



## Implementing the EU-Turkey Statement – Questions and Answers

Brussels, 28 September 2016

**On 18 March 2016, EU Heads of State or Government and Turkey agreed to end the irregular migration from Turkey to the EU and replace it instead with legal channels of resettlement of refugees to the European Union.**

The aim is to replace disorganised, chaotic, irregular and dangerous migratory flows by organised, safe and legal pathways to Europe for those entitled to international protection in line with EU and international law.

The implementation of the Statement requires huge operational efforts from all involved, and most of all from Greece and Turkey. As European Commission President Jean-Claude Juncker said, this is a Herculean task. Greece and Turkey are the two governments in charge of implementing the Statement. It is their authorities who have to do the legal and operational work. The Commission is assisting Greece with advice, expertise and support from the EU budget and by coordinating the support which is being provided by other Member States and EU agencies – via the EU Coordinator Maarten Verwey who is leading three teams in Brussels, Athens and Ankara.

Significant steps in the implementation of the Statement have been taken and good progress in operationalising the Statement since it took effect on 20 March has been made. Despite challenging circumstances, the implementation of the EU-Turkey Statement has continued to deepen and to accelerate and the reduction in attempts to cross the Aegean and in deaths at sea since the operationalisation of the Statement has confirmed the core strategy behind the decision of the EU and Turkey to sign the Statement: In the weeks before the implementation of the Statement, around 1,740 migrants were crossing the Aegean Sea to the Greek islands every day. By contrast, the average daily arrivals since 21 March are down to 94. From over 270 fatalities in the Aegean Sea in 2015, the number of losses of lives has fallen to 11 since the Statement.

So far, 1,614 Syrian refugees have been resettled from Turkey to Europe and the return of 578 irregular migrants has been carried out from the Greek islands to Turkey, in full respect of EU and international law.

Continued efforts are needed from Greece, Turkey and all EU Member States to accelerate the implementation of the Statement and to ensure results.

### **What was agreed in the EU-Turkey Statement of 18 March?**

The EU and Turkey agreed that:

- 1) All new irregular migrants or asylum seekers whose applications have been declared inadmissible crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey;
- 2) For every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU from Turkey directly;
- 3) Turkey will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU;
- 4) Once irregular crossings between Turkey and the EU are ending or have been substantially reduced, a Voluntary Humanitarian Admission Scheme will be activated;
- 5) The fulfilment of the visa liberalisation roadmap will be accelerated with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016. Turkey will take all the necessary steps to fulfil the remaining requirements;
- 6) The EU will, in close cooperation with Turkey, further speed up the disbursement of the initially allocated €3 billion under the Facility for Refugees in Turkey. Once these resources are about to be used in full, the EU will mobilise additional funding for the Facility up to an additional €3 billion to the end of 2018;
- 7) The EU and Turkey welcomed the ongoing work on the upgrading of the Customs Union.
- 8) The accession process will be re-energised, with Chapter 33 to be opened during the Dutch Presidency of the Council of the European Union and preparatory work on the opening of other

chapters to continue at an accelerated pace;

9) The EU and Turkey will work to improve humanitarian conditions inside Syria.

### **What has Greece done to implement the Statement?**

Since 18 March 2016, Greece has:

- Moved all migrants who arrived on the islands before 20 March to the mainland;
- Returned from Greece to Turkey 578 persons who entered irregularly after 20 March;
- Adapted its legislation to provide a legal framework for the implementation of the 'first safe country of asylum' and 'safe third country' principles and ensuring fast-track procedures for the examination of asylum applications, including appeal procedures with currently 20 appeal committees operational to examine all pending asylum claims at second instance by the end of 2016;
- Adopted legal provisions to put in place the new Appeal Authority and new Appeal Committees, to examine at second instance appeals lodged since 20 July against the first instance decisions of the Greek Asylum Service.
- Begun processing asylum applications and delivering first and second instance decisions, based on individual assessments.

