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Refugee Resettlement in Crisis: The Failure of the EU-Turkey Deal and the Case for Burden-Sharing

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At this moment in history, the scale of forced migration has reached unprecedented levels. Due to the increase in civil wars and repressive regimes, the global population of people forcibly displaced from their homes has grown from 33.9 million in 1997 to 65.6 million in 2016, a record high (UNHCR 2016, 5). The current crisis in Syria has dramatically added to the number of forced migrants in recent years and has brought the “refugee¹ crisis” center stage as one of the most urgent international concerns today. While many have discussed international attempts to address the structural causes of forced migration, those causes are unlikely to be resolved soon. The refugee crisis is a long-term trend rather than a temporary phenomenon, because the number of chronically fragile states is growing, while opportunities for mobility are increasing (Betts 2015). Therefore, it is imperative to address the consequence of those structural problems—the millions displaced and in need of protection.

This paper will zero in on one demonstrative example of the current international policy response to refugee protection in Europe—the recent EU-Turkey deal and its shortcomings as a solution to the crisis. While the deal is successful at reducing the number of irregular arrivals to the EU, it fails at its legal and ethical obligation to protect refugees. The deal fails to protect because its underlying objective is not protection, but rather border control via “burden-shifting,” the transferring of responsibility onto other states. By outsourcing the refugee crisis to Turkey and forcing Greece to deal with refugees alone as the rest of the EU closes their borders, protection has deteriorated. As a result of the deal, refugees are crowded into under-resourced detention centers with unsafe conditions. In addition, the deal could hurt the European economy and threaten international security.

This paper will examine: (1) the terms of the EU-Turkey deal, (2) the humanitarian, economic, and global security consequences of its burden-shifting approach, (3) and the flawed legal framework, national interests, and short-sighted conceptualization of the crisis that beget burden-shifting. Finally, this paper will propose tradable refugee quotas with a matching mechanism as a possible policy solution for the EU sharing its responsibility to protect refugees.

¹ The term “refugee” is used broadly to refer to a person forcibly displaced from their home country seeking protection from a range of causes such as authoritarian regimes, conflict, human rights violations, environmental disasters, and state collapse.

The EU-Turkey Deal

The EU-Turkey deal targets the flow of asylum-seekers traveling from Turkey to Europe through Greece. According to the European Commission, “in 2015 alone, more than one million people arrived in the EU, around 885,000 of them through Greece” (EC 2017, 1).

Many asylum-seekers risk their lives crossing the Aegean Sea from Turkey to Greece in order to claim asylum in the EU. For instance, in December 2015 over 5,000 people made this journey each day (EC 2017, 2). The journey is dangerous; 1,145 asylum-seekers died in the Aegean in 2015 (EC 2017, 2). Once in Greece, only a few of the thousands of people who arrived daily registered for asylum there, while the vast majority of migrants and asylum seekers moved on towards central Europe (EC 2017, 1). This secondary movement occurs because Greece is usually not a first choice for refugees due to its already overwhelmed system for receiving refugees and limited economic opportunities. As a result, many prefer to pass through Greece to enter the rest of Europe and apply for protection there (Collett 2016). This secondary movement is technically illegal because asylum seekers are supposed to apply for asylum in the first country that they arrive in once in the EU.

The stated purpose of the EU-Turkey deal of April 2016 was threefold: “reducing both the number of persons arriving irregularly to the EU and the loss of life in the Aegean whilst providing safe and legal routes to the EU for those in need” (EC 2017, 4). The terms of the EU-Turkey deal allow Greece to return all “irregular migrants” to Turkey (EU-Turkey statement 2016). Irregular migrants include those who do not apply or do not qualify for asylum, as well as those who apply for asylum but have arrived from a safe country where they could have claimed protection (Collett 2016). Turkey, the country most refugees pass through to get to Greece, is being designated a safe country under the terms of the deal (Collett 2016). This is the first time that the EU has adopted a policy of returning asylum seekers because they have passed through a “safe country” outside the EU. Because the deal defines Turkey as a safe country, all incoming asylum-seekers arriving in Greece from Turkey are eligible for deportation. Turkey also pledged to crack down on smugglers illegally transporting refugees to Greece (EU-Turkey statement 2016). In exchange, the EU pledged to resettle one Syrian refugee residing in Turkey for every Syrian returned to Turkey from Greece; accelerate making Turkey a member of the EU through visa liberation for Turkish nationals; and boost financial support for Turkey’s refugees (EU-Turkey statement 2016). In effect, the deal shifts the burden of the EU’s migrant flows onto Greece and Turkey to stop secondary movement, dissuade refugees from coming to Greece in the first place, and essentially close its borders.

