
Visa Politics under JDP Rule with Respect to EU Visa Policies

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Abstract

This paper analyses changes occurring in visa politics during the rule of the JDP government with respect to EU visa policies. The author takes note of the positive steps taken since 2002, while also drawing attention to existing shortcomings. While Turkish nationals would like to enjoy visa-free travel rights despite stalling accession negotiations, some member states' strong resistance has spurred resentment among the Turkish public. The JDP government's resort to confrontational discourse with the EU and pragmatic moves towards a liberal visa policy with countries on the EU's blacklist signals a drift away from the EU's agenda. Turkey's fragmented passport regime also raises concerns. Visa policy has immense potential for the resolution of the current deadlock as well as calling into question the credibility of EU's policy of conditionality. While providing a thorough analysis relying on policy developments and empirical research, this paper will offer recommendations to policymakers for future prospects.

Key Words

JDP government, reforms, migration, visa policy, passport regime, Schengen region.

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Introduction

The issue of migration management/ governance and visa politics as a policy tool to regulate and curb freedom of movement have become more salient in light of the recent political and social changes occurring in the region and the world. While the EU increasingly relies on the cooperation of third countries to regulate migration flows, Turkey's changing position in the Eurocentric international migration regime as an immigrant as well as a transit and emigrant country underlines its critical role and makes it an indispensable partner.

Using rationalist institutionalism and sociological / constructivist institutionalism, this paper will attempt to analyse the changes that have occurred in visa politics during the JDP government rule with respect to EU visa policies. The paper takes note of the positive steps taken since 2002, while also drawing attention to the existing shortcomings.

While the EU increasingly relies on the cooperation of third countries to regulate migration flows, Turkey's changing position in the Eurocentric international migration regime as an immigrant as well as a transit and emigrant country underlines its critical role and makes it an indispensable partner.

The paper will investigate to what extent Turkey's visa policies are in line with those of the EU and to unravel how far and to what extent the EU accession process has had an impact on the reform of Turkish migration policy-making with a particular focus on visa politics as a form of 'policing at the distance'. It will focus on the "new" visa regime of Turkey in the light of recent steps taken. It will also look at the question of how EU conditionality influences the Europeanisation and securitisation of visa policy in Turkey.

While Turkish nationals would like to enjoy visa-free travel rights despite stalled accession negotiations, and the JDP government have initiated major reforms, some EU member states' strong resistance have spurred resentment among the Turkish public. Also, the JDP government's recent use of a confrontational discourse with the EU

and pragmatic moves towards a liberal visa policy with countries on the EU's blacklist signals a drift away from EU norms. Turkey's fragmented passport regime also raises concerns.

Visa policy has immense potential for resolving the current deadlock, but it also calls into question the credibility of the EU's policy of conditionality. While providing a thorough analysis relying on policy developments and empirical research, this paper will offer recommendations to policymakers for the future.

Europeanisation at Work: A Theoretical Framework

The issue of migration management and regulating irregular migration is viewed as a part of the "Europeanisation" process. Although there is no consensus on how to define Europeanisation, the term is commonly used to mean "being influenced by the EU" or the "domestic impact of the EU."¹ More precisely, it refers to "processes of construction, diffusion and institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms to a European model of governance, caused by forms of cooperation and integration in Europe."²

Constituting a key part of the EU's enlargement strategy, conditionality has become a successful element of its foreign policy. The conditionality refers to the fulfilment of conditions determined by the priorities of the promise of technical and financial assistance, association agreements and ultimately membership to influence the conduct of both non-member and non candidate countries. As in other policy fields, the conditionality for membership has proved to be a powerful instrument in the promotion of strict immigration control standards beyond the EU. Enlargement politics, and in particular the decision to make adoption of the complete EU and Schengen *acquis* compulsory upon candidate countries, have hence been used as vehicles to expand the territory of immigration control beyond the current member states.³

Within the studies of Europeanisation in general, and the studies of conditionality in particular, rationalist institutionalism and sociological/constructivist institutionalism are widely used. Rationalist institutionalism says that changes are stimulated by the utility maximisation of the domestic actors; whereas the sociological/constructivist institutionalism implies a model in which a socialisation process takes place and thus domestic actors internalise EU norms.⁴ These two principal approaches

represent two basic arguments of social action through which human action can be interpreted.⁵ Namely, these are respectively the “logic of consequences” and the “logic of appropriateness”. In the logic of consequences, action can be seen as being driven by a logic of rational and strategic behaviour that anticipates consequences and is based on given preferences, whereas in the latter, behaviour is guided by notions of identity and roles shaped by the institutional context in which actors operate.⁶ Furthermore, rationalist institutionalism is driven by rule-based (external) constraints, whereas sociological institutionalism involves norm-based (internal) constraints.

Having said this, the two arguments of political action outlined above are not mutually exclusive since political action cannot generally be explained either as based exclusively on a logic of consequences or exclusively on a logic of appropriateness and probably involves elements of each.⁷ As hard as it is to differentiate between the two, it is equally hard to determine with certainty and clarity under which conditions the respective models operate.

This article will make use of the “external incentives model” of rationalist institutionalism according to which the EU tends to reach the desired outcome

in the candidate country by means of “reinforcement through reward and punishment”. Also, cost-benefit calculations are acknowledged as the main reason why candidate countries comply with the EU’s conditionality. Therefore, the behaviour of candidate countries changes depending on their cost-benefit calculations, which may result either in compliance or non-compliance with the conditions laid down by the EU. The most common hypothesis of this model with respect to the reinforcement by reward strategy is “a government adopts EU rules if the benefits of EU rewards exceed the domestic adoption costs”.⁸

In this article, I will refer frequently to the “credibility of conditionality”, which refers to the EU’s threat of withholding rewards if the candidate countries do not comply with the EU’s conditions and to the EU’s promise to deliver the reward if the candidate countries are successful in terms of rule adoption. Also, regarding the domestic adoption costs, the hypothesis is as follows: if the veto players are few and the adoption costs are small, then it is highly likely that rule adoption will take place.⁹

Turning to the sociological/constructivist institutionalism, the underlying rationale behind it is that in spite of any material gains/incentives,

candidate countries deem that EU norms and values have fundamental importance.¹⁰ And therefore, they aim to internalise those norms and values through the processes of socialisation and persuasion.

The implications of transit migration from the perspective of Turkish-EU relations have come to the fore, especially after Turkey was granted candidacy, and even more so after the accession negotiations with the EU started in 2005.

Based on the social learning model derived from sociological/constructivist institutionalism, rationalist explanations of conditionality are challenged. This model aims to explain how international organisations can influence state actors based on sociological premises and make them comply with their norms and values. In the EU’s case, the EU is seen as an international organisation with its shared norms and values; whereas candidate countries are seen as state actors who adopt the EU rules and comply with the EU’s conditions if and only if they feel persuaded and confident about the ‘appropriateness’ of those rules.¹¹

I argue that although the two approaches are not mutually exclusive and may be complementary,¹² the external incentives approach is more suitable in explaining candidate country Europeanisation due to the use of conditionality in the accession process.¹³ Thus, this paper argues that without disregarding the role and influence of social learning, the external incentives model better explains Turkey's rule adoption in the area of visa politics.