### **What has Turkey done to implement the Statement?**

Since 18 March 2016, Turkey has:

- Effectively received all those returned from Greece;
- Provided formal guarantees that all Syrian refugees returned to Turkey from the Greek islands may request and be granted protection under the temporary protection regulation in Turkey;
- Provided formal guarantees that non-Syrians in need of international protection who are returned from Greece to Turkey will be able to apply for and receive protection and have their applications processed in a timely manner and will be protected from refoulement;
- Agreed to allow the EU to monitor regularly the situation of Syrians and non-Syrians returned to Turkey, including access to refugee camps and centres, and concluded an agreement with the UNHCR to provide access to removal centres to monitor implementation of international protection procedures. The first visits to these camps and removal centres have already taken place;
- Ensured access to the labour market for non-Syrians in need of international protection;
- Put in place a roadmap to reduce the backlog of applications for international protection by non-Syrians;
- Completed and shared with the Commission a roadmap on the implementation of voluntary returns.

The Turkish Parliament approved the entry into force of the provisions of the EU-Turkey Readmission Agreement concerning third country nationals as of 1 June. The relevant law was signed by the President's office on 18 May and published in Turkey's Official Journal on 20 May. The entry into force of the provisions on third-country nationals of the EU-Turkey Readmission Agreement should be completed with a decision by the Turkish Council of Ministers as a matter of urgency to allow for actual readmission.

### **What is the state of play as regards visa liberalisation for Turkish citizens?**

As regards the implementation of the Visa Liberalisation Roadmap, the Second Report of 15 June 2016 described seven benchmarks that remain to be met:

- issuing biometric travel documents fully compatible with EU standards;
- adopting the measure to prevent corruption foreseen by the Roadmap;
- concluding an operational cooperation agreement with Europol;
- revising legislation and practices on terrorism in line with European standards;
- aligning legislation on personal data protection with EU standards;
- offering effective judicial cooperation in criminal matters to all EU Member States;
- implementing the EU-Turkey Readmission Agreement in all its provisions.

The Commission has encouraged Turkey's efforts to complete the delivery of all the outstanding benchmarks on the Visa Liberalisation Roadmap as soon as possible. The Commission and Turkey have

continued an engaged dialogue to find solutions, including the legislative and procedural changes needed on all the outstanding benchmarks.

### **What is the state of play as regards the implementation of the Facility for Refugees in Turkey?**

The Facility for Refugees in Turkey provides for a joint coordination mechanism for actions financed by the EU budget and national contributions made by the Member States, designed to ensure that the needs of refugees and host communities are addressed in a comprehensive and coordinated manner. The resources of the Facility come from the EU budget and from EU Member States over 2016 and 2017, making a total so far of €3 billion over two years.

Of the overall €3 billion, €2,239 billion have so far been allocated, for both humanitarian and non-humanitarian assistance. Of the €2,239 billion allocated, €1,252 billion have been contracted. Of these €1.252 billion contracted, €467 million have been disbursed to date.

Funding under the Facility for Refugees in Turkey supports refugees in the country - it is funding for refugees and not funding for Turkey. The support seeks to improve conditions for refugees in Turkey as part of the EU's comprehensive approach to addressing the refugee crisis inside and outside the EU.

The latest two contracts signed this week are direct grants worth €600 million to support Syrian refugees and host communities in Turkey in the areas of education and health.

The grants will serve to reimburse the Ministries of Education and Health for real verifiable costs incurred in their efforts to integrate Syrian pupils and students into the Turkish education system, and to ensure Syrian refugees in Turkey have access to health care.

The direct grant for education should enable around 500,000 Syrian students to receive education in the Turkish language and ensure comprehensive health care for refugees in Turkey.

### **Has Turkey continued to implement the EU-Turkey Statement after the attempted coup in July?**

Return and resettlement operations continue to be carried out successfully and in full cooperation with the Turkish authorities.

Despite changes in the law enforcement authorities, military and public administration following the attempted coup, patrolling activities by the relevant Turkish authorities seem to be ongoing at a similar level. The Turkish Coast Guard also continued to respond at sea to requests for assistance issued by the Greek authorities.

### **How many staff from the EU Agencies have been deployed to the Greek islands?**

EU Agencies are providing substantial and critical support to the implementation of the Statement.

Frontex currently has 699 officers deployed in Greece, including a total of 675 officers directly concerned with the implementation of the EU-Turkey Statement.

The European Asylum Support Office deploys 83 interpreters in Greece, and 70 Member State experts (41 in the hotspots).

However, there are still shortfalls for both EASO and Frontex experts for the period of September to December 2016.

