Kovenant Lingenfelter

Law and Public Policy

Senior

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Beth Cate, J.D.

Clinical Associate Professor

School of Public and Environmental Affairs

Faculty Mentor

Inhumane Asylum: An Investigation into the Failings of EU Refugee Policy

ABSTRACT: The Syrian civil war began in 2011, resulting in a mass exodus of refugees. Greece, being one of the closest points of entry into the European Union for the asylum seekers, quickly became oversaturated. Nearly one million refugees arrived in 2015 alone. As a signing party to the Dublin Regulation, which requires refugees to claim asylum at the first safe port they reach, Greece had to process almost every asylum claim lodged within its borders. Still recovering from its financial collapse of 2010, however, Greece lacked the infrastructure to maintain adequate reception facilities. The European Court of Human Rights and the Court of Justice of the EU responded to complaints about the deplorable condition of Greek refugee camps and found Greece's asylum system to be overcrowded and deficient in quality and basic services. Despite multiple attempts by EU officials to improve Greece's refugee reception facilities, recent reports show that conditions have steadily worsened. This study considers *what,*

if anything, international law can do to solve the problem of inadequate reception conditions in EU refugee host countries. A review of landmark court cases, relevant European Union laws, and media reports reveals a patchwork of existing laws that insufficiently govern the reception and processing of refugees. Despite a commitment to shared responsibility, EU member states uphold the Dublin Regulation, which leaves the burden of migrant crises to the border states and then punishes those states when their infrastructure fails to adequately absorb the impact. If EU policymakers and leaders aim to eliminate the disparity between their humanitarian goals and the inhumane conditions to which refugees are subjected within their borders, they must reform the Dublin Regulation, since it is compliance with the regulation that creates such conditions. Members of the European Parliament have recently proposed a series of reforms to the Dublin Regulation, but the Council of the European Union has yet to adopt their proposal. The Council should adopt the proposed changes, which would eliminate automatic conferral of responsibility on the first country of entry and establish a system for proportional sharing of refugees based on GDP and population data. Member states' adoption of these reforms will lead to a fairer distribution of responsibility and, ultimately, to more humane treatment of refugees across the European Union.

Introduction

Since the beginning of the Syrian civil war in 2011, millions of refugees have fled their war-torn homeland seeking asylum in the European Union, among other countries such as Lebanon, Jordan, and Turkey. Out of all the EU member states, Greece sustained the greatest impact of the refugee crisis because of its geographic proximity to Turkey. Nearly one million refugees arrived in Greece between January 2015 and February 2016 alone, according to the International Organization for Migration (2016). Though many of these asylum seekers hoped to continue to less congested countries like Germany and Sweden, the Dublin Regulation, implemented in 2013, requires that refugees' asylum claims be processed in the EU member state of their first point of entrance (*Regulation (EU) No 604/2013 of the European Parliament and of the Council*, 2013). Still reeling from its debt crisis of 2010, Greece's already weakened economy was unable to support the inundation of refugees without external assistance (The New York Times, 2016). Despite concerted efforts by Greek officials to meet the humanitarian standards prescribed by EU law, conditions in Greece's refugee camps progressively worsened. As a result, a critical question emerged for EU policymakers: *what, if anything, can international law can do to solve the problem of inadequate reception conditions in EU refugee host countries*?

The Moria Refugee Camp on Lesbos, Greece: A Disparity Between Reality and What the Law Prescribes

Living conditions for asylum seekers in the Moria refugee camp on Lesbos, Greece demonstrate a clear disparity between EU humanitarian objectives and what happens on the ground. As of December 6th, 2017, Aria Danika, the project coordinator for Medicins Sans

Frontieres (MSF) reported that mental health problems were widespread across the Moria camp. In an interview, she stated that, “In our mental health clinic we have received an average of 10 patients with acute mental distress every day, including many who tried to kill themselves or self-harm. The situation on the island was already terrible. Now it’s beyond desperate (The Guardian, 2017).” Workers at the MSF clinic just outside the camp have reported children as young as 10 years old attempting to commit suicide (Nye, 2018).

Apart from the mental health issues, refugees in the Greek camp risk becoming seriously ill or injured because of the processing center’s deplorable condition. Ali, a refugee who was since transferred from the Moria camp on Lesbos to the mainland, said that the camp was rife with violent sectarian and racist conflicts “between Sunnis and Shias, or Kurds, Arabs and Afghans (Nye, 2018).” Strife between Syrian rebel groups has led to claims of sexual assault and rape within the camp. Luca Fontana, the coordinator for the Lesbos branch of MSF, stated that Moria was in worse condition than the Ebola outbreak zones he had worked at in West Africa. For Luca, at least the victims of Ebola had their loved ones around to encourage them, but in Moria, “the hope is taken away by the system (Nye, 2018).” Doctors at MSF expressed concern about the occurrence of respiratory diseases caused by the use of tear gas by the Greek police to stop violent fights and riots within the camp. The doctors were also treating children with hygiene-related skin ailments resulting from their unsanitary living conditions. According to the medical charity’s records, there are 70 people to each toilet in the camp, and the whole place reeks of human waste. One refugee mother told a BBC reporter that there were feces on the floor of the mobile cabin where she and her 12-day old baby were housed (Nye, 2018). A press representative for the Greek government, George Matthaiou, admitted that the Moria reception center was in bad condition, but held the European Union responsible. "We don't have the

money. You know the situation of Greece, economically. I want to help but I can do nothing, because the European Union closed the borders (Nye, 2018)." Because of the overcrowding and lack of appropriate resources and staff in the camps, piles of rotting garbage have accumulated along the walkways and alleys behind the tents and mobile cabins (Kakissis, 2018).

In 2016, hoping to prevent greater numbers of asylum seekers from making their way to Europe, the EU signed an accord with Turkey to increase border security and keep refugees out of the Greek mainland. This agreement, commonly referred to as the *EU-Turkey containment deal*, converts the Greek islands into processing centers for the thousands of asylum claimants arriving on their shores. Greek officials are not permitted to send refugees to the mainland unless their applications for asylum are accepted; if they are rejected, the claimants are deported back to Turkey (Kakissis, 2018). Underlying the agreement is the notion that Turkey is a safe country capable of providing jobs, but as host to more than 3.5 million refugees, there are few, if any, jobs left for refugees there (UN High Commissioner for Refugees, 2017). As of June 2018, Greece was host to 58,000 refugees who had not yet been granted asylum, amounting to 1 refugee per every 185 Greek citizens (Ekathimerini, 2018).