Turkey's Changing Position in the Eurocentric Migration Regime and EU Processes

Although Turkey is generally acknowledged as a "country of emigration" based on its experience with the migration of "guest workers" to Western European countries since the early 1960s, migratory inflows in recent years to Turkey has transformed it into to a "country of immigration". Yet more strikingly Turkey, standing at the crossroads of Asia, Europe and Africa, is becoming a transit country for all those migrants who, in pursuit of better life chances and due to political changes in the international arena, are trying to reach EU countries.

Since the 1990s, parallel to the marked increase in the number of irregular

migrants using Turkey as a transit country, irregular migration has attracted more scholarly attention. Also, the implications of transit migration from the perspective of Turkish-EU relations have come to the fore, especially after Turkey was granted candidacy, and even more so after the accession negotiations with the EU started in 2005. Recently, following the Arab revolts and refugee flows triggered by the changes in the Middle East and North Africa, and as EU and Turkey re-position themselves as key stakeholders in the region, Turkey's role has become more prominent as an influential regional actor and recipient of refugees.

Despite the stalemate in the accession negotiations due to the unresolved Cyprus problem and unilateral delaying tactics by some member states, the JDP government's efforts to harmonise Turkish policy and legislation with that of the relevant EU legislation and to meet the obligations put forth by the EU in Chapter 24: Justice, Freedom and Security of *acquis* are ongoing. To this end, significant legal and policy changes have been made so far and many are underway, whereas progress is still lagging behind in some areas. In an effort to curb irregular migration that is driven by the EU accession process, the JDP government has had to introduce new measures, among which are increasing efforts to reinforce border controls and

surveillance mechanisms, as well as starting negotiations on a readmission agreement with the EU.

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Visa politics as a form of “policing at the distance” to prevent irregular migration can be regarded as a stumbling block or a resistance point not only in the course of preparations regarding the Justice, Freedom and Security chapter but also for Turkey's EU accession. It offers a generous terrain for testing the limits of EU's policy of conditionality and contrasting the models of the “external incentives model” and the “social learning model” that come from rationalist institutionalism and sociological/constructivist institutionalism respectively.

Visa Politics

In today's world, visas are effective instruments in the hands of nation-states

for controlling migration flows. This notion is closely linked to “the almost inevitable outcome of the Westphalian state” or “inherent in the very nature of sovereignty.”¹⁴ In line with their economic or political interests, nation-states have formulated visa policies that enable them to facilitate free movement for citizens of some countries while limiting this very right to others. “The resulting system is one of highly unequal access to foreign spaces, reinforcing existing inequalities”. Visa restrictions manifest states' unfaltering willingness to monitor, regulate and control entrance to their territory in a globalised world”.¹⁵ “In order to guarantee security and order a state has to keep a close eye on who enters its territory and must be able to refuse entry” argued Bertellsmann¹⁶ in his study on the passport system just before the First World War.

The EU, as a *sui generis* supra-national organisation, is a safe and attractive haven for potential migrants due to perceived accumulated wealth, vast and promising educational and work opportunities as well as access to generous social security. The EU has devised such strict policies to curb the inflows of people into the EU that it has attracted criticism and have led to discussions about the making of a “Fortress Europe”. These developments are closely related to the development of the Schengen region. As the member

states of the EU internally abolished border controls, paving the way for free movement of goods, capital, services and people, they opted to strengthen the rules for those outside the Schengen region.

In the creation of the Schengen region, the dividing line between a free, secure and just inside (internal space) was clearly drawn and safeguarded from the outside (external space). With Schengen rules and regulations incorporated in the EU *acquis* with the Amsterdam Treaty, the Central and Eastern European Countries (CEEC) had to adopt and fully align with the Schengen rules upon accession. This meant that they not only had to import the border control policies of the other member states, which required costly legal and technical changes, but they also had to give up the open-borders policy approach towards neighbouring countries and impose visas for states that are included in the EU's blacklist. While the border controls has meant making life harder between Poland and Ukraine, the latter resulted in compulsory visas for all Western Balkan countries (except Croatia) and Russia, Ukraine and Moldova among others.

In order to preserve the Schengen region and to regulate mobility, the EU has devised its own visa policy. For the EU, the first line of border control starts

directly in third countries, whereas the second line is the border itself.¹⁷ Visas therefore play an important role in “policing at a distance”.¹⁸ For outsiders, the entrance pass to this privileged area is obtaining a Schengen visa, which is valid for short-stays for up to 90 in 180 days and, depending on the visa type (single or multiple), allows the holder entry into other Schengen countries. However, it should be noted that even if one possesses a valid visa, the final decision is taken by the border guard; in other words the visa doesn't by itself guarantee entry into a foreign territory.

The visa liberalisation process has been successfully used as an influential foreign policy and integration tool which has helped the EU to increase its soft power and improve its international image.

The EU Visa Regulation of 539/2001 lists countries that need to be in possession of visas upon entry into the EU (the so-called blacklist) as well as countries that the citizens of which are not required to obtain visas (the whitelist). This differentiation itself is a clear display of the EU's threat perception regarding some countries, while others are prejudged to be safe. To expand on

that with the regulation, the world was divided into four categories of citizens: i) EU citizens, ii) citizens of countries in the European Economic Area, iii) favoured third countries (whitelist) and iv) other countries on the blacklist.¹⁹

Turkey's behaviour as a long-standing candidate country depends on its own cost-benefit calculations, which may result either in compliance or non-compliance with the conditions laid down by the EU.

Inevitably, as the EU enlarged it externalised its security logic onto the newcomers. With the fifth wave of enlargement, which resulted in the accession of Central and Eastern European countries, stabilisation of the neighbourhood gained importance. According to Trauner and Kruse:

[the] shifting of the EU's border policies to the CEECs has created a need for a new security approach in the neighbourhood. This approach is defined as the explicit attempt of the EU to balance security concerns and external stabilisation needs. In offering more relaxed travel conditions in exchange for the signing of an EC readmission agreement and reforming domestic justice and home affairs, the EU found a new way to press for reforms in neighbouring countries.

The first implementation of this policy on the ground was the case of the Western Balkan countries. In return for visa facilitation, the individual Balkan countries signed EU readmission agreements and based on a case-by-case analysis of their comprehensive justice and home affairs reforms, such as document security, migration and asylum management, fight with organised crime, trafficking and corruption, first Macedonia, Serbia and Montenegro (in November 2009) and later Albania and Bosnia Herzegovina (in December 2010) were granted the right to visa-free travel. Given the relative success of the package approach of the EU linking visa facilitation with readmission (despite the lack of direct link), the EU continues to pursue this approach towards Eastern Partnership countries as well as Turkey.

The visa liberalisation process has been successfully used as an influential foreign policy and integration tool which has helped the EU to increase its soft power and improve its international image.²⁰ However, it is not a magical formula, which works smoothly in all cases. The outcome is highly contingent on the credibility of the conditionality policy of the EU and the perceived strength of benefits that are likely to be attained at the end, weighed against the costs.