Europol has stationed 8 specialists in Greece to assist in investigations against migrant smuggling. In addition, 10 guest officers were recently seconded by Member States to carry out second-line security checks in the hotspots

### **How many migrants arrived in Greece since 20 March?**

In the weeks before the implementation of the Statement, there were around 1,740 daily crossings of migrants to the Greek islands. Since 21 March, the average daily number of arrivals is 94. Since the Second Report on progress made in the implementation of the EU-Turkey Statement on 15 June, 9,250 people arrived to the Greek islands via Turkey.

The total numbers of irregular arrivals from Turkey to Greece in September, October, November, December 2015, January and February 2016 were respectively 147,639, 214,792, 154,381, 104,399, 61,602 and 56,335 persons. For the same months the corresponding daily averages were 4,921, 6,929, 5,146, 3,368, 1,987 and 1,943 persons.

### **How many returns and resettlements have taken place so far?**

Since the Statement entered into force, there have been 578 returns from the Greek islands to Turkey, including 53 Syrians. Other nationalities returned have included Pakistanis, Afghans, Bangladeshis, Iranians as well as people from Iraq, India, Congo, Algeria, Sri Lanka, Morocco, Nepal, Somalia, Ivory Coast, Egypt, Yemen, Lebanon, and the Palestinian Authority. In total, over 1,600 returns of irregular

migrants have been carried out from Greece to Turkey in the course of 2016.

1,614 Syrian refugees were resettled from Turkey to Europe, tripling the number of people resettled since the last report, to underline that Europe will live up to its responsibilities as a continent committed to the Geneva Convention and to the fundamental right to asylum.

### **How are resettlements and returns physically being carried out?**

Resettlements from Turkey to the European Union are taking place via ferry and plane.

Returns from the Greek islands to Turkey are taking place via ferry and bus. The operational arrangements are decided between Turkey and Greece. Frontex is assisting in their practical implementation.

Frontex has mobilised the following resources for the time being:

- 1 ferry
- 5 buses for transportation from the hotspots to the ports
- 1 charter plane
- 56 Frontex escort officers

### **On what basis are Syrians being resettled from Turkey?**

Resettlement from Turkey to the EU will be carried out in the first instance by honouring the commitments of Member States under the Council conclusions of 22 July 2015 of which 18,000 places for resettlement remain.

Furthermore, the Commission has proposed an amendment to the relocation decision of 22 September 2015 to allow for the resettlement of an additional 54,000 persons under a voluntary arrangement.

Beyond this, the Voluntary Humanitarian Admission Scheme based on the Commission's Recommendation to that effect last December, will be activated.

### **How does the resettlement process, including the selection of candidates, work?**

To organise fast-track resettlement under the 1:1 scheme, a mechanism is being established and Standard Operating Procedures were developed, in close cooperation between the Commission, Member States, EASO, UNHCR and Turkey. The system foresees that an initial list of resettlement candidates is prepared by the Turkish authorities on the basis of vulnerability criteria. This list is then assessed by UNHCR in order to identify the eligible cases to be submitted to EU Member States for resettlement, especially taking into account their situation and vulnerability. Member States make the final decision on candidates submitted to them by the UNHCR, and carry out their own security checks.

### **On what legal basis are irregular migrants being returned from the Greek islands to Turkey?**

People who do not apply for asylum in Greece or whose applications for asylum have been declared inadmissible will be returned to Turkey. The legal framework for these returns is the bilateral readmission agreement between Greece and Turkey and the EU-Turkey Readmission Agreement.

### **On what legal basis are asylum seekers being returned from the Greek islands to Turkey?**

People who apply for asylum in Greece will have their applications treated on a case-by-case basis, in line with EU and international law requirements and the principle of non-refoulement – the EU-Turkey Statement has made this very clear. There will be individual interviews, individual assessments and rights of appeal. There will be no blanket and no automatic returns of asylum seekers.

The EU asylum rules allow Member States in certain clearly defined circumstances to declare an application "inadmissible", that is to say, to reject the application without examining the substance after a fast-track procedure and thereby to accelerate the process of handling applications.

There are two legal possibilities that can be used for declaring asylum applications inadmissible, in relation to Turkey:

- 1) first country of asylum (Article 35 of the Asylum Procedures Directive): where the person has already been recognised as a refugee in that country or otherwise enjoys sufficient protection there;
- 2) safe third country (Article 38 of the Asylum Procedures Directive): where the person has not already received protection in the third country but the third country can guarantee effective access to protection to the readmitted person.