Refugee Policy in the European Union

Before European Union policymakers can determine the extent to which international law *should* prescribe standards for the treatment of refugees, and how such laws could be enforced, it is necessary to evaluate existing international laws relevant to the subject. Legislators can make effective changes by identifying the ways current laws fall short of producing a satisfactory outcome, whether by failure to prescribe adequate standards or failure to adequately implement or enforce existing standards.

The Geneva Convention formed the basis for refugee law in the European Union with its 1951 *Convention Relating to the Status of Refugees*, and its 1967 *Protocol*. Article 1 of the 1951 Convention applies the term "refugee" to anyone who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (*Convention Relating to the Status of Refugees*, 1951, p. 152)."

The 1951 Convention enumerates several basic standards to be universally upheld in the treatment of refugees: non-discrimination, non-penalization, and non-refoulement (*Convention Relating to the Status of Refugees*, 1951, p. 156, 174, 176). Non-discrimination refers to the processing of refugees without preference or bias regarding the asylum applicant's sex, age, disability, sexuality, or other quality not relevant to their refugee status. The principle of non-penalization prescribes that refugees cannot be penalized or indicted for illegally entering a country, as seeking asylum often forces refugees to violate immigration laws. Paramount among all the provisions laid out in the 1951 Convention is the rule of non-refoulement, found in Article 33. The non-refoulement principle stipulates that "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion (p. 176)."

Lastly, the 1951 Convention details the fundamental rights of refugees in host countries, including access to the courts, access to employment, access to public education, and freedom of

movement (*Convention Relating to the Status of Refugees*, 1951, p. 164-166, 168, 172). The 1967 Protocol deleted the words "as a result of events occurring before 1 January 1951…" from the definition of "refugee," expanding the protection of the 1951 Convention to all refugees seeking asylum in Europe thereafter (*Protocol Relating to the Status of Refugees*, 1967, p. 268).

Subsequently, the *European Convention on Human Rights* (ECHR), signed in 1950, entered into force in 1953. The ECHR, like the 1951 Convention, was created as a response to the events of World War II. Articles 1-18 of the ECHR establish the basic human rights to be observed in Europe, including the Article 2 *right to life*, the Article 6 *right to a fair trial*, and the Article 13 *right to an effective remedy* where an individual believes their fundamental rights under the ECHR have been violated. Articles 19-51 provide a legislative basis for the creation of the European Court of Human Rights (ECtHR) and explain that the court's purpose is to interpret the ECHR. The Protocol to the ECHR provides additional rights to be observed and enforced, including the Article 1 *right to property*, the Article 2 *right to education*, and the Article 3 *right to free elections* (*European Convention on Human Rights*, 1950).

The ECHR, the 1951 Convention, and the 1967 Protocol served as the foundation upon which EU policymakers built the rest of Europe's system of laws concerning the rights and protections of refugees. Although the modern European Union with its current regulatory framework did not exist at the time of the signing of these documents, it later endorsed the agreements through Article 78 of the *Treaty on the Functioning of the European Union* (TFEU) and Article 18 of the *EU Charter of Fundamental Rights* (*Article 78*, 2013 and *Article 18 – Right to Asylum*, 2018).

Article 18 of the *EU Charter of Fundamental Rights* requires that member countries provide and protect the right to asylum as prescribed by the Geneva Convention and Protocol, the

TFEU, and the Maastricht Treaty, which established the European Union in 1993 (*Article 18 – Right to Asylum*, 2018). Together, the TFEU and the Maastricht Treaty are the constitutional basis for the European Union. Article 78 of the TFEU gives the EU power to design the *Common European Asylum System* (CEAS) that exists today (*Article 78*, 2013). Further, Article 80 of the TFEU states that, "the policies of the Union... and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the member states (*Article 80*, 2016)."

European Union policymakers intended the *Common European Asylum System* (CEAS) to achieve the "fair sharing of responsibility" standard. Enacted in 2005, the CEAS unifies legislation regarding refugee reception and processing procedures, detailing a comprehensive policy on "asylum, subsidiary protection, and temporary protection" for third-country nationals. According to the CEAS, asylum is a fundamental right and an international obligation. As such, EU member states should share joint responsibility to protect refugees (*Common European Asylum System,* 2018).

Since the Lisbon Treaty entered into force in 2009, amending and consolidating the governing bodies of the EU, Articles 78 and 80 of the TFEU are considered the primary laws prescribing the rights and protections due asylum seekers (Ray, 2018). In addition to these provisions, Regulation No 343/2003, which was later superseded and updated by the 2013 Dublin Regulation (Regulation No. 604/2013), and Council Directives 2003/9, 2004/83, 2001/55 and 2005/85 secure the right to asylum and require member states to provide humane, respectful treatment of asylum seekers. Together, these laws codify the intention behind the CEAS, which is to establish "an area of freedom, security and justice open to those who, forced by circumstances,

legitimately seek protection in the Community (*N.S., et al. v. Secretary of State for the Home Department*, 2011)."

Regulation No. 604/2013, originally Council Regulation No. 343/2003, establishes the criteria and mechanisms for determining which member state is responsible for processing refugees (*Council Regulation (EC) No 343/2003*, 2003 and *Regulation (EU) No 604/2013 of the European Parliament and of the Council,* 2013). Also known as the Dublin Regulation of 2013, 604/2013 is perhaps the most relevant law concerning the responsibility of EU member states to protect third-country nationals seeking refuge within their borders. Article 1 of the regulation spells out how to determine which member state is responsible for processing the asylum claim of a migrant. In general, pursuant to the Dublin Regulation, the member state in which the migrant first arrived in the EU is held responsible for processing the claim. Article 3, Section 1 of the regulation states that member states must evaluate asylum claims lodged within their borders, and that only one member state may be held responsible for evaluating a migrant's claim. Section 2 of Article 3 posits that a member state may *opt* to evaluate an asylum claim even if the claim is not their responsibility pursuant to the regulation; however, if the member state not responsible for the migrant voluntarily chooses to process the migrant's claim, the responsibility is officially transferred to that member state. Article 13 states that where the criteria laid out in Chapter III of the regulation fail to identify the responsible member state, the asylum claim will be deferred to the member state wherein it was filed. Article 17 provides that if a member state considers another member state to be responsible for a migrant's asylum claim, they may request the other member state to evaluate the application. According to Article 18, Section 7, if the requested member state fails to act for more than two months, full responsibility for examining the migrant's claim is automatically deferred to the first member state. Article 19 explains that when a member state

