



ENC ANALYSIS

Turkey's Quest for Visa-Free Access to Europe

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On 16 December 2013, Turkey accepted a roadmap proposed by the European Union (EU) with the aim of visa-free travel regime for its citizens¹. One should remember that this came as a result of the re-admission agreement which was signed by the parties and which endeavoured the re-admission of third nationals who entered EU territory illegally into their home countries. These two events were very significant and mutually dependent. It should also be noted that this model has been used for many other EU candidate countries such as Montenegro, FYROM and Serbia among others. It therefore should not be regarded as a novelty. Once the process is over, Turkish citizens would be granted visa-free access to as many as 30 EU Member States and Schengen countries (Switzerland and Norway are, as means of example non-EU countries which are party to the Schengen agreement). When the process began, there was tremendous enthusiasm on both sides, albeit, it can be argued that relations between Brussels and Ankara were already complicated as a result of what some have perceived as the Turkish government's heavy hand in the Gezi protests. EU Home Affairs Commissioner at the time, Cecilia Malmstrom, had noted the historical significance of the launch of the visa liberalisation process and then Turkish Prime Minister Ahmet Davutoglu underscored that this could be the dawn of a new era in EU-Turkey relations with a change in how one another perceives the other². This also highlighted the role which Member States were granting to Turkey; that of guarding its borders and thus contributing significantly to the EU's internal security. Indeed, thanks to the re-admission agreement and subsequent cooperation in the refugee crisis, Turkish authorities have had a major role in making sure EU external borders are secure and sound.

Nonetheless, one should also underline that in order for visa requirements to be fully lifted, there is a variety of criteria which are included within the framework of the EU roadmap which Turkey is required to fully meet. These include, among many others, the necessity of improved border management, modernising and securing passports, establishing an asylum system which is in line with international and EU standards, fight against all types of illegal migration, organised crime and corruption, enhance judicial and legal authorities in the fight against the former and establish close cooperation with the EU in all of the above. These, among many others, are included within the 72 criteria which Turkey has to fulfil. Indeed, once all criteria have been duly completed by the Turkish authorities, at least the logic goes, Turkey would be granted visa-free access in the Member States.

As a result of the visa requirements, hundreds of thousands of Turkish nationals continue to queue every year in front of EU consulates, spending both their time and financial resources in order to gain access to the EU. Moreover, the presence of up to 4.5 million Turkish citizens living in various Member States such as, chiefly, Germany, France,

¹ European Commission, « Roadmap: Towards a Visa-Free Régime with Turkey », Brussels, 16 December 2013. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-is-new/news/news/docs/20131216-roadmap_towards_the_visa-free_regime_with_turkey_en.pdf

² European Commission, « Cecilia Malmström signs the Readmission Agreement and launches the Visa Liberalisation Dialogue with Turkey », Brussels, 16 December 2013. http://europa.eu/rapid/press-release_IP-13-1259_en.htm

Belgium, Netherlands and Sweden among others is a significant factor with respect to this particular issue. They both contribute to the economy of these respective nations and have laid ground there for decades. Indeed, thanks to bilateral immigration agreements dating back to the 1960s-1980s, Turkish immigration to many EU countries have been continuing, enriching various communities. As one can imagine, the visa barrier remains a potent deterrent for more Turkish citizens to settle and live within the EU. It should be noted that each year, many have been denied a visa, which has increased frustration. As means of example, in 2012, before the launch of the Visa Liberalisation Dialogue, more than 30,000 people had been denied a visa and thus did not benefit from entry in EU territory.

Taking a closer look at the various categories which suffer from the visa barrier, one should consider that it is first and foremost young people, as many young Turks are looking to study in EU universities, and sometimes later, build their respective careers within the EU. Both parties have looked into the visa conundrum for years. Indeed, as other Western Balkan countries were granted both EU candidate status and their respective visa liberalisation process launched, it became fair to say that Turkey was next in the list with its large population and long history with the EU.

The acceptance of the roadmap has not been easy from the part of Turkey either, as the Turkish authorities feared that as a consequence of the implementation of the re-admission agreement, Turkey would be faced with the prospect of taking back large number of irregular third nationals, which mostly had crossed EU borders through either Greece or Bulgaria. Nonetheless, it is of utmost importance to indicate that, thanks to constructive border cooperation between Turkish, Greek and Bulgarian authorities, the number of illegal crossings from Turkey's Western borders has dramatically decreased. Since the launch of Turkey-EU cooperation in the refugee crisis in autumn 2015 and the subsequent signature of the Turkey-EU Statement in March 2016, the number of detections have decreased. According to Frontex, the EU's external border agency, there were 764,038 detections in the whole Eastern Mediterranean route and those figures decreased to 130,261 by 2016³. Turkey's role in decreasing these numbers is very significant.

