



Visa free access to the EU for Turkish citizens

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Summary

1. The requirements for ending the need for a visa to enter the borderless Schengen zone are both complex and important. Turkey has been offered visa free travel for its citizens in exchange for vital assistance over the refugee crisis but there is a serious risk that some important corners will be cut.

Background

2. In 2013 a 'visa liberalisation dialogue' was opened between Turkey and the EU. The offer of visa free travel to the Schengen zone for Turkish nationals was originally in exchange for Turkey signing a readmissions agreement which would allow for the return of Turkish citizens illegally entering the EU and third country nationals who had entered via Turkey.

3. A "roadmap" outlined 72 requirements that Turkey had to meet before the European Commission could propose to the Council and to the Parliament an amendment to EC Regulation 539/2001 which would remove Turkey from the list of countries for which a visa was a requirement for entry into the Schengen zone.

4. The 72 requirements were split into the following groups:

- Document Security - 7 requirements relating to passports, travel documents and ID including security and management of data.
- Migration Management-28 requirements – the most difficult set – relating to border security and management, both with external states and EU partners, visa policy, international protection obligations and measures to address illegal migration.
- Public Order and Security - 21 requirements relating to organised crime and corruption, judicial cooperation with the EU, effective law enforcement and data protection.
- Fundamental Rights – 9 requirements which relate to the free movement of Turkish nationals across the country, access to travel and identity documentation as well as requirements to protect the rights of minorities.

- Readmission of Irregular Migrants - 7 requirements relating to the ratification and implementation of the 2012 readmission agreement

5. The Commission was to report biennially on Turkey's progress and only once the requirements were fully met would the Commission propose the amendment.

6. The first review conducted in 2014 found that, of the 72 requirements outlined in the roadmap, Turkey had fulfilled 13 and almost fulfilled a further nine. It had made positive progress in meeting 28 of the requirements and had made some progress towards a further 12 however had failed to fulfil ten of the requirements laid out in the roadmap.

The link with the refugee crisis

7. In November 2015 the EU and Turkey held a bilateral summit to address the migrant crisis. At the summit it was agreed that "the EU-Turkey readmission agreement would become fully applicable from June 2016".

8. In the Joint Action Plan published after the Summit the EU committed to "increase the financial assistance offered to support Turkey in meeting the requirements of the Visa Liberalisation Dialogue." In addition, there was a commitment to a 'reenergised' accession process.

9. The Commission reviewed the Turkey's progress on the road map for the second time in March 2016 and found that Turkey had fulfilled 19 of the requirements and almost fulfilled a further 17. Positive progress had been made on 26 and some progress had been noted on seven. Meanwhile no progress had been made on three of the requirements. The press release accompanying the second reports states the Commission should "be able to present its third progress report in autumn 2016 with a view to completing the visa liberalisation process and lifting visa requirements for Turkish citizens in the Schengen zone by October 2016, provided all the requirements of the Roadmap are met by then." It seems therefore that EU leaders have indicated that the visa liberalisation dialogue can be completed by October 2016 in exchange for Turkey's cooperation to address the migrant crisis.

10. Looking at the progress achieved between the first report in October 2014 and the second report of March 2016 it seems highly unlikely that all the requirements will be met in the very short period of time agreed at the Summit in October 2015. (See Annex A)

11. The danger is of course that the Commission will propose visa free travel into the Schengen zone, before the requirements of the roadmap are met. In return, Turkey's continued cooperation on the migrant crisis – so desperately needed by the EU – could be secured. Migration management is where there are the most outstanding requirements and it is this area which poses the greatest threat to EU security. For example, one of the requirements is to secure the external border, especially with the EU in order to reduce illegal immigration. The Commission found that the requirement was only partially fulfilled but noted that certain progress had been observed. This is despite almost 900,000 illegal immigrants who had crossed from Turkey into Greece during 2015. The requirement to amend visa rules to make it more difficult to enter Turkey for those who might present a greater migration risk is yet to be met. Turkey is also yet to set up structures to monitor and report on migration flows and patterns or to remove illegal migrants. It has also failed to negotiate and implement readmissions agreements with countries that are key sources of illegal immigration to the EU, thus making it more difficult to remove illegal migrants who are trying to make their way to the EU.

12. It has often been suggested that the decision to admit Romania and Bulgaria into the EU in 2007 was more of a political decision and less one based on meeting the Copenhagen Criteria for Accession. Thus, the European Commission has previously placed less emphasis on its own criteria in favour of a desired political outcome. A similar situation could occur in future whereby visa free travel is granted to the Turks before the roadmap requirements are fulfilled in order to secure further cooperation from Turkey in addressing the migrant crisis. This might prove extremely short sighted.

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Annex A

Table 1. The Outcome of the European Commission First and Second Reports on Turkish Progress in meeting the Visa Liberalisation Roadmap.

	October 2014	March 2016
Requirement fulfilled	13	19
Almost fulfilled	9	17
Partially fulfilled with good prospects	28	26
Only partially fulfilled	12	7
Not fulfilled	10	3
TOTAL	72	72

Document Security – Excellent progress has been observed by the Commission in the area of passport/ ID security however Turkey is yet to fulfil the requirement to issue machine readable passports with biometric data. This is important for ID integrity but more importantly to ensure that Turkish citizens can be cross checked against security watch lists when entering Europe.

Managed Migration – Some progress has been on visa policy. However little progress has been observed in the field of border management, especially in securing the border with the EU. Turkey is yet to amend her visa rules to make it more difficult for nationals of certain countries that are key sources of illegal immigration to enter the country. Some progress has been made on asylum policy but, crucially, Turkey is yet to fully implement the 1951 Refugee Convention and its 1967 Protocol, monitor legal and illegal migration flows or put in place readmissions agreements with countries that are key sources of illegal migration to the EU, or establish infrastructure for the removal of illegal migrants.

Public Order and Security – Significant progress in some areas of transnational crime, little progress in the area of judicial cooperation with the EU but much more progress in law enforcement cooperation with the EU, with the exception of Europol

Fundamental Rights –Fulfilled the requirements of Turkish nationals’ right to free movement within Turkey and ID acquisition rights for all, but less progress on protecting minority Roma rights.

Readmissions – Yet to fully implement the EU readmissions agreement or put in place the capacity to deal with readmissions when they are submitted.

Further Reading and References

The Roadmap can be read here: http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/20131216-roadmap_towards_the_visa-free_regime_with_turkey_en.pdf

The first progress report can be read here: http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/international-affairs/general/docs/turkey_first_progress_report_en.pdf

The second progress report can be read here: http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/international-affairs/general/docs/turkey_second_progress_report_en.pdf

The Commission Staff Working document (accompanying the second progress report) can be read here: http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/international-affairs/general/docs/turkey_second_progress_report_commission_staff_working_en.pdf

The press release accompanying the second progress report can be read here: http://europa.eu/rapid/press-release_IP-16-582_en.htm

Regulation 539/2001 can be read here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:081:0001:0007:EN:PDF>

EU Turkey Joint Action Plan can be viewed here: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/eu_turkey_joint_action_plan_implementation_report_20160304_en.pdf

Netherlands Institute of International Relations 'Croatia is the most prepared country for EU Membership ever': <http://www.clingendael.nl/publication/croatia-most-prepared-country-eu-membership-ever> For more on the relevance of the Copenhagen Criteria in EU Accession, see here: http://www.tlu.ee/stss/wp-content/uploads/2011/11/stss_nov_2011_veebel.pdf