decides to transfer responsibility for a claim to another member state, the country wherein the claim was lodged is responsible for explaining to the applicant the fact that they will be sent to another country for evaluation of their claim, including the details of the transfer. According to Section 2 of this provision, the decision to transfer an asylum claim "may be subject to an appeal or a review." Section 4 requires the transfer to be carried out within 6 months, otherwise responsibility for the claim is deferred back to the country wherein the migrant filed his claim (*Regulation (EU) No 604/2013 of the European Parliament and of the Council,* 2013).

Council Directive 2003/9 establishes minimum requirements for the condition of migrant reception and processing centers in EU member states and requires that health care services be made available to asylum seekers. The Directive also requires that asylum seekers be given appropriate documentation and information as their claims are being evaluated (*Council Directive 2003/9/EC*, 2003).

Council Directive 2004/83 establishes the criteria officials should use to determine an applicant's status, and whether the asylum seeker is truly in need of international protection, considering the rights conferred to refugees by the 1951 Geneva Convention (*Council Directive 2004/83/EC*, 2004).

Council Directive 2001/55 identifies the basic requirements for providing short-term protection to asylum seekers in the case of a "mass influx" of migrants and encourages member states to share the burden of such an event (*Council Directive 2001/55/EC*, 2001).

Council Directive 2005/85 establishes the process by which member states may grant or withdraw refugee status, including the rights of applicants. Under the directive, where the facts show that an asylum seeker previously arrived in a "safe third country," the member state in which

the applicant's claim was ultimately lodged may refuse to evaluate the claim. Article 36, Section 2 of the Directive requires member states to ratify and comply with the conditions of the 1951 Geneva Convention, to implement an asylum system as required by law, and to ratify and comply with the provisions of the ECHR. Lastly, Article 39 of the directive spells out the "effective remedies" that must be made available to asylum seekers who receive a negative decision (*Council Directive 2005/85/EC*, 2005). The United Nations High Council for Refugees (UNHCR) has defined the right to an "effective remedy" as the right of individuals whose rights have been violated to appeal a decision denying their asylum claim in a court, tribunal, or other national judicial authority. In accordance with the principle of non-refoulement, the right to an effective remedy also allows for automatic suspension of asylum procedures to guarantee procedural fairness for the asylum claimant. The ECtHR has determined that "rigorous scrutiny" is required in such cases because of the potential for a decision to result in permanent harm to the asylum seeker (UN High Commissioner for Refugees, 2010).

The judicial bodies responsible for determining what constitutes a violation of the European Union's refugee policies are the European Court of Human Rights (ECtHR), which has jurisdiction to rule in cases pertaining to violations of the *European Convention on Human Rights* of 1950, and the Court of Justice of the European Union (CJEU), which is responsible for ensuring that EU laws are implemented consistently and effectively across member states (International Justice Resource Center and European Union, 2018). Both the ECtHR and the CJEU have ruled on standards of treatment for refugees in reception and detention centers, identifying those processing locations which have failed to meet the standards prescribed in existing laws.

In 2011, when the ECtHR ruled in *M.S.S. v. Belgium and Greece* and the CJEU ruled in *N.S., et al. v. Secretary of State for the Home Department*, both courts acknowledged that Greece's

refugee processing locations demonstrated systemic deficiencies. The ECtHR held that it was no longer safe to automatically transfer asylum seekers back to Greece if they had first arrived there because of refugees' claims of inhumane and degrading treatment in Greece's reception facilities (*ECtHR - M.S.S. v Belgium and Greece*, 2011). The CJEU found that Greece did not have enough camps to house the masses of asylum seekers arriving by boat, that the camps it had established were in deplorable condition, and that for those refugees who received a negative decision on their application for asylum, Greece was unable to provide access to an effective remedy (*N.S., et al. v. Secretary of State for the Home Department*, 2011).

Case Law from the ECtHR and the CJEU

In January of 2011, the European Court of Human Rights (ECtHR) decided *M.S.S. v. Belgium and Greece*, a critical case which altered the European Union's asylum procedures. At issue in the case was a claim that an Afghan asylum seeker, M.S.S., had been denied his guarantee to an "effective remedy (*ECtHR - M.S.S. v Belgium and Greece*, 2011)." According to the facts, M.S.S. escaped the Taliban in Kabul in 2008. Greece was his first safe port of entry into the EU pursuant to Council Regulation No. 343/2003, which presaged the Dublin Regulation of 2013 (*Council Regulation (EC) No 343/2003*, 2003). M.S.S. refrained from claiming refugee status until he had arrived in Belgium. Because Council Regulation No. 343/2003 conferred the responsibility of processing an asylum claim on the first safe EU member state a refugee enters, M.S.S. was transferred back to Greece in June of 2009. There, M.S.S. claimed that he was subjected to abuse by authorities and detained in substandard and degrading conditions. At the time M.S.S. was transferred to Greece, the Greek asylum system demonstrated a "systemic deficiency in the asylum procedure and in the reception conditions of asylum seekers (*ECtHR - M.S.S. v Belgium and*

Greece, 2011)." The claimant's testimony was unanimously corroborated by numerous accounts submitted by international non-governmental organizations. According to reports, the Hellenic Republic experienced "practical difficulties" in its attempt to enact the Common European Asylum System, thereby resulting in the aforementioned abuses (*ECtHR - M.S.S. v Belgium and Greece*, 2011). M.S.S. was later released by the Greek authorities to live on his own without any means of supporting himself financially (Mallia, 2011).

The ECtHR determined that Belgium and Greece had violated at least three of M.S.S.'s basic rights as provided by the 1953 European Convention on Human Rights: his right to life, the prohibition of inhuman and degrading treatment, and his right to an effective remedy. Because of the mistreatment he suffered, the European Court of Human Rights ruled that Belgium and Greece had violated the European Convention on Human Rights and held that it was "no longer safe to automatically transfer asylum seekers between EU member states (Mallia, 2011)."