Based on the deal’s own stated objectives, it could be called a success. The deal accomplished the stated goal of reducing the number of irregular arrivals to the EU. The number of arrivals dropped by 97% immediately after the deal was enacted, from 5,005 people daily in December 2015 to 43 people daily in March 2016 (EC 2017, 2). Furthermore, the deal achieved the stated goal of reducing the “the loss of life in the Aegean,” as the number of deaths in the Aegean decreased from 1,145 in the year before the statement to 80 in the year which followed (EC 2017, 2). Finally, the stated goal of “providing safe and legal routes to the EU for those in

need” could be considered successful if one’s definition of “those in need” excludes all irregular migrants coming from Turkey. Indeed, the EU Commission reports that the implementation of the EU-Turkey deal has been a success (EC 2017, 1).

However, success depends on how the results are defined. While the deal is successful based on the EU’s own objectives, the deal is a failure in terms of the EU’s ethical and legal commitment to refugee protection. By focusing on burden-shifting and deterrence rather than focusing on protection, the results of the deal are a humanitarian failure.

In Greece, the deal has shifted the responsibility of reception in the EU onto Greece, a country that already received the majority of refugees coming to the EU—around 885,000 out of one million EU arrivals in 2015 (EC 2017, 1). While the deal has decreased the number of arrivals in Greece overall, the deal has actually caused the number of arrivals registering for asylum there to increase. Before the deal, only a few thousand arrivals actually stayed in Greece and applied for asylum there; most traveled on to wealthier countries in the EU (EC 2017, 1). After the deal, blocked entry to the rest of Europe transformed Greece overnight from a passageway to the final destination, as asylum seekers are left with no option but to apply for protection in Greece. As a result, Greece has become overwhelmed by the enormously increased task of processing claims, holding refugees in camps while they wait, and granting asylum (Collett 2016). It may seem like the burden would not be so substantial because Greece can return the asylum-seekers to Turkey. Yet, in practice Greece can return only a limited number of migrants because it cannot process asylum claims quickly in its overwhelmed system, and other EU states are reluctant to assist (Collett 2016). With Greece’s system so overburdened, the deal has deteriorated protection for refugees in Greece. Thousands of refugees are living in challenging conditions, often without basic needs met, while waiting for Greece’s overloaded system to process their asylum applications or return them to Turkey (Gogou 2017). Amnesty International reports:

On the Greek islands the harrowing human cost of the deal is laid bare. Not allowed to leave, thousands of asylum-seekers live in a tortuous limbo. Women, men and children languish in inhumane conditions, sleeping in flimsy tents, braving the snow and are sometimes the victims of violent hate crimes. Five refugees on Lesbos, including a child, have died amid such conditions. After the deaths of three men in Moria camp in January 2017, one man living there told Amnesty International: “This is a grave for humans. It is hell.” Another 20-year-old Syrian refugee said: “I escaped Syria to avoid jail but now I am imprisoned” (Gogou 2017).

These conditions do not meet the standards of protection under the guidelines set forth by the United Nations High Commissioner for Refugees (UNHCR) that include access to adequate living standards, work, education, health care, and access to a secure legal status (Dimitriadi 2016, 5).