However, the absence of clear and concise guidelines and lack of a visa

roadmap dramatically hampers EU influence. The reforms that are underway are taking longer to be implemented than planned. In relation to critical reforms demanded by the EU, such as lifting the geographical limitation on the Geneva Convention, Turkey is clearly reluctant to take further steps. The 2012 deadline has long been put aside and the deadline has been postponed to an unknown date “in line with the EU process and conclusion of accession negotiations”.

Furthermore, in the absence of clear and concise rules on how to obtain visa liberalisation as well as a mutual lack of political will, and in an environment of mistrust and “accession fatigue” felt by Turkey due to the stalemate in negotiations and ambiguous messages from the EU, the “package approach” of the EU- visa facilitation in return for readmission- will have problems. This bleak view is an outcome of insufficient external incentives offered by the EU as foreseen by rationalist institutionalism and logic of consequences as mentioned in the theoretical framework. The external incentives model in rationalist institutionalism predicts that the EU will tend to reach the desired outcome in the candidate country by means of reinforcement through reward and punishment. Also, cost-benefit calculations are acknowledged as the main driver for candidate countries to

comply with the EU’s conditionality. Therefore, Turkey’s behaviour as a long-standing candidate country depends on its own cost-benefit calculations, which may result either in compliance or non-compliance with the conditions laid down by the EU. In the view of the Turkish government, the benefits of the EU’s rewards fall short of exceeding the domestic adoption costs due to uncertainty and lack of tangible benefits. Therefore, the reinforcement by reward strategy is far from being totally effective. However, in order not to jeopardise the deeply-rooted bilateral ties and the objective of EU membership, Turkish officials look for alternative routes.

Even though the customs union between the EU and Turkey allows for the free movement of goods, businessmen cannot move freely because of visa requirements.

In order to address this negative development, Turkish officials, academics and NGOs have been asking to invoke the rights that were envisaged in the 1963 Association Agreement and its Additional Protocol and confirmed by numerous decisions of the European Court of Justice (ECJ), most notably the “Soysal” case of February 2009.²¹

Although the Soysal judgment was a milestone, it has had limited impact on the ground due to the indifference and political resistance of some EU member states.

The shadow of the past, where fears of a Turkish migration wave prevailed, still exists and does not take into account Turkey's new economic and political reality.

Although various segments of Turkish society have been negatively affected by the Schengen requirement, the Turkish business community is perhaps the most affected. Even though the customs union between the EU and Turkey allows for the free movement of goods, businessmen cannot move freely because of visa requirements. Sometimes the visa application procedure takes so long that when a visa is finally issued it is of no longer any use because they have already missed an important business appointment. Also, the nature (violation of privacy and confidentiality) and number of the required documents (exceeding 20) have tremendously damaged Turkish businessmen who have lost many of their international professional contacts. These visa requirements create unfair competition,

thus violating not only the provisions of the customs union but also of the Article 41(1) of the Additional Protocol of the Ankara Agreement.

In addition, their European counterparts are either exempt from the visa requirement or are able to acquire visas at the airport upon arrival by paying just a very small fee of 15 euros. This in turn puts Turkish businessmen in a disadvantaged position and hampers bargaining. It becomes extremely difficult for them to conduct regular business relations, let alone initiate new business deals. It should also be noted that Turkey is the only candidate country to be in the customs union prior to EU membership. This particular situation accompanied by the visa barrier has sparked debates about the need to re-evaluate and even to re-negotiate the customs union.

There are studies that reveal the negative impacts of the visa requirements for Turkish nationals on trade, education and tourism. These impacts cause widespread resentment among the Turkish public, which in some cases has led to reactive EU opposition. Turkey has had an association relation with the EU since 1963, has been a party to the customs union since 1996 and it has been a candidate since 2005. Therefore, it is important for both Turkey and the EU to establish sound relations and tackle deep-

rooted prejudices and misperceptions in order for both sides to be well-prepared for Turkey's full membership. Lifting the obstacles hindering the free movement is an effective tool of Europeanisation and would be a significant step towards increased interaction at the civil society level. This would be in accordance with the strategy proposed²² by the European Commission whereby there would be three pillars, with the third one concerning the creation and maintenance of political and cultural dialogue between both sides' civil societies.

Although Turkey is neither the migrant-sending country as in the 1960s nor the political asylum-seeking country of the 1980s, the strict visa policy for Turkish nationals that dates back to 1980 has remained intact. The shadow of the past, where fears of a Turkish migration wave prevailed, still exists and does not take into account Turkey's new economic and political reality.

The findings of the EUImagine project support this claim. The project is to date the most comprehensive study on how Europe is perceived from outside the EU in countries like Turkey, and how these perceptions affect migrants' aspirations and decisions. The project shows that the rigid restrictions on freedom of movement for Turkish citizens could be lifted or relaxed since the majority of

Turkish respondents report they would prefer staying in Turkey over going abroad. In light of the severe economic crisis and the widespread xenophobia and discrimination in Europe, Europe is no longer the "promised land". This refutes the conventional wisdom held by European policy circles.

However, the low level of aspiration to migrate to Europe should not be interpreted as high citizen satisfaction. There are important lessons for the JDP government. The perception of Europe among Turkish respondents in terms of human rights and democracy is positive. In other words, Turkish people still look up to Europe. Major areas where respondents express discontent for living in Turkey are gender inequality and limitations on freedom of expression.

This year's United Nations Development Programme's Human Development Index is another reliable source which supports the above findings. Steady economic growth and an increase in national income don't automatically translate into strong development in social indicators. The index takes into account many facets of development, including women's empowerment, literacy rates, and environmental conditions, and ranks countries on a score between 0 and 1. Turkey's index figure for 2012 was calculated as 0.722,

positioning the country 90th out of 187 countries and territories. This clearly shows Turkey has faced challenges translating its robust economy into social development. The country has a low female labour participation rate at 28.1%, while mean years of schooling for females stands at only 6.5 years.²³

Irregular Migration

Turkey's transformation from a migrant-sending country to a significant hub and transit point for irregular migrants has been causing serious concerns to some EU member states and makes them hesitant to accept the lifting of visa restrictions. According to Frontex's 2012 Annual Risk Analysis Report, the border between Greece and Turkey is likely to remain one of the areas with the highest number of detections of illegal border crossing along the external border. More and more migrants are expected to take advantage of Turkish visa policies, says Frontex, and, with the expansion of Turkish airlines carrying more passengers to more destinations, more will transit through Turkish borders and subsequently attempt to illegally enter the EU.²⁴

While the Greek-Turkey border is seen as a hot spot for irregular crossings and this is attributed largely to Turkey's liberal visa regime, the situation along

the Greek-Albanian border points to a different reality. As pointed out in the same Frontex report, while the Greek-Albanian border used to be one of the main entry points of irregular migration, the number of illegal border crossing dropped from 35,300 to 5,270. This follows the introduction of a visa-free regime for Albanians as of 21 December 2010. In other words, the visa-free regime for Albanians has not led to more abuses or dramatic increases in irregular crossings.

Turkey's asylum system is in the process of changing from an out-camp system, the satellite city system, to an in-camp system, which involves the European style of camps, with an obligation for asylum seekers to live in a centre that is managed by the authorities.