Later, in December of 2011, the Court of Justice of the European Union (CJEU) ruled in joined cases C-411/10 and C-493/10, also called *N.S. et al.* v. *Secretary of State for the Home Department*. In the first case, C-411/10, an Afghan refugee claimed that the United Kingdom's decision to return him to Greece for processing would violate his rights under the European Convention on Human Rights (ECHR). According to the plaintiff's testimony and official records, on September 24th, 2008, he was arrested by Greek officials, but he did not file an asylum claim. The plaintiff was detained for four days, then given a 30-day notice to leave the country and was ultimately expelled to Turkey where he claims he was made to endure inhumane conditions for two months. He escaped Turkey and traveled to the United Kingdom, arriving on January 12th, 2009, at which point he filed a claim for asylum. On April 1st, 2009, the Secretary of State for the Home Department of the United Kingdom tried to send the asylum

claimant back to Greece, which was his first safe port of entry after fleeing his home country, consistent with Article 17 of Regulation No 343/2003 (*Council Regulation (EC) No 343/2003*, 2003). Greek officials did not respond to the request to transfer the claimant by the deadline given by Article 18(7) of the regulation, so his case was deferred to Greek officials on June 18th, 2009. The claimant was notified on June 30th, 2009, that he was to be transferred to Greece for processing on August 6th, 2009. He appealed the decision, asserting that the transfer would violate his rights under the ECHR (*N.S., et al. v. Secretary of State for the Home Department*, 2011).

The second of the joined cases in *N.S. et al.*, C-493/10, involved five asylum seekers from Afghanistan, Iran, and Algeria, completely unconnected to one another. Each of the plaintiffs in the case were arrested in Greece for illegal entry. After their release, they all traveled to Ireland. Three claimed asylum in Ireland without disclosing that they had first entered the EU via Greece, while the other two acknowledged they had first arrived in Greece. The EURODAC identification system showed they had all been in Greece. As in C-411/10, the plaintiffs argued that a transfer back to Greece would violate their rights under the ECHR (*N.S., et al. v. Secretary of State for the Home Department*, 2011).

The United Kingdom's Court of Appeal and the High Court of Ireland paused their proceedings in C-411/10 and C-493/10 and referred a series of questions to the Court of Justice of the EU for a preliminary ruling (*N.S., et al. v. Secretary of State for the Home Department*, 2011). Essentially, the lower courts were asking of the CJEU, *how should we interpret the treaties and international laws relevant to these cases?*

After careful consideration of the EU's extensive system of refugee policy, the court focused on several key legislative measures: the 1951 *Convention Relating to the Status of*

Refugees and its 1967 *Protocol*, the *European Convention on Human Rights* (ECHR) of 1953, Article 18 of the *EU Charter of Fundamental Rights*, Articles 78 and 80 of the *Treaty on the Functioning of the European Union* (TFEU), the *Common European Asylum System* (CEAS), Council Regulation No 343/2003 – now the 2013 Dublin Regulation - and Council Directives 2003/9, 2004/83, 2001/55 and 2005/85 (*N.S., et al. v. Secretary of State for the Home Department*, 2011).

According to the court, the EU expressly designed the Common European Asylum System so that each participating State could assume that all other participating States complied with the fundamental rights guaranteed by the Charter, the Geneva Convention, and the ECHR. The "principle of mutual confidence" led to the creation of Regulation No 343/2003, which the EU intended to accelerate evaluation of asylum claims by the responsible member states. This mechanism operates under the assumption that claimants are, in practice, treated according to the minimum standards in all member states. Nevertheless, the court found that, "it is not… inconceivable that [a] system may, in practice, experience major operational problems," resulting in a significant risk that "asylum seekers may, when transferred to that member state, be treated in a manner incompatible with their fundamental rights (*N.S., et al. v. Secretary of State for the Home Department*, 2011)."

To determine whether Greece's asylum system was incompatible with the fundamental rights granted to refugees, the CJEU evaluated UNHCR reports provided by the lower courts. According to the court's findings, "applicants [in Greece] encounter numerous difficulties in carrying out the necessary formalities; they are not provided with sufficient information and assistance; their claims are not examined with due care; the proportion of asylum applications which are granted is understood to be extremely low; judicial remedies are stated to be

inadequate and very difficult to access;" and "the conditions for reception of asylum seekers are considered to be inadequate: applicants are either detained in inadequate conditions or they live outside in destitution, without shelter or food (*N.S., et al. v. Secretary of State for the Home Department*, 2011)."

In its ruling in *N.S. et al. v. Secretary of State for the Home Department*, the CJEU held that EU law precludes a "conclusive presumption" that the member state responsible for processing a refugee's asylum claim is compliant with the provisions prescribed by the 1951 *Convention* and the *European Convention on Human Rights*. Greece's ratification of these documents, for example, is not sufficient justification for officials in Ireland to transfer asylum claimants back to Greece as their first EU country of entry pursuant to Regulation No. 343/2003, now the Dublin Regulation. The court assumes that the member state which should transfer the refugee to the responsible member state has the resources necessary to assess and determine whether the responsible member state observes refugees' fundamental rights. If it is possible that the asylum seeker may be subjected to "inhumane or degrading treatment" as a result of exposure to systemic deficiencies in the responsible member state's asylum procedures, the member state in which the refugee filed their claim for asylum must not transfer the claimant to the responsible country. If the responsible member state is not in compliance with the fundamental rights of refugees, the member state which should transfer the asylum seeker may attempt to establish a rationale for transferring the applicant to another member state. The only stipulation regarding this solution is that the procedure for determining a different responsible member state must not worsen the condition of the applicant's fundamental rights by taking an unreasonable length of time. If the procedure proves to be too lengthy, the member state wherein the refugee's asylum application was filed must evaluate the claim (Court of Justice of the

European Union, 2011). As a result of these cases, EU member states suspended transfers to Greece under the Dublin Regulation (The Library of Congress, 2016).