To ensure full respect of EU and international law, Greece and Turkey have both taken a number of legislative and administrative steps.

As well as providing assurances that all returned Syrians will be granted temporary protection upon

return, the Turkish authorities have provided further written assurances to the Commission that each non-Syrian who seeks international protection in Turkey will enjoy protection from refoulement, in line with international standards and in accordance with the applicable Law on Foreigners and International Protection.

The Commission has continued to support Greece by providing it with all the elements to conclude that Turkey is a safe third country and/or a country of first asylum within the meaning of the Asylum Procedures Directive, for the purpose of returning irregular migrants from the Greek islands to Turkey under the terms of the EU-Turkey Statement.

The Commission, as communicated to the Greek authorities on 5 May, and again on 29 July, finds that the legal framework in Turkey which establishes the protection status granted to Syrians (Temporary Protection Regulation) appears as sufficient protection or protection equivalent to that foreseen by the Geneva Convention. The Commission assess that Turkey has taken all the necessary measures in order to allow Greece to declare, on the basis of individual assessments, an application for asylum inadmissible in accordance with the Asylum Procedures Directive for both Syrian and non-Syrian applicants for asylum who had irregularly crossed into the Aegean Islands via Turkey as of 20 March 2016. Moreover, at the meeting of the Justice and Home Affairs Council on 20 May 2016, Member States indicated that they share this assessment.

### **What safeguards exist for asylum seekers?**

All applications need to be treated individually and due account must be given to the situation of vulnerable groups, in particular unaccompanied minors for whom all decisions must be in their best interests.

All applicants are also able to appeal the decision.

### **Will asylum seekers remain in Greece during the appeal procedure?**

Yes. When applying the concept of "safe third country" and "first country of asylum", any return decision is suspended automatically while the first appeal is being treated. A further judicial appeal does not have an automatic suspensive effect on the return process and is decided on a case by case basis.

### **Where will migrants be accommodated whilst they await return?**

Migrants will be accommodated either in open or in closed reception facilities on the Greek islands.

The Asylum Reception Conditions Directive and the Return Directive contain rules on the possibility to detain asylum-seekers and irregular migrants, in particular if there is a risk of absconding.

Detention must only ever be a means of last resort and must be proportionate.

The Commission is therefore asking Greece to pay particular attention to the needs of vulnerable people and unaccompanied minors, who in principle should not be detained.

### **How can you be sure that asylum seekers will be given protection in Turkey?**

Both the EU and Turkey agreed in their Statement of 18 March to respect the principle of non-refoulement.

Turkey has agreed to allow the EU to monitor regularly the situation of Syrians and non-Syrians returned to Turkey, including access to refugee camps and centres, and has concluded an agreement with UNHCR to provide access to removal centres to notably monitor Turkey's practices in relation to international protection procedures.

In addition, the EU is speeding up the disbursement of funds from the €3 billion Facility for Refugees in Turkey. This funding will support Syrians in Turkey by providing access to food, shelter, education and healthcare. An additional €3 billion will be made available after this money is used to the full, up to the end of 2018. The UNHCR will be a key actor in the resettlement process to provide additional support and supervision.

### **Who is coordinating the EU support to implement the EU-Turkey Statement?**

Heads of State or Government meeting in the European Council on 17-18 March 2016 agreed that "the Commission will coordinate and organise together with Member States and Agencies the necessary support structures to implement it effectively."

President Juncker appointed Maarten Verwey to act as the EU coordinator to implement the EU-Turkey Statement. Maarten Verwey is the Director-General of the European Commission's Structural Reform Support Service. He is supported by a coordination team responsible for the overall strategic direction and relations with key stakeholders, an operations group responsible for analysing all relevant data, planning and deployment of Member State experts, and a team focused on resettlement.

A steering committee, chaired by the Commission with Greece, the European Asylum Support Office (EASO), Frontex, Europol, and representatives of the Council Presidency, France, the United Kingdom and Germany, oversees the implementation of the Statement when it comes to returns and resettlement and addresses bottlenecks.

The EU coordinator has at his disposal significant resources from relevant European Commission services and EU agencies (FRONTEX, EASO, Europol).