It is true that Turkey is an important land route for migrants coming from Africa, the Middle East and Asia with the aim of going to the Schengen countries. However, it is apparent that neither the use of military/police forces nor the creation of fences will offer long-term solutions to the problem of irregular migration. The first ever deployment of Rapid Border Intervention Teams (RABITs) and the

announcement of building a wall on the 12.5 km Greek border near the Evros River are measures that intensify the feeling among Turks that Turkey is not perceived as a valuable partner but rather as the “other” that needs to be kept at the gate. Here again, despite asking Turkey to be a staunch ally and watchdog at the crossings, little financial and technical assistance and cooperation is offered. However, as laid down in sociological/constructivist institutionalism, in spite of any material gains/incentives, Turkey aims to internalise EU norms and values through the processes of socialisation and persuasion.

Twinning projects are a good example of internalisation of norms. Twinning projects are in place to equip Turkey with mechanisms to control and manage influxes of migrants that are in line with the EU *acquis* through bilateral exchanges of experts on site visits and the exchange of information. For example, the goal of one of the twinning projects is to set up a reception centre for providing accommodation to asylum seekers and refugees. For instance the reception centre in Van, the city closest to the Iranian border, the construction of which began in 2011, will have the capacity for 750 people. For some “Turkey’s asylum system is in the process of changing from an out-camp system, the satellite city system, to an in-camp

system, which involves the European style of camps, with an obligation for asylum seekers to live in a centre that is managed by the authorities”.²⁵ Also, “detention camps” are created whose objective is to control illegal immigrants who must be expelled and to provide them with accommodation during the repatriation process. In this way, Turkey is integrating more than ever into the camp of Europe.²⁶

Despite inadequate financial assistance and little encouragement from the EU, the JDP government is working hard to carry out major reforms in the field of justice and home affairs is often neglected.

As mentioned in the meeting minutes of the reform monitoring committee,²⁷ work on creating a law on combating human trafficking and protecting the victims as well as the law on border protection are progressing. Regarding integrated border management, there will be a gradual transition to a civilian management of the Turkish borders based on a controversial issue for Turkey given its geographical location and the security concerns arising from anti-terror measures. Also, a recent

significant development is the signing of memoranda of understanding that outlines the main areas of the practical cooperation to be developed in the field of preventing irregular migration between Turkey and Frontex signed on 28 May 2012. It envisages sharing experience and information with Frontex and conducting joint assessment as well projects concerning mixed migration flows, which shows “Turkey’s determination to combat irregular migration”.²⁸ The signing of this memoranda points to the will to work together despite little incentive on the visa front and this is a clear indication that the role and influence of social learning cannot be denied. However, in the absence of substantial rewards, to what extent can social learning determine the outcome of actions by Turkey in critical areas?

Turkey still has plenty of room for improvement but it is trying to put forward reforms despite the lack of significant incentives and much ambiguity from the EU.

Despite such good-willed efforts by the JDP government, among all the candidate and potential candidate countries, Turkey remains the only

state without an official EU roadmap towards visa-free travel. After granting visa-free travel to the Western Balkan countries, the EU has paved the way for visa-free travel for Eastern Partnership countries- initially Georgia, Moldova and Ukraine followed later by Armenia and Azerbaijan, with Belarus being the next- to enhance business opportunities and to facilitate interpersonal contacts. Unfortunately, the same level of political support does not exist in the case of Turkey. The application of the visa code-dating to 5 April 2010- and European Commission’s decision of 13 October 2011 on a harmonised list of documents are far from being an effective panacea to the current problems experienced by different segments of Turkish society.

European officials often use technical criteria for the resolution of the visa deadlock and assert that, unlike Western Balkans, the JDP government has not fulfilled conditions ranging from readmission agreement to border management. The fact, however, that, despite inadequate financial assistance and little encouragement from the EU, the JDP government is working hard to carry out major reforms in the field of justice and home affairs is often neglected. The introduction of biometric passports in June 2010, the drafting of a framework law on foreigners and international protection

by the Migration and Asylum Bureau of the Turkish Ministry of Interior, which was inspired by and goes beyond EU standards, and the efforts in order to put forward an integrated border management strategy that will increase the number of readmissions and asylum capacity during a critical point because of the turmoil in the Arab region and the refugee inflows from Syria are significant measures that should not be overlooked. It can be argued that Turkey still has plenty of room for improvement but it is trying to put forward reforms despite the lack of significant incentives and much ambiguity from the EU.

The prerequisite for a visa roadmap is the signing of an EU-Turkey readmission agreement. In general, readmission agreements represent “relations among unequals” as the obligations contained in readmission agreements are typically unequal, although framed in a reciprocal context. As argued very convincingly by Cassarino, inequality lies in the structural institutional and legal capacity of the contracting parties to deal with the removal of aliens, whether citizens of the contracting parties or of third countries, but also in the asymmetrical impact of the implementation of the agreement.

As revealed by many case studies, readmission agreements largely work in the interest of the EU. The negotiations

therefore depends very much of the ‘leverage’ at the Commission’s disposal, i.e. of sufficiently strong incentives to obtain the cooperation of relevant third countries on readmission. Therefore, the costs and benefits of such cooperation need to be evaluated. While signing a readmission agreement might bring tangible and intangible benefits to signatories of both sides, “the costs of a readmission agreement are borne predominantly by the solicited state”.²⁹ In the Turkish case, all the costs related to substantial structural institutional and legal reforms should be borne by the JDP government, and even if bold political steps are taken, this does not guarantee public support in the medium to long term.

One other problematic area is assessing the number of returnees expected from EU member states after the readmission agreement takes effect.³⁰ Hence, it is almost impossible to foresee the “costs”, be they number of personnel and administrative capacities needed, as well as the number of detention centres and the extent of reintegration programmes deemed necessary. Also, if readmitted migrants do receive any reintegration support in their home countries, there is nothing that prevents them from trying to enter the EU again.³¹ For example, the number of people that the EU will have to return to Turkey is unknown.

Although a study is underway to assess the “impact” of a possible EU-Turkey readmission agreement, there is much speculation about numbers since reliable statistical data on returns is missing. For example, Eurostat reports about 4,300 returns of Russians from member states, but according to the member states only 500 effective returns took place under the EU Readmission Agreement with Russia.³² Just to give an idea, there were a total of 21,542 return orders issued for Afghans in Greece, but only 745 effective returns due to the difficulties in implementing the return agreement with Turkey.

Turkey’s official position is to sign the readmission agreement only when the EU explicitly commits itself to offering visa liberalisation to Turkish nationals.