The Official Response to Greece's Systemic Deficiencies

The European Commission, which monitors and enforces compliance with EU asylum standards, observed that the migrant crisis of 2015 hindered Greece's progress toward providing humane reception conditions. Greece's failure to provide satisfactory reception facilities was due, in large part, to its compliance with the Dublin Regulation, which entered into force in 2013. The Dublin Regulation requires asylum seekers to file their claims at the first safe port of entry they reach upon fleeing. Therefore, if a migrant claims refugee status in an EU member state, and that state finds that its border has served as the refugee's first safe point of entry into the EU, the member state is required to process the asylum claim. As the closest point of entry for refugees from North Africa and the Middle East, Greece's compliance with the Dublin Regulation forced the island country to absorb a disproportionate number of asylum applications among EU member states. Attempting to meet legal standards for its asylum system, Greece adopted two action plans intended to create new processing centers, improve existing conditions in the refugee camps, require fingerprinting of migrants and asylum seekers, protect unaccompanied minors, and ensure that an effective remedy would be provided in the event of a negative decision against an asylum seeker's application for refugee status. To make up for the disparity between Greece's burden of responsibility for the migrants and that of the other member states, the EU decided in 2015 to relocate a minimum of 66,400 refugees from Greece within two years. As of February 2016, however, only 218 refugees had been relocated to other EU member states from Greece. The

failure of these redistribution plans stems from resistance by some Schengen Area member countries to absorb asylum seekers (The Library of Congress, 2016).

The Schengen Area, and How Greece Almost Got the Boot

The Schengen Area is a politically-defined zone consisting of 26 European countries. To gain access to the club, the following countries eliminated their internal border controls: Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland. Without internal borders, travelers can move freely throughout the Schengen Area, as long as they comply with existing external border laws. Therefore, the member countries on the outermost border of the Schengen Area, including Greece, have the responsibility of protecting all the other member countries from the illegal entry of foreign nationals (*Europe Without Borders*, 2015).

The Schengen Area was also designed to bolster the countries' shared judicial system and international police force. To accomplish this objective, all Schengen Area members are required to use the Schengen Information System (SIS), which is a database used by police, migration, and judicial authorities to cooperatively collect information on criminal activities and entrance of non-EU nationals into the Schengen Area. Schengen states share intelligence data through the SIS and, as a result, are better-equipped to address problems of crime and terrorism (*Europe Without Borders*, 2015). The Schengen Area allows the 400 million citizens within its borders to travel without passport checks, since the geographic distinctions between member states on maps no longer apply to individuals who have *legally* gained access to the Schengen Area (Schengen

Visa Info, 2018). After demonstrating a high level of external border security, Greece joined in 2000 (The Economist, 2015).

In 2015, Greece received its largest influx of refugees yet - more than one million people that year - triggering protective responses among other EU member states (Clayton and Holland, 2015). Several Schengen Area members took advantage of a temporary allowance for re-imposing internal border controls prescribed in Article 29 of the Schengen Borders Code. By stopping travelers and checking their identification documents, countries could prevent refugees and migrants from entering their borders. Near the end of that year, in November, the European Commission surprised Greek officials by sending a team of Schengen experts to evaluate Greece's external border control system, and to determine whether the mechanisms were functioning in compliance with Schengen rules. The team published their Schengen Evaluation Report on February 2nd, 2016, in which they criticized Greece's external border control practices, jeopardizing the country's legitimacy as a Schengen Area member, and made recommendations for improvement (*Interinstitutional File: 2016/0035*, 2016).

The Commission's report highlighted major shortcomings in Greece's border monitoring and identification-checking practices, as well as its overall lack of appropriate security forces, training, infrastructure, and equipment. The report advised Greek officials to add security features to "temporary stay" documents so that migrants would not be able to forge their paperwork. In addition to this security measure, the team advised the Hellenic Police to provide more fingerprinting scanners and add more members to the police staff responsible for registering and fingerprinting migrants. Fingerprinting of all migrants is essential to ensure that they are added to the EURODAC central system, which is a database that tracks all asylum applicants and includes information about the asylum seekers first point of entry into the EU,

pursuant to the Dublin Regulation. The report also instructed Greek officials to increase surveillance at the sea border between Greece and Turkey to prevent vessels from crossing illegally. Finally, the report required Greece to create a plan of action to remedy the flaws described in the Commission's evaluation and follow up with a report detailing how the plan would be carried out (*Interinstitutional File: 2016/0035*, 2016). One of the implications of Greece directing its limited financial resources to comply with the Commission's requests was that Greece had even less funding to devote to improving its refugee reception facilities.

Greece published its action plan just over a month later, on March 12th, 2016. The purported goal of the plan was to restore the legitimacy of the Schengen Area by the end of 2016. To uphold its end of the agreement, Greece vowed to carry out all the necessary external border security procedures. Once Greece guaranteed compliance with the Schengen Borders Code, the European Commission hoped other Schengen Area member states would begin lifting the temporary internal border controls they had enacted which stopped the free movement of travelers within the area (*Communication from the Commission to the Council*, 2016).

In response to Greece's action plan, the European Commission concluded that Greece had made great strides toward managing their borders in compliance with the Schengen Agreement; however, the Commission stated that further clarification was needed concerning how Greece intended to address "timing, responsibility and financial planning (*Communication from the Commission to the Council*, 2016)." Shortly after Greece's action plan was published, the EU-Turkey containment deal came into force on March 20th, bolstering Europe's resolve to diminish its responsibility in the migrant crisis (*EU-Turkey Statement*, 2016).

A Joint Action Plan to Curb the Migratory Flow

On November 29th, 2015, the European Union and Turkey committed to a joint action plan designed to mitigate the migrant crisis. The plan requires Greek officials to keep asylum seekers on the islands for processing. Unless a migrant is granted asylum, they are not allowed to continue to Greece's mainland; if a refugee status claim is rejected, the migrant is sent back to Turkey. As part of the agreement, Turkey agreed to operate a Facility for Refugees in order to provide education, health care services, and other vital resources to its migrant population in exchange for EU funding in the amount of €3 billion from 2016-2017. Of the pledged amount, €1 billion came from the EU's budget, and the other €2 billion were collected from member state contributions. Immediately after the plan was activated, Turkey opened its labor market to Syrians, increased its border security to guard against smugglers, and began sharing information more transparently with the EU (*EU-Turkey Statement*, 2016).