### **What financial support is being provided to Greece?**

Since the beginning of 2015, Greece has been awarded €352 million in emergency assistance. Since the last report on 15 June 2016 alone, the Commission has awarded more than €90 million in emergency funding under the Asylum, Migration and Integration Fund and the Internal Security Fund to improve Greece's reception capacity and assistance to migrants and refugees.

In addition, substantial EU funding, approximately €198 million, is being provided to humanitarian partners through the recently created EU Emergency Support Instrument. On 19 April, the European Commission announced €83 million under the new Emergency Assistance Instrument, proposed by the Commission on 2 March, to improve living conditions for refugees in Greece, with funding made available immediately to the UNHCR, the International Federation of the Red Cross and six international NGOs. On 9 September the Commission announced another €115 million under the Emergency Support Instrument. The funds will support the winterization of reception capacity, deliver direct assistance to refugees through cash/voucher schemes, help refugee children to access education and help improve the situation of unaccompanied minors who are especially vulnerable and need special care and protection.

The emergency funding comes on top of the €509 million already allocated to Greece under the national programmes for 2014-2020 (€294.5 million from AMIF and €214.7 million from ISF). Overall, the European Union is reaching over €1 billion of support to Greece in tackling the migration challenges.

### **What happens to migrants who were already in Greece before 20 March?**

The total number of persons relocated from Greece by 27 September stands at 4,455. One year after the entry into force of the relocation schemes, the groundwork needed for making relocation work has been laid and significant progress achieved. September recorded 1,202 relocations from Greece, the highest monthly number so far, twice as high as during the previous reporting period.

The efforts by Italy and Greece, the Member States of relocation, EU agencies and international organisations have resulted in close to 100% fingerprinting, strengthened security, and a significant increase in the number of relocation applicants and a substantial acceleration of relocation transfers, particularly in the latest months. Member States should continue building on these encouraging results. With the increased capacity of the Greek Asylum Service, and if Member States step up their efforts, it should notably be possible to relocate the remaining relocation candidates present in Greece (around 30,000) within the next year.

### **What is being done to prevent the development of new alternative migratory routes?**

For the moment there is no evidence that new routes are developing directly as a result of the EU-Turkey Statement and the efforts to control the flows on the Eastern Mediterranean route. However, the situation is being monitored closely by the Commission and Frontex.

Within the EU, measures have been taken to protect vulnerable borders. Frontex has been gradually reinforcing its presence at the Bulgarian borders with Turkey (as well as with Serbia). As of 26 September, 177 experts were deployed in Bulgaria but there is still a considerable shortfall compared to the 345 experts agreed as required and the Commission continues to urge all Member States to contribute to meet the Frontex calls. In addition, the Commission has recently awarded up to €108 million of emergency assistance to Bulgaria to strengthen border surveillance and migration management at Bulgaria's external borders to Turkey, Serbia and the former Yugoslav Republic of Macedonia. Further applications by Bulgaria for additional emergency assistance of up to €52 million are still under examination. The new European Border and Coast Guard, which will be launched on 6 October, should act as a major support to the effectiveness and consistency of the EU's external border.

### **Has the Commission presented a proposal to open Chapter 33 as referred to in the 18 March EU-Turkey Statement?**

Accession negotiations on Chapter 33 (financial and budgetary provisions) were opened on 30 June in accordance with the EU-Turkey Statement. Preparatory work continues to make progress on five other Chapters, without prejudice to Member States' positions in accordance with the existing rules.

### **For more information**

[Press release: Delivering on migration and border management - Commission reports on progress made under the European Agenda on Migration](#)

[Communication](#): Third Report on the progress made in the implementation of the EU-Turkey Statement

FACTSHEET: [EU-Turkey Statement: Progress Report September 2016](#)

FACTSHEET: [The Facility for Refugees in Turkey](#)

FACTSHEET: [Managing the refugee crisis: EU financial support to Greece](#)

[Second Report](#) on the progress made in the implementation of the EU-Turkey Statement

[Operational implementation of the EU-Turkey Statement](#): Member States pledges and deployments for Frontex and EASO operations - returns and resettlements

[EU-Turkey Statement](#) of 18 March

[EU-Turkey Action Plan of 15 October](#), activated on 29 November

[Appointment of the EU Coordinator](#)

[European Agenda on Migration](#)

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