If the EU seeks to transfer responsibilities, which do not entail any advantages for the respective non-member state, cooperation will only be possible if it does not offer some sort of compensation that is high enough to change the cost-benefit analysis of negotiation partners by balancing out the negative consequences of cooperation.³³ So common sense

dictates that benefits for states, which may include different measures such as special trade concessions, accession to a regional trading bloc, preferential cooperation, increased development aid and entry visa facilitations, should act as powerful incentives to sign readmission agreements. Also, gaining further international legitimacy might act as an additional factor in the decision making. In the comprehensive evaluation of the readmission agreements put forth by the European Commission, the lack of incentives is stated as an important reason as to why the EU has been unable to start negotiations with some third countries and while it has failed to advance in others. Admitting that “these agreements have few benefits for third country concerned”,³⁴ something in exchange should be offered. Of course, this differs from a third country to the other. While visa facilitation sufficed for Russia and Ukraine, Algeria, China, Morocco and Turkey ask for “visa measures”, much to the EU’s discontent. In the same report, it is stated that “another incentive with great potential is financial assistance for implementing the agreement.... It could be quite efficient as leverage, provided the money offered is substantial and comes on top of what has already been programmed or promised under the relevant EU geographic programs”.³⁵ Furthermore, it is acknowledged that

a fundamental shift is needed with respect to incentives. Visa-related policy tools and financial assistance should be strengthened with a global approach to migration and opportunities for legal migration. The Commission recommends that readmission policy be revised and incentives at the EU's disposal be developed into a coherent mobility package. Also, EU's readmission policy should be firmly embedded in the external relations policies of the EU. The readmission agreement is a critical test in assessing the strength of the EU's conditionality and the decision-making matrix of Turkey. So far it is apparent that the anticipated costs outweigh benefits and influence the decision to sign or not to sign the agreement.

Turning back to the issue of an EU-Turkey readmission agreement, the negotiations which started in 2003 have been in deadlock for a long time because of major disagreements between the two sides. A readmission agreement, because of its asymmetrical nature, is clearly and disproportionately to the disadvantage of Turkey since it will have to carry most of the burdens. However, since the reset of negotiations, Turkish officials have worked in close cooperation and in a constructive manner with their European counterparts based on the principle of the "fair burden sharing". After long negotiations, which were

held behind closed doors, the text was approved in the Justice and Home Affairs meeting of 24 February 2011. However, a vague mention of the "visa dialogue and mobility for Turkish citizens" was far from meeting Turkey's expectations. Additionally, a last minute insertion of a new paragraph, which explicitly stated that this dialogue does not constitute a negotiating mandate, made valid Turkish fears.³⁶ Since then, Turkey's official position is to sign the readmission agreement only when the EU explicitly commits itself to offering visa liberalisation to Turkish nationals.

The JDP government's declaration is almost "breaking the routine" for the EU, which had established the pattern of granting visa facilitation with the Western Balkan countries in return for, among other things, readmission agreements ensuring third country nationals could be returned to the country they had crossed to enter the Schengen region. For Turkey, visa facilitation by the EU is not a sufficient incentive. In fact, it is perceived as a step backwards because Turkish citizens already have the legal right to travel without a visa, even though member states' resist the practice of this right.

It is worth mentioning the results of a project regarding the implementation of the Visa Facilitation Agreements (VFA)

in the Western Balkans. The project, to put it bluntly, meant that the “visa facilitation does not really matter”.³⁷ With visa facilitation, the desired positive effects seem have not come or have been offset by other delays and costs. Strikingly enough, with VFAs in force, it has become harder, not easier, to obtain visas compared with the past.

Turkey’s level of alignment with the EU in the field of justice and home affairs is closely related to its perceived EU membership prospects.

Turkish EU Minister and Chief Negotiator Egemen Bağış constantly highlights this point when he advocates for visa liberalisation. However, some EU member states have been claiming that Turkey already enjoys visa facilitation.³⁸ This line of reasoning refers to the fragmented Turkish passport regime and specifically to the fact that special or green passport holders can already benefit from visa-free travel. Special passports are issued to former members of the Grand National Assembly, former ministers, first-, second- or third-grade public servants and pensioners, mayors as well as to the spouses and children (with limitations) of special passport holders.³⁹ This has led many European officials to

suggest to Turkey that it issue more green passports as an alternative for resolving the visa problem. In the same vein, it is also argued that the widespread use of green passports is one of the reasons that the Turkish state did not focus enough or turned a blind eye to the visa problems and refrained from adopting a more proactive stance on the issue when there were suitable opportunities- e.g. when the EU Visa Regulation of 539/2001 was amended in order to move the Western Balkan countries to the visa-free list of countries. Here it should be noted that the fragmented passport regime is no way a policy of the JDP government *per se*, rather it is the continuation of a bureaucratic tradition put in place long time ago. Only with the JDP government taking bold steps towards the resolution of the visa problem has brought to light this long-ignored Turkish policy.

Going back to the link between visa facilitation and readmission, in order the EU to be able to effectively “sell” the readmission agreement to Turkey, it has to offer a set of well-defined rules leading to visa liberalisation. An obscure mention of “visa dialogue” is not enough to convince Turkish politicians and officials to carry out costly reforms. In Turkey’s decision-making matrix, and in line with the external incentives model, the costs associated with readmission are regarded as higher than the benefits offered by visa

facilitation. Only visa liberalisation is seen as able to offset the disadvantages of readmission, or to put it differently, visa facilitation is not a sufficient incentive. Unlike previous governments, the AKP government, highly self-confident due to robust economic growth in midst of a European economic crisis, seems to offer “reversed conditionality”,⁴⁰ arguing it will not sign a readmission agreement until the EU resolves the visa problem.

Furthermore, the JDP government fears that even if all the reforms are accomplished and the technical criteria are met, the right to visa-free travel might still not be granted due to lack of political will of some EU member states. This can be seen as the ‘Turkish dilemma’, which refers to the Turkish officials’ fear of a situation whereby cooperation with the EU in harmonising immigration and asylum policies does not lead to actual membership. Many officials believe that Turkey’s security would be fundamentally undermined if Turkey were to adopt the *acquis* without membership.⁴¹ The situation of the JDP government is again different. Namely, compared to previous governments, single-party rule brings with it more responsibility. While coalition governments may be more cautious in their actions and hide behind the “Turkish dilemma”, the political risk is greater for AKP if courageous steps are taken in visa reforms if these reforms do

not translate into concrete steps on the EU side. Also, here we see that logic of consequences and logic appropriateness both having some role and making life harder for the JDP. Turkey’s aspiration to become an EU member and embracing an EU identity requires the government to take steps forward. However, regarding domestic adoption costs, the veto players are many and the adoption costs are not small, which makes rule adoption harder.

Turkey’s level of alignment with the EU in the field of justice and home affairs is closely related to its perceived EU membership prospects. In fact, the future of migration management in Turkey is closely related to the pace and spirit of EU-Turkish relations, which swings between two poles, one in which the deadlock is resolved and relations improve, leading to Turkey’s membership, whereas in the other scenario, Turkey’s accession process comes to a sudden halt and as a result the EU anchor is lost. Therefore the route Turkey is likely to undertake is largely contingent on the perceived strength of the EU membership perspective and the outcome of the EU process.

Turkey’s Visa Policy

Turkey is discussing its visa policy. I am of the opinion that if we are talking about calculated and systematic

moves by the government towards third countries in the light of economic, social, and political ties as well as geographical vicinity, then it is hard to see the prospects of a coherent Turkish visa policy. Since Turkey's visa policy has been characterised by unforeseen moves in different periods of Turkish history, moves which have been dictated by different governments, it would be unjust to put all the responsibility on the JDP for not following a more predictable visa policy towards third countries since they came to power. Closely related to the mediator role the JDP has positioned itself as, the government has been pursuing a highly proactive policy with regards to neighbouring countries and leading or acting as facilitator on regional and global initiatives with a view to bringing peace and stability into the region. If these policies contradict or are at odds with the EU perspective is another point for consideration.

