.290 in 2007 (Turkish Ministry of Foreign Affairs 2011). In 2008, Turkey apprehended

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[16] Full statement available at: http://europa.eu/rapid/press-release_MEMO-13-297_en.htm

approximately 65.000 illegal immigrants, marking a jump compared to the previous year. Turkish Government still argues that this problem puts a heavy financial burden on the state budget (Today's Zaman 2009). Therefore, burden-sharing mechanism of the EU is a sine qua non for an efficient cooperation to cope with such an issue that is in fact highly related to international responsibility. Nonetheless, only member states are included in the scope of this mechanism.

It is essential for both parties to have a more attentive, more productive and faster approach prioritising a tight cooperation without any prejudice. Despite this naked truth, they have diverging ideas in their mutual evaluations when "Turkey 2012 Progress Report"[17] of the Commission and the "Self Progress Report"[18] prepared by Turkey are taken into consideration. While the Commission finds humanitarian initiatives for Syrian refugees successful, it suggests that Turkey should increase its capacity to tackle irregular migration since its asylum system is still far from the EU standards. Moreover, according to the Commission's report, Turkey needs to sign the readmission agreement and fulfil current readmission obligations while Turkey has long argued that the agreement can only be signed in the last stage of the accession process and provided that Turkey will have sufficient infrastructural capacity to cope with a large number of those returned migrants and asylum seekers, as well as conclude readmission agreements with the countries of origin (Vukašinović 2011: 159).

Turkey claims that criticisms in various EU reports and platforms concerning Turkey have no ground, but these only create a political obstacle to further cooperation between the both sides on migration and border management, visa policy, police cooperation, fight against terrorism, human smuggling and drug trafficking under Chapter 24: Justice, Freedom and

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[17] http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/tr_rapport_2012_en.pdf
[18] http://www.abgs.gov.tr/files/IlerlemeRaporlari/2012/2012_tr_progress_report_en.pdf

Security. Even though Turkey completed its screening process in 2006, the EU has not yet approved the end-of-screening report of this chapter and not declared the opening criteria, turning a blind eye to the blockage by a unilateral decision of Cyprus.

CONCLUSION

In the whole process of European integration which includes the member states and candidate countries, the area of 'Justice, Freedom and Security' proved to be one of the most significant policy areas, having some implications not only at the EU level or national level, but also at international level. Given the fact that the post-Cold War era has brought a new world order in which new threats, new conflicts and tensions both within the nations and between the nations have emerged, as one of those issues, illegal migration poses a significant threat to the security of all countries in relation to border management, visa policy, migration and asylum issues, as well as human and drug trafficking. As a country of origin and destination, and a transit country above all, the issue of illegal migration has been a challenging factor for Turkey's accession process to the EU due to its geopolitical position and strategic importance in the region. Hence, theoretically push and pull factors of migration have been fairly relevant for the case of Turkey.

EU-Turkey relations, already troubled due to various biases, have become more complicated for Turkey although it has long been trying to fulfil its responsibilities to comply with the EU acquis, particularly on illegal migration, while it aims to preserve the common humanitarian values such as freedom, equality, justice, non-discrimination, respect, tolerance, friendship and solidarity, and also its national interests at the same time. Indeed, it is a historical fact that Turkey has often faced stumbling blocks during its fifty-year relations with the EU. In this regard, EU-Turkey relations have proved troublesome due to political reasons and cultural prejudices on the basis of religious identity of Turkey. Therefore, even though Turkey has carried out many reforms within the context of institutionalization and legislative process in order to live up to the EU demands, an offer of membership has become a dream if not a nightmare since the most critical chapters, including the Chapter 24 which is the subject of this dissertation, are still blocked.

As analysed in this dissertation, illegal migration has turned out to be more significant in the sense of migration-security nexus, both for the EU and Turkey. First and foremost, it is associated with border management across Turkey's southern borders due to increasing number of Syrian refugees. Hence, illegal migration in Turkey is considered with respect to the issues of asylum and human trafficking. For the EU, taking precautions for tackling illegal migration has become a priority in a greater extent since the Arab Spring as it is substantially important in terms of its relations with neighbouring countries. It is clear that Turkey cannot cope with this issue by itself owing to high political, social and economic costs of it. What is clearer is that Turkey is reluctant to sign the readmission agreement and lift the geographical limitation to the 1951 Convention relating to the Status of Refugees with an unforeseeable future of accession talks. Once the distrust of both Turkish public opinion and authorities in the sincerity of the EU regarding Turkey's membership is overcome, Turkey will accelerate its alignment with the EU acquis.

Therefore, a possible EU-Turkey cooperation and burden-sharing in this field is essential. As Indira Gandhi states very correctly: 'You cannot shake hands with a clenched fist'. Both the EU and Turkey need each other in dealing with this issue, through which a prospect of win-win situation can come out. Taking the efforts by Turkey into consideration, the EU should take a more promising position. Apparently, they should find a way out of wandering between the ideas and facts in order to reach a permanent solution to the problem of illegal migration, which is however not very easy in the light of the spirit of the time and realpolitik.

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