On March 7th, 2016, Turkey also agreed, "to accept the rapid return of all migrants not in need of international protection crossing from Turkey into Greece and to take back all irregular migrants intercepted in Turkish waters." To stop the illegal work of smugglers and protect the migrants whose lives they put at risk, Turkey and the EU decided to take action in several key ways:

1. First, from March 20th, 2016 and onward, all new "irregular migrants" traveling from Turkey into Greek islands will be sent back to Turkey, consistent with EU and international law. According to the plan, this is a temporary procedure necessary to protect asylum seekers from unsatisfactory reception conditions in Greece and reestablish order at sea. Any migrants not intercepted but arriving on the shores of Greece will be processed by Greek authorities according to the Asylum Procedures Directive, cooperating with the UNHCR. Those who claim refugee status will be processed as

refugees, and those who do not will be immediately returned to Turkey. The EU will cover the cost of returning irregular migrants to Turkey (*EU-Turkey Statement*, 2016).

2. The second condition of the agreement spells out a one-to-one exchange, such that for every Syrian sent back to Turkey from reception centers on the Greek islands, a Syrian will be moved from Turkey to an EU member state for resettlement, in accordance with the UN Vulnerability Criteria and pre-existing agreements made at the Representatives of the Governments of member states meeting on July 20th, 2015. According to this agreement, EU member states volunteered to resettle a total of 18,000 refugees. In the event that the exchange procedure is insufficient to stop the irregular migration trend and the incidence of returns exceeds an additional 54,000 persons, the procedure of returning migrants to Turkey from Greek islands will be terminated (*EU-Turkey Statement*, 2016).
3. The third condition of the agreement requires Turkey to "take any necessary measures" to stop smugglers from opening new sea or land routes between Turkey and the EU (*EU-Turkey Statement*, 2016).
4. Fourth, the agreement proposes activating the Voluntary Humanitarian Admission Scheme (VHAS) once the incidence of irregular crossings between Turkey and the EU diminishes. The VHAS is the EU's plan to share Turkey's burden of migrant populations on a voluntary basis (*EU-Turkey Statement*, 2016).
5. The fifth condition outlines "visa liberalisation," mandating that all participating EU member states lift visa requirements for Turkish citizens by the end of June 2016, pending Turkey's satisfactory compliance per the European Commission's performance reviews (*EU-Turkey Statement*, 2016).

6. Sixth, the EU promises to accelerate the disbursement of the €3 billion Turkey was guaranteed in support of the Facility for Refugees in Turkey by the end of March. Turkey must provide a detailed list of specific projects for the benefit of refugees, especially "in the field of health, education, infrastructure, food and other living costs." Once Turkish officials forecast budgets for these projects, the EU will grant the country another €3 billion to be used until the end of 2018 (*EU-Turkey Statement*, 2016).

Together, the EU and Turkey agreed to share the responsibility of monitoring compliance with the joint action plan monthly (*EU-Turkey Statement*, 2016).

On December 8th, 2016, the European Commission issued a press release detailing the short-term success of the Joint Action Plan. Prior to March 20th, an average of 1,740 migrants crossed the sea between Turkey and the Greek islands *daily*. After the plan was activated on March 20th, the daily average decreased to just 90. In 2015, from the end of September to the beginning of December, a total of 390,000 migrants arrived on the Greek islands from Turkey; in 2016, during the same span of time, only 5,687 refugees arrived on Greek shores. In the nine short months since the plan had been implemented, EU officials returned 748 migrants to Turkey. In exchange, 2,761 Syrian refugees were sent to Europe from Turkey (*Implementing the EU-Turkey Statement*, 2016).

On March 14th, 2018, the European Commission announced its approval of Turkey's compliance with the Joint Action Plan and its resolve to allocate a second installment of funding to Turkey on behalf of its crisis relief efforts. According to reports, Turkey's Facility for Refugees had provided 500,000 children with education and provided financial support to 1.2 million refugees on a monthly basis. Upholding its commitment in the original *EU-Turkey*

Statement, the EU will issue Turkey another €3 billion in support of the Facility's projects (*The EU Facility for Refugees in Turkey*, 2018).

In total, the European Union has committed €6 billion to create and support Turkey's Facility for Refugees for the terms of 2016-2017 and 2018-2019. The Facility focuses on "humanitarian assistance, education, migration management, health, municipal infrastructure, and socio-economic support." In its first term, the organization implemented 72 projects in pursuit of those ends: 1.2 million refugees became recipients of the Emergency Social Safety Net, more than 266,000 children began going to school with their families receiving financial support through the Conditional Cash Transfer for Education program, and 18,000 pregnant women received pre- and post-natal care. Overall, 500,000 Syrian refugee children were able to attend schools in Turkey. The Facility has also commissioned 5,500 Turkish language instructors to teach 312,000 children in 23 provinces, and construction of an additional 175 schools is in the works. As for healthcare, the Facility established 12 centers for migrant health services, employing 813 staff members. More than 217,000 refugee infants were vaccinated, and more than 760,000 healthcare consultations were carried out. Only 8% of the Facility's total funding is allocated for socio-economic support, leaving that category as one of the most neglected (*The EU Facility for Refugees in Turkey - Factsheet*, 2018).

According to the Missing Migrants Project, despite Greece's action plan and the European Union's deal with Turkey, 2016 proved to be the deadliest year yet for migrants crossing the Mediterranean; the death toll at sea that year reached 4,850 (2018). It is, therefore, possible that stricter enforcement of external border controls and immigration laws has resulted in greater mistreatment of refugees.

Funding as Enforcement Policy

The success of the EU-Turkey containment deal is a testament to the efficacy of financial incentives in policy enforcement. In recent years, motivated by a desire to contain the influx of irregular migrants and prevent them from reaching the rest of Europe, EU policymakers have allocated extensive funding to Greece in support of its refugee reception facilities. From 2008-2013, the EU allocated money to Greece through the European Refugee Fund, as well as over €50.6 million in emergency funding. From 2014-2020, the European Commission awarded Greece another €294.5 million from the Asylum, Migration and Integration Fund, as well as €214.8 million from the Internal Security Fund - Borders and Visas to support the reform of Greece's asylum system. Between 2014 and 2016, the EU supplied another €133 million in emergency assistance funds (The Library of Congress, 2016). Responding to record numbers of asylum seekers and economic migrants in 2015, the EU allocated additional emergency funding to Greece. To ensure that temporary provisions were supplied for the millions of refugees who would need to be processed, the EU granted Greece emergency funds in the amount of €605.3 million from 2016 to the present day (*Greece*, 2018).