By granting visa liberalisation to its neighbours, the government intends to intensify trade and tourism opportunities as well as to improve neighbourly relations at a time when Europe is suffering from a severe economic crisis.

However, one thing is certain. Faced with 'closed doors' in the European front, the JDP government has turned to its long-neglected neighbours. In an attempt to revitalise trade relations and tourism as well to enhance good-neighbourly relations, Turkey has lifted visas for third country nationals starting with Syria as well as Yemen, Libya, Jordan and Lebanon among others. The cost of the visa issue to Turkish trade with the EU is estimated at US \$5 billion, and the reluctance of the EU to revise its visa policy has led business organisations to push for a liberalisation of Turkey's own visa policies towards other countries.⁴² When announcing visa liberalisation with Syria, Turkey's Prime Minister Recep Tayyip Erdoğan talked about their intention of creating "Şam-gen", referring to the name of Damascus in Turkish (Şam), as opposed to the EU's Schengen.⁴³

This development, however, has raised concerns and questions in European circles as to whether Turkey is drifting away from EU norms since it has lifted visa requirements for countries that belong to the EU's "blacklist". By granting visa liberalisation to its neighbours, the government intends to intensify trade and tourism opportunities as well as to improve neighbourly relations at a time when Europe is suffering from a severe economic crisis. In line with the

slowing down of its accession process, the government can be seen as taking pragmatic steps to compensate for the lack of progress in its relations with the EU and its failure to initiate visa liberalisation. However, of course, due to the recent developments in Syria, Turkey's efforts to open up to its non-European neighbours are also faltering.

Furthermore, Turkey's visa policy towards EU citizens has been criticised as not being uniform, raising concerns among Commission officials.⁴⁴ Currently citizens from 11 EU member states must have a visa in order to enter Turkey, a visa which can be obtained at the Turkish borders by paying 15 euros. Citizens of 16 other member states are exempted from the visa regulation for short stays. Furthermore, instead of taking steps in the direction of addressing the EU's concerns, legislative change in the opposite direction is underway. Due to a recent legislative change, which was aimed primarily to curb irregular migration and illegal residence in Turkey, foreigners can only stay for 90 days in a six month period. That is the equivalent of how much time a Turkish national holder of green passport can spend in a European country if he or she enters without a visa. Europeans now need to apply for a residence permit for stays exceeding three months. Also, the criteria to obtain work permits are

definitely not light. These changes signal a tougher policy by Turkish officials or a tendency for more restrictive policies as a reaction for the EU's member states visa practices towards Turkish nationals. Whether these changes are the result of realistic calculations or are as retaliatory measures is debatable.

The adoption of a law on international protection and foreigners by the Turkish parliament on April 2013 is viewed as very liberal and progressive as it highlights human rights issues without overlooking security concerns.

Turkish citizens' disillusionment with the EU increased when the EU lifted visas for Serbia, Macedonia and Montenegro. Bağış has emphasised that it is "nonsense" and "ridiculous" that "remote countries" such as Belize, Paraguay and Uruguay enjoy visa-free travel while negotiations are being conducted with Moldova, Russia and Ukraine, but not with Turkey. Talking to some European diplomats in Brussels he said that: "When our citizens are insulted on a daily basis in the consulates of EU states [when they apply for visas], one may ask the question as to why we should help the EU with their problems when we are treated this way."⁴⁵

Public demands for Turkish authorities to implement the reciprocity principle- in other words, to impose a visa requirement for EU nationals- has increased. This continuing frustration has made the visa problem the symbol of the deteriorating relations and slowing accession negotiations between Turkey and the EU. This has also adversely affected the integration efforts as well as the Europeanisation process, which reached its peak in the 2003-2006 period. Opinion polls reveal a drastic fall in the percentage of those who believe EU membership is a good thing as well as those who believe EU membership is possible.

Despite the rather bleak picture on the visa front against the background of a non-moving accession process, the JDP government is engaged in a reform process and striving to fulfil the benchmarks needed for the opening of Chapter 24 on Justice, Freedom and Security. As stated above, significant steps have been undertaken to establish a working readmission system and an asylum mechanism. Key pieces of legislation are being revised in line with EU and international norms. The adoption of a law on international protection and foreigners by the Turkish parliament on April 2013 is viewed as very liberal and progressive as it highlights human rights issues

without overlooking security concerns. On its adoption, Commissioner Cecilia Malmstrom and Enlargement Commissioner Stefan Füle declared that “once properly implemented, this law will also address several issues identified in the Commission Roadmap for visa liberalisation, which will constitute the basis for the visa liberalisation dialogue once this will start”.

Also, the drafting process for the law deserves particular attention as it shows the impact of Europeanisation on the JDP government. A new Migration and Asylum Bureau was established within the Ministry of Interior and includes academics and civil society institutions in the decision-making process. This is a radical shift in the understanding of good governance in law-making and migration management. In line with the definition of Europeanisation as ‘ways of doing things’, the migration law-making process in Turkey seems to be in line with European norms especially as regards close cooperation with and involvement of stakeholders and a sound consultation process driven by consensus-building. In parallel with other positive developments outlined above, and despite stalling negotiations, the Europeanisation process and the internalisation of EU norms and practices reflect well upon reforms undertaken by bureaucrats and the JDP government. This lends

evidence for sociological/constructivist institutionalism, an argument which highlight the importance of EU norms and values in spite of any material gains/incentives. The processes of socialisation and persuasion have had some effect even in the absence of full-fledged benefits.

Also, the Turkish government's good-willed efforts to provide shelter to Syrian refugees with little help from the international community should not go unnoticed. However, things have started to change. As Washington weighs a military strike against Syrian leader Bashar al-Assad, the conflict is no longer contained to the Middle East. Hundreds of Syrian refugees are trying to get into Europe from the Western Balkans and via Turkey. According to Euractiv,⁴⁶ in Bulgaria the number of Syrians seeking asylum has shot up from 85 in 2011 to 449 in 2012 and 855 in the first seven months of this year alone. Twice as many are estimated to have made the illegal crossing. Romania has reported an 80% rise in the first half of this year compared to the same period of 2012, with a total of some 640. On the night of 27 August alone, of the 52 people detained crossing the frontier from Turkey into Bulgaria, 39 were from Syria. In the following days, 106 people were apprehended by the police, of which 79 were Syrians.

With successful economic performance and sound political stability under

the JDP government, the "Turkish summer" has come as an unprecedented shock to those holding power. Street protests, which started in Istanbul at Gezi Park borne out of a protest against its demolition, protesters then took to the streets to denounce the violent repression, unleashing a social movement that spread to various provinces and segments in society.

Despite a lack of sufficient incentives and tangible rewards, Turkish government officials, as a result of regular contact with European counterparts, have internalised EU values and norms.