The visa roadmap includes the following four blocks:

- Documents security;
- Migration and border management;
- Public order and security;
- Fundamental rights.

Among these four blocks reside a total of 72 criteria which Turkey has to fully abide by and complete. As of 2016, Turkey has already completed 65 out of all 72 criteria. The Third Report on progress by Turkey in fulfilling the requirements of the visa liberalisation

³ FRONTEX, « Risk Analysis for 2017 », Warsaw, February 2017.
http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf

roadmap does underpin the necessity for Turkey to complete all remaining criteria in order for the process to be successfully completed⁴. These pending criteria are as follows:

- 42. Continue implementing the National Strategy and the Action Plan on Fight against Corruption and the recommendations of GRECO (I, II and III. Evaluation Round).
- 47. Provide effective judicial cooperation in criminal matters to all the EU Member States, including in extradition matters inter alia by promoting direct contacts between central authorities.
- 54. Conclude with EUROPOL and fully and effectively implement an Operational Cooperation Agreement.
- 56. Adopt and implement legislation on the protection of personal data in line with the EU standards, in particular as regards to the independence of the authority in charge of ensuring the protection of personal data.
- 65. Revise - in line with the ECHR and with the European Court of Human Rights (ECtHR) case law, the EU acquis and EU Member States practices - the legal framework as regards to organised crime and terrorism, as well as its interpretation by the courts and by the security forces and law enforcement agencies, so as to ensure the right to liberty and security, the right to a fair trial and freedom of expression, of assembly and association in practice⁵.

As one can notice, some of these criteria are particularly sensitive in a content of increased political tensions in Turkey and instability at Turkey's borders. Nonetheless, it should be reminded that authorities have vowed to continue all efforts in fully abiding by all of the criteria and thus contributing significantly in lifting the visa wall which so many Turkish nationals face whilst travelling to EU countries. It should be said also that recommendations from the European Commission in 2016 to lift the visa requirements did not materialise, leading to a further sense of frustration and uneasiness on the part of Turkish authorities, also putting in jeopardy existing cooperation in areas related to the Visa Liberalisation Dialogue.

At this current juncture when relations are particularly tense between Brussels and Ankara, it can be argued that the full implementation of the Turkey-EU Statement and the fight against illegal migration has taken significant importance, overshadowing the visa process. As of 2018, as the EU is currently under a Bulgarian round presidency, which is a nation which shares borders with Turkey and which had been directly faced by the refugee crisis, cooperation in the field of illegal migration seems even more so on the table.

As a result of what is perceived as increasing authoritarian tendencies in Turkey, EU authorities, and more so the Member States, seem reluctant in achieving further progress in the visa roadmap. Indeed, the focus seems to be more and more drifting towards a

⁴ European Commission, « Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap », Brussels, 4 May 2016. <http://www.statewatch.org/news/2016/may/eu-com-visa-list-turkey-visas-lifting-3rd-rep-com-278-16.pdf>

⁵ Statewatch, « Turkey meets 65 out of the 72 requirements for visa liberalisation », 6 may 2016. <http://www.statewatch.org/analyses/no-288-%20eu-com-turkey-readmission-requirements-overview.pdf>

contractual relationship where both parties have certain interests to defend and uphold primarily and other issues such as visa-free travel are thus overshadowed. It is as of yet too early to say if the process will resume under the current Bulgarian presidency, but it should be noted that if the Visa Liberalisation Dialogue were to be successfully concluded, offering at last visa-free access to Turkish nationals in the EU, it would contribute in easing tensions as well as, overall, provide a much needed positive and constructive impetus for Turkey-EU relations and Turkey's EU membership bid. If both parties can muster the necessary efforts to complete the process, the first beneficiaries of that would be ordinary Turkish citizens, many of whom have relatives already living and working in the Member States. Moreover, this would enhance the possibility of further EU investments in Turkey and the general perception of a country which is abiding by EU standards and principles, strongly anchored in the Euro-Atlantic family. Turkey's EU bid is probably one of the single longest and most difficult one. Misunderstanding on both sides has led to chronic tensions which have all but deteriorated not only the relations, but also the perception of one another. Nonetheless, it should also be remembered that in economic terms, Turkey is already overwhelmingly part of the European family. Indeed, as it signed a Customs Union with the EU since 1995, its goods and products are available in important quantities within the EU and Turkish consumers benefit from EU products as well. More than half of Turkey's exports leave for EU markets and more than 70% of all investments which are realised in Turkey originate from the EU. As such, one can clearly see that economically, both parties are already intertwined and interdependent. If the visa hurdle is lifted, it would undeniably contribute to further opportunities for growth and prosperity in Turkey, but also in enhancing EU standards in the country, which is in the interest of all.