Despite being the recipient of extensive financial support on behalf of its humanitarian relief effort, Greece remained ill-equipped to receive the unprecedented influx of people (*Greece*, 2018).

Recommendations for Improvement

After a thorough evaluation of the present condition of Greece's refugee reception facilities, extensive research into the European Union's existing system of refugee policy, and careful analysis of the relevant legal rulings, I advise EU policymakers to reform the Dublin Regulation of 2013. In its present form, enforcement of the Dublin Regulation gives rise to

overcrowded reception facilities and inhumane living conditions for asylum seekers in the EU border states.

The Dublin Regulation forces Greece, as an EU and Schengen Area border state, to absorb the brunt of the irregular migratory flow from Turkey and North Africa. Reasonably, Greece has demonstrated that it does not have the capacity to maintain its reception facilities in a manner consistent with EU humanitarian objectives, despite receiving hundreds of millions of euros in EU aid. In response, the European Commission has reprimanded Greece with deadlines by which it must remedy its "systemic deficiencies," coupled with threats of kicking Greece out of the EU or the Schengen Area, should it fail to attain the proper standard.

The reality is that the other EU member states need Greece to absorb and process the millions of asylum seekers arriving on its shores. If Greece were to lose its status as an EU or a Schengen Area member state, it would have little incentive to direct its limited financial resources to external border security on behalf of the other member states. Without vigilance by Greece's immigration officers at the sea border between Turkey, the security of the entire EU and Schengen Area would be jeopardized, and the asylum seekers traveling into Greece every day would easily make their way through to Macedonia, Serbia, and on to Austria, Germany, Belgium, and elsewhere in Europe.

Other attempts on behalf of EU policymakers to improve Greece's asylum system have led to questionable outcomes. The EU-Turkey containment deal, for example, which created the Facility for Refugees in Turkey and was supported by €6 billion in EU funding from 2016-2019, issued monthly cash benefits to 1.2 million refugees and education to 500,000 refugee children in its first two years of operation. In exchange for the EU's continued financial support, Turkey and Greece agreed to increase their border security, preventing smugglers from transporting asylum

seekers to Europe. On one hand, this tactic worked well for the EU; migrant arrivals in Greece decreased from a daily average of 1,740 to just 90 during the program's first year in 2016 (*The EU Facility for Refugees in Turkey - Factsheet*, 2018). On the other hand, statistics showed that the death toll for migrants crossing between Turkey and Greece in 2016 reached an all-time high of 4,850, an increase of 1,193 from the previous year (Missing Migrants Project, 2018). It is unclear whether the measures taken by Greece and Turkey to strengthen their border security resulted in this statistical rise in migrant deaths at sea. However, it is reasonable to suppose that attempts to cross the sea border became more difficult and treacherous for refugees as smugglers were forced to discover new ways of evading security forces.

Unlike the EU-Turkey containment deal, a reform of the Dublin Regulation would lessen the impact of the irregular migratory flow on countries like Greece and Turkey. Instead of making the escape route of refugees more dangerous and life-threatening, it would help EU member states achieve their humanitarian objectives by fairly distributing the migrant population. In 2016, members of the European Parliament began working toward a reform of the Dublin Regulation which would eliminate the automatic responsibility conferred on the first country of entry and establish a system for proportional sharing of refugees. The Parliament's plan gives member states three years to transition to the new system, during which time the EU Agency for Asylum would determine, based on GDP and population data, how many refugees each EU member state could reasonably accept for relocation. Member states that decline the mandatory reallocation of asylum seekers will have their access to EU funding restricted. As evidenced by the effectiveness of the EU-Turkey containment deal, funding can be a convincing incentive - or deterrent. The plan also addresses the importance of processing children's asylum claims with special care. Guardians will be provided to unaccompanied minors seeking asylum

and must be present with the minor when they are fingerprinted, interviewed, or in any other information-sensitive situation. Lastly, the proposal gives asylum seekers a greater ability to prioritize where they would prefer to be transferred within the EU. If a refugee has family in a certain EU member state or has previously resided or studied in a member state, they should be sent to that location. Refugees who do not have a proven connection to a specific member state will be transferred to any member state that will accept them for relocation (European Parliament, 2018).

The European Parliament officially approved this proposal to reform the Dublin Regulation in November of 2017 and has urged EU member state leaders to endorse the reforms. However, because the European Parliament shares equal legislative authority with the Council of the European Union, adoption of the measure is now up for the Council's consideration (European Parliament, 2017). My own evaluation of the facts has led me to conclude that adherence to the Dublin Regulation is inconsistent with EU humanitarian standards, since compliance with the regulation results in inhumane conditions for refugees in reception facilities, in some cases leading to violations of their fundamental rights under EU law. I advise the Council of the EU to adopt the Parliament's proposal to reform the Dublin Regulation, and thereby enforce the principles of non-discrimination, non-penalization, and non-refoulement on behalf of all refugees in Europe.

Bibliography

1. Clayton, J. and Holland, H (2015 December 30). *Over One Million Sea Arrivals Reach Europe in 2015.* Retrieved from https://www.unhcr.org/en-us/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html
2. Council of the European Union (2016 February 12). *Interinstitutional File: 2016/0035 - Council Implementing Decision Setting out a Recommendation on Addressing the Serious Deficiencies Identified in the 2015 Evaluation of the Application of the Schengen Acquis in the Field of Management of the External Borders by Greece.* Retrieved from http://data.consilium.europa.eu/doc/document/ST-5985-2016-INIT/en/pdf
3. Court of Justice of the European Union (2011 December 21). *An Asylum Seeker May Not be Transferred to a Member State Where He Risks Being Subjected to Inhuman Treatment*. Retrieved from file:///C:/Users/koven/Downloads/CJE-11-140_EN.pdf
4. The Economist (2015 December 7). *Why Greece Was Almost Kicked Out of Schengen.* Retrieved from https://www.economist.com/the-economist-explains/2015/12/07/why-greece-was-almost-kicked-out-of-schengen
5. Ekathimerini (2018 June 20). *UNHCR: Greece Hosting 58,000 Refugees and Migrants in Early June.* Retrieved from http://www.ekathimerini.com/229864/article/ekathimerini/news/unhcr-greece-hosting-58000-refugees-and-migrants-in-early-june
6. EUR-Lex (2001 July 20). *Council Directive 2001/55/EC*. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32001L0055
7. EUR-Lex (2003 January 27). *Council Directive 2003/9/EC*. Retrieved from https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32003L0009