It can hardly be argued that the statements by the JDP politicians were aimed at easing the growing tension and reduce the deepening polarisation within society. Most strikingly, Egemen Bağış's comments in his capacity as Turkey's EU minister and chief negotiator drew attention in European circles. He said the international news channels made a "big mistake" by reporting the protests live and they have been financed by a lobby intent on "doing everything to disturb the calm in our country." He also declared that "from now on the state will unfortunately have to consider everyone who remains there [i.e. the

Gezi Park] a supporter or member of a terror organisation”.⁴⁷ Such rhetoric has unexpectedly casted a shadow on Turkey’s European future.

The most constructive and safest step by the EU would be to revitalise visa talks with the JDP government, this time backed by concrete concessions and a definite roadmap aiming for visa liberalisation for Turkish nationals at a certain date.

In the same vein, Turkish Prime Minister Recep Tayyip Erdoğan said on 7 June 2013 that the European Union was at fault in supporting Gezi Park protests, accusing “a certain part of those at the Gezi protests” of wanting to hamper the ongoing Kurdish peace process. Speaking at the Ministry of European Affairs’ Istanbul conference, Erdoğan also argued that union members were discriminating against Turkey and Turkish people regarding the country’s accession process to the EU. In response, Füle called on the government to show the “same wisdom” in the events that unfolded in Istanbul and other major cities as the will that it showed for launching a peace process in order to end the three-decade-long Kurdish conflict. The demonstrations “constituted a

legitimate way of expressing the needs” of a section of the society that felt underrepresented in the parliamentary majority, Füle said, adding that the fourth judicial package was a significant step forward, but it was the implementation that matters, as recent events showed.”⁴⁸

Conclusion

The changing internal and external dynamics have sidelined Turkey’s EU accession process as well as generated heated debates on the visa issue. Yet, parallel to the changing *zeitgeist*, the visa debate will revive and as rightfully laid down in an ESI report, “as Turkey and the EU move towards the 50th anniversary of their strategic relationship, this is the time to overcome this particular legacy of the 1980 coup and to fix the visa problem”.⁴⁹

Despite contradictory messages by EU politicians and an increasingly confrontational rhetoric by their Turkish counterparts, there is action on the ground which should not go unnoticed. This is in line with the “Positive Agenda” proposed by the European Commission and which was launched officially on 17 May 2012 to inject new dynamism into EU-Turkish relations and to make progress in certain areas, most notably in Chapter 24 and the visa issue.

These developments lend evidence in favour of the social learning model. Despite a lack of sufficient incentives and tangible rewards, Turkish government officials, as a result of regular contact with European counterparts, have internalised EU values and norms. Series of regular and *ad hoc* meetings as well as the twinning projects, which have aimed to increase alignment with legislation and institutional capacity, have had a direct influence on the socialisation of bureaucrats and policymakers in Turkey.

By making use of the external incentives model by rationalist institutionalism this article tried to show the cost-benefit calculations of Turkey which may result either in compliance or non-compliance with the EU's conditions. The most common hypothesis of this model with respect to the reinforcement by reward strategy is that "a government adopts EU rules if the benefits of EU rewards exceed the domestic adoption costs". With regards to visa politics, given that the domestic adoption costs of readmission (financial, administrative, social and political) exceed the benefits of EU rewards (visa facilitation) we can see a non-compliance with EU norms, namely refusing to sign a readmission agreement. In fact there is further moving away from EU norms by assuming policies in the opposite direction. However, the social learning

model is visible in important legislative reforms in the area of migration and asylum and border management brought to life by Turkey and steps taken, which would have not been taken if only the 'logic of appropriateness' was in place.

Having said this, if real progress is wanted in EU-Turkish relations both sides need to regain trust. The JDP government has the perception that even if all the technicalities put forth by the EU are fulfilled, nothing will be gained in return due to political resistance by member states. This state of mind jeopardises the future of relations since it hampers both the credibility of the EU and the appetite for reforms on the Turkish side. Free movement is the right Turkish nationals first and foremost associate with EU membership and they seek to reap the benefits of it. Therefore, the most constructive and safest step by the EU would be to revitalise visa talks with the JDP government, this time backed by concrete concessions and a definite roadmap aiming for visa liberalisation for Turkish nationals at a certain date. In return for that, as laid down in the ESI report, Turkey should declare that it will sign, ratify and then implement a readmission agreement in line with its legal obligations. However, under the terms of a negotiated readmission agreement it will be obliged to take back third-country nationals only

three years after the entry into force of the agreement.

While Turkey could demand to see steady progress in the mobility of Turkish visitors to the EU, including a decline in the rejection rate for visa applications and an increase in the share of long-term multiple-entry visas issued, it should continue to cooperate with EU to reduce irregular migration at its borders. While the legal struggle by Turkish lawyers should be continued to assert the Turkish stance and invoke acquired rights through ECJ decisions, this alone will not suffice. Diplomatic moves and civil society initiatives should proliferate to explain to the EU side that the right to free travel is a “human right” in today’s world and the citizens of an acceding country should not be exempted from this. It should be evident at this point that the confrontational rhetoric will not

bear fruitful results and only creates more tension. This change in discourse would not only win the hearts and minds of the European public, some of whom are unaware of such a phenomenon, but also would have a wider impact in the public transcending political and diplomatic circles.

The JDP government rightfully and courageously has brought the visa problem- long swept under the rug for many decades by previous governments- and the injustices related to this practice to the attention of the Turkish people and to European politicians. Since the genie is out of the bottle, there is no going back. Both sides should put concerted effort into the resolution of this bottleneck and to revive stalled talks and relations for a visa-free Europe for Turks.

Endnotes

- 1 Ulrich Sedelmeier, "Europeanisation in New Member and Candidate States", at <http://www.livingreviews.org/lreg-2006-3> [last visited 21 November 2013].
- 2 Simon J. Bulmer and Claudio M Radaelli, "The Europeanisation of National Policy?", *Queen's University Belfast Europeanisation Online Papers*, No. 1 (2004), at <http://www.qub.ac.uk/schools/SchoolofPoliticsInternationalStudiesandPhilosophy/Research/PaperSeries/EuropeanisationPapers/PublishedPapers/> [last visited 16 February 2013].
- 3 Sandra Lavanex, "Shifting Up and Out: The Foreign Policy of European Immigration Control", *West European Politics*, Vol. 29, No. 2 (March 2006), pp. 334-335.
- 4 Ulrich Sedelmeier, "Europeanisation in New Member and Candidate States".
- 5 James G. March and Johan P. Olsen, "The Institutional Dynamics of International Political Orders", *International Organization*, Vol.52, No.4 (Autumn 1998), pp.943-969.
- 6 James G. March and Johan P. Olsen, "The New Institutionalism: Organizational Factors in Political Life", *The American Political Science Review*, Vol.78, No.3 (September 1984), pp.734-749.
- 7 Eiko R. Thielemann, "The 'Soft' Europeanisation of Migration Policy: European Integration and Domestic Policy Change", at <http://personal.lse.ac.uk/thielema/Papers-PDF/JEMS.pdf> [last visited 3 September 2013].
- 8 Frank Schimmelfenning and Ulrich Sedelmeier, "Introduction: Conceptualizing the Europeanization of Central and Eastern Europe", in Frank Schimmelfenning and Ulrich Sedelmeier (eds.), *The Europeanization of Central and Eastern Europe*, Ithaca and London, Cornell University Press. 2005, p.12.
- 9 Ibid.
- 10 Sedelmeier, "Europeanisation in New Member and Candidate States".
- 11 Schimmelfenning and Sedelmeier, "Introduction", p.12.
- 12 Sedelmeier, "Europeanisation in New Member and Candidate States".
- 13 Schimmelfenning and Sedelmeier, "Introduction", p. 10-13.
- 14 Eric Neumayer, "Unequal Access to Foreign Spaces: How States use Visa Restrictions to Regulate Mobility in a Globalized World", at [http://eprints.lse.ac.uk/715/1/Transactions_of_the_BIG\(FINAL\).pdf](http://eprints.lse.ac.uk/715/1/Transactions_of_the_BIG(FINAL).pdf) [last visited 23 June 2013].
- 15 Ibid.
- 16 Ibid.
- 17 Florian Trauner and Imke Kruse, "EC Visa Facilitation and Readmission Agreements: Implementing a New EU Security Approach in the Neighbourhood", *CEPS Working Document*, No. 290 (April 2008), p. 6.
- 18 Didier Bigo and Elspeth Guild, *Controlling Frontiers: Free Movement Into and Within Europe*, England, Ashgate Publishing, 2005, p.1.

- 19 Trauner and Kruse, “EC Visa Facilitation and Readmission Agreements”, p.28.
- 20 Zeynep Özler and Ilke Toygur, “Visa-Free Travel: Is It Working as an EU Foreign Policy Tool?”, at <http://www.fride.org/publication/901/visa-free-travel:-is-it-working-as-an-eu-foreign-policy-tool> [last visited 16 July 2012].
- 21 This judgment concerns two Turkish lorry drivers who were refused visas in order to drive to Germany. The case law stipulates Article 41(1) of the Additional Protocol is to be interpreted as meaning that it precludes the introduction of visas as from the entry into force of that protocol (1 January 1973) of a requirement that Turkish nationals must have a visa to enter the territory of a member state in order to provide services there on behalf of an undertaking established in Turkey, since, on that date, such a visa was not required. In this scope, Germany’s visa practice was deemed unlawful given that starting from July 1980 Germany introduced a visa requirement for all Turkish nationals seeking entry into Germany.
- 22 European Commission, “Communication from the Commission to the Council and the European Parliament - Recommendation of the European Commission on Turkey’s Progress Towards Accession”, at http://ec.europa.eu/enlargement/candidate-countries/turkey/key_documents_en.htm [last visited October 2011].
- 23 “UN report Highlights Economic Development”, *Setimes*, at http://www.setimes.com/cocoon/setimes/xhtml/sr_Cyrl/features/setimes/features/2013/04/01/feature-05 [last visited 6 May 13].
- 24 Frontex, “Annual Risk Analysis 2012”, at http://frontex.europa.eu/assets/Attachment_Featured/Annual_Risk_Analysis_2012.pdf. [last visited February 2013].
- 25 “At the Margins of Europe: The Externalisation of Migration Controls”, at <http://www.migreurop.org/article2049.html> [last visited December 2012].
- 26 Ibid.
- 27 Republic of Turkey Ministry for EU Affairs, “26th Reform Monitoring Group Press Release”, at http://www.abgs.gov.tr/files/haberler/2012/26__rig_basin_bildirisi.pdf [last visited 8 June 2013].
- 28 Republic of Turkey Ministry of Foreign Affairs, “Press Release Regarding the Signing of the Memorandum of Understanding on Cooperation with FRONTEX,” at http://www.mfa.gov.tr/no_-148_-28-may-2012_-press-release-regarding-the-signing-of-the-memorandum-of-understanding-on-cooperation-with-frontex.en.mfa [last visited 18 August 2013].
- 29 Jean-Pierre Cassarino, “Informalising Readmission Agreements in the EU Neighbourhood”, *International Spectator*, Vol. 42, No. 2 (June 2007), p.183.
- 30 Trauner and Kruse, *EC Visa Facilitation and Readmission Agreements*, p. 28
- 31 Ibid., p. 31.
- 32 European Commission, “Communication of the European Commission to the European Parliament and the Council- Evaluation of EU Readmission Agreements”, p.1, at <http://>

- eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0076:FIN:EN:PDF, [last visited 18 September 2013].
- 33 Imke Kruse, “EU Readmission Policy and its Effects on Transit Countries- The Case of Albania”, *European Journal of Migration and Law*, Vol.8, No.2 (2006), p.117.
- 34 European Commission, “Communication of the European Commission to the European Parliament and the Council”, p.8.
- 35 Ibid.
- 36 European Council, “Council Conclusions on EU-Turkey Readmission Agreement and Related Issues, Justice and Home Affairs Council Meeting”, at http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/jha/119501.pdf [last visited 25 June 2013].
- 37 European Citizen Action Service, “Does It Really Matter? Visa Facilitation in the Western Balkans: Monitoring of the New Agreements”, at <http://www.ecas-citizens.eu/content/view/138/146/> [last visited 25 April 2012].
- 38 Author’s interview with consulate officials working in the visa section.
- 39 Republic of Turkey Ministry of Foreign Affairs, “Information about Passports”, at www.mfa.gov.tr [last visited 5 August 2013].
- 40 Jean-Pierre Cassarino, “Informalising Readmission Agreements in the EU Neighbourhood”, pp. 179-196.
- 41 Kemal Kirişçi, “The Question of Asylum and Illegal Migration in European Union-Turkish Relations”, *Turkish Studies*, Vol. 4, No. 1 (2003), pp. 79-106.
- 42 Kemal Kirişçi, “Comparing the Neighborhood Policies of Turkey and the EU in the Mediterranean”, in Meliha Benli Altunışık, Kemal Kirişçi and Nathalie Tocci (eds.), *Turkey: Reluctant Mediterranean Power-Mediterranean Paper Series*, GMF- IAI, February 2011.
- 43 Ibid.
- 44 European Commission, “Turkey 2011 Progress Report”.
- 45 Valentina Pop, “Turkey to EU: No Visa-Free, No Clampdown on Migrants”, *EUobserver*, at <http://euobserver.com/15/31708> [last visited 27 June 2013].
- 46 “Syrian Refugees Flock to Europe’s Doorstep”, at <http://www.euractiv.com/global-europe/syrian-refugees-flock-europe-doo-news-530065> [last visited 2 September 2013].
- 47 Gerald Knaus and Kerem Öktem, “The Future of European Turkey”, *EUobserver*, at <http://euobserver.com/opinion/120523> [last visited 18 June 2013].
- 48 “Turkish PM Erdoğan and EU Commissioner Füle in Crossfire Over Gezi Park Protests”, *Hurriyet Daily News*, at <http://www.hurriyetdailynews.com/turkish-pm-erdogan-and-eu-commissioner-fule-in-crossfire-over-gezi-park-protests.aspx?pageID=238&nid=48441>. [last visited 7 June 2013].
- 49 “Cutting the Visa Knot. How Turks can Travel Freely to Europe”, *European Stability Initiative*, at http://www.esiweb.org/index.php?lang=en&id=156&document_ID=139. [last visited 21 May 2013].