8. EUR-Lex (2004 April 29). *Council Directive 2004/83/EC*. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0083
9. EUR-Lex (2005 December 1). *Council Directive 2005/85/EC*. Retrieved from https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32005L0085
10. EUR-Lex (2003 February 18). *Council Regulation (EC) No 343/2003*. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003R0343
11. EUR-Lex (2013 June 29). *Regulation (EU) No 604/2013 of the European Parliament and of the Council*. Retrieved from https://eur-lex.europa.eu/eli/reg/2013/604/oj
12. European Commission (2018 October 27). *Common European Asylum System.* Retrieved from https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en
13. European Commission (2016 April 12). *Communication from the Commission to the Council.* Retrieved from https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160412/communication_assessment_greece_action_plan_en.pdf
14. European Commission (2015 June 3). *Europe Without Borders: The Schengen Area.* Retrieved from https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/docs/schengen_brochure/schengen_brochure_dr3111126_en.pdf
15. European Commission (2018 December 10). *The EU Facility for Refugees in Turkey.* Retrieved from https://ec.europa.eu/neighbourhood-enlargement/news_corner/migration_en
16. European Commission (2018 December). *The EU Facility for Refugees in Turkey – Factsheet.* Retrieved from https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/frit_factsheet.pdf

17. European Commission (2018 April 2). *Greece.* Retrieved from https://ec.europa.eu/echo/where/europe/greece_en
18. European Council (2016 March 18). *EU-Turkey Statement.* Retrieved from https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/
19. European Court of Human Rights (1950 November 4). *European Convention on Human Rights.* Retrieved from https://www.echr.coe.int/Documents/Convention_ENG.pdf
20. European Database of Asylum Law (2011 January 21). *ECtHR - M.S.S. v Belgium and Greece*. Retrieved from http://www.asylumlawdatabase.eu/en/content/ecthr-mss-v-belgium-and-greece-gc-application-no-3069609
21. European Parliament (2018 June 20). *EU Asylum Reform: Parliament's Stance on Dublin Regulation*. Retrieved from http://www.europarl.europa.eu/news/en/headlines/world/20180615STO05927/eu-asylum-reform-parliament-s-stance-on-dublin-regulation
22. European Parliament (2017 June 30). *Improving the Common European Asylum System.* Retrieved from http://www.europarl.europa.eu/news/en/headlines/priorities/refugees/20170627STO78418/improving-the-common-european-asylum-system
23. European Union (2018 August 30). *Court of Justice of the European Union (CJEU).* Retrieved from https://europa.eu/european-union/about-eu/institutions-bodies/court-justice_en
24. The Guardian (2017 December 6). *Greek Refugee Camps 'Beyond Desperate' as Islanders Protest in Athens*. Retrieved from

https://www.theguardian.com/world/2017/dec/06/aid-groups-warn-of-looming-emergency-at-greek-asylum-centres

25. International Justice Resource Center. *European Court of Human Rights.* Retrieved from https://ijrcenter.org/european-court-of-human-rights/
26. International Organization for Migration (2016 March 1). *Mediterranean Migrant Arrivals in 2016 Near 130,000; Deaths Reach 418.* Retrieved from https://www.iom.int/news/mediterranean-migrant-arrivals-2016-near-130000-deaths-reach-418
27. Kakissis, J (2018 March 9). *Europe Does Not See Us as Human': Stranded Refugees Struggle in Greece.* Retrieved from https://www.npr.org/sections/parallels/2018/03/09/589973165/europe-does-not-see-us-as-human-stranded-refugees-struggle-in-greece
28. The Library of Congress (2016 June 21). *Refugee Law and Policy: Greece.* Retrieved from https://www.loc.gov/law/help/refugee-law/greece.php
29. Mallia, P. (2011). *INTRODUCTORY NOTE TO THE EUROPEAN COURT OF HUMAN RIGHTS: M.S.S. V. BELGIUM & GREECE*. International Legal Materials, 50(3), 364-439. doi:10.5305/intelegamate.50.3.0364
30. Missing Migrants Project (2018 October 25). *Deaths of Migrants.* Retrieved from https://missingmigrants.iom.int/region/mediterranean
31. The New York Times (2016 June 17). *Explaining Greece's Debt Crisis.* Retrieved from https://www.nytimes.com/interactive/2016/business/international/greece-debt-crisis-euro.html
32. *N.S., et al. v. Secretary of State for the Home Department*, InfoCuria (CJEU 2011).

33. Nye, C (2018 August 28). *Children 'Attempting Suicide' at Greek Refugee Camp.* Retrieved from https://www.bbc.com/news/world-europe-45271194

34. Ray, M (2018 November 24). *Lisbon Treaty.* Retrieved from https://www.britannica.com/event/Lisbon-Treaty

35. Schengen Visa Info (2018 October 26). *Schengen Area – The World's Largest Visa Free Zone.* Retrieved from https://www.schengenvisainfo.com/schengen-visa-countries-list/

36. UN General Assembly (1951 July 28). *Convention Relating to the Status of Refugees*. United Nations, Treaty Series, vol. 189, p. 137. Retrieved from http://www.refworld.org/docid/3be01b964.html

37. UN General Assembly (1967 January 31). *Protocol Relating to the Status of Refugees*. United Nations, Treaty Series, vol. 606, p. 267. Retrieved from http://www.refworld.org/docid/3ae6b3ae4.html

38. UN High Commissioner for Refugees (2017 October 11). *Turkey Factsheet - October 2017.* Retrieved from https://reliefweb.int/report/turkey/unhcr-turkey-factsheet-october-2017

39. UN High Commissioner for Refugees (2010 May 21). *UNHCR Statement on the Right to an Effective Remedy in Relation to Accelerated Asylum Procedures*. Retrieved from https://www.refworld.org/docid/4bf67fa12.html