Meanwhile, the EU has also shifted its responsibility to protect by returning refugees to Turkey, at a significant humanitarian cost. Turkey had already been overloaded with refugees, even more so than Greece, due to its closer proximity to refugee countries of origin; quarantining refugees in Turkey merely increases that burden. Yet, the EU-Turkey deal deflects the responsibility of Europe—one of the wealthiest continents in the world—to Turkey, a country already hosting 3 million refugees. Thus, the deal strains the resources of an already strained system. This is especially troubling given that Turkey's designation as a "safe third country" is dubious. First, Turkey's authoritarian drift could mean that the nation will "place greater weight on securing financial assistance or political backing from rich donor countries, than on responding to local grievances about the presence of refugees" (Boswell 2003). Therefore, societal tensions could be exacerbated and not adequately addressed, which could threaten refugee safety and assimilation. Second, Turkey has tightened its borders and returned refugees back to Syria, in direct violation of international law that establishes that refugees cannot forcibly be returned to their countries of origin (Amnesty International 2016). Third, reports indicate that conditions at Turkey's refugee camps fail to provide basic human services such as clean water, emergency medical services, and protection from dangers such as kidnappings (Amnesty International 2016). It is estimated that about 3 million asylum seekers and refugees in Turkey are left to find shelter on their own (Dimitriadi 2016, 5). As with Greece, these conditions contrast with the UNHCR standards of protection. Thus, Turkey is not a safe country for refugees.

Besides the immediate humanitarian costs, deteriorated protection in Greece and Turkey due to burden-shifting under the deal could exacerbate the structural conditions that force refugees to flee in the first place. In the long term, refugees fleeing from conflict-torn states like Syria can play a critical role in rebuilding their countries of origin after the fighting is over (Betts 2016). For refugees to rebuild, they need to be alive, healthy, educated, and able to work. Yet the deal fails to provide even basic needs, let alone access to education or work. As a result, the deal inhibits reconstruction in refugee-producing countries, which is needed to address the cause of displacement in the first place.

Finally, the record level of burden-shifting in this deal could set a disturbing precedent of wealthy countries closing their borders and outsourcing responsibility to refugees onto other, less safe countries. Indeed, some argue that the deal tells developing countries that "their cooperation on migration is a commodity that is rapidly increasing in value," while it tells developed countries that their responsibilities to refugees are optional (Alfred 2016). The ripple effects are already visible, as European leaders are now calling for similar deals with countries in North Africa (Alfred 2016). For example, the EU is looking to replicate a similar deal with Libya, "a country where both the United Nations (UN) and the German Foreign Ministry have reported torture and execution in migrant camps" (Lovett, Whelan, and Rendón 2017).

The humanitarian costs to the EU burden-shifting its responsibility to protect render the EU-Turkey deal a failure on legal and ethical grounds. Legally, such burden-shifting

erodes the international legal standards enshrined in the 1951 Refugee Convention. As per the convention, refugees have a right to seek asylum, have their individual claims examined, and, by the principle of non-refoulement, to not be forcibly returned to their countries of origin. However, the EU-Turkey deal prevents asylum seekers from seeking refugee status in the EU—which they have a right to under the 1951 Refugee Convention. The result is that asylum-seekers in Greece and Turkey do not have access to the adequate living standards, appropriate accommodation, and services they are entitled to under UNHCR standards of protection (Dimitriadi 2016, 5). Thus, the EU-Turkey deal is a failure because it legally and ethically violates the EU's humanitarian responsibility towards individuals seeking international protection.

Some may argue that the EU-Turkey deal is not a failure because its objectives of saving lives at sea and providing safe routes to the EU for those in need are humanitarian; however, this claim is invalid because the actual humanitarian effects of those objectives are dubious. While there are fewer deaths in the Aegean Sea, it is questionable that more lives are being saved overall. In addition, there are not enough safe routes to the EU being provided for those in need.

First, the objective of saving lives at sea must be understood within the larger context of the refugee crisis. Although the number of people taking the dangerous route across the Aegean Sea has decreased, the number of people in need of asylum has not—the people in need have not disappeared. Instead, the refugees who would have crossed the Aegean are now either still inside their own war-torn countries, resigned to fleeing to countries in the Middle East like Turkey and Jordan who are already hosting a significant refugee population, or taking different, more dangerous routes to the EU as a result of the blocked Aegean route. Thus, while it is true that the number of lives lost in the Aegean Sea has decreased, many of the would-be Aegean crossers' lives are likely still at risk—just elsewhere. It is impossible to track how many asylum-seekers are now trying alternate, more dangerous routes to the EU, but it is certain that some people will always try to make their way into the EU as long as it offers the promise of a better life. Thus, it is unclear whether the reduction of deaths in the Aegean has actually saved more lives overall. More importantly, the focus on the deaths prevented in the Aegean Sea diverts attention from the deal's failure to protect refugees and ensure quality protection.

Second, it is not clear that the deal does anything to provide safe routes to the EU for those in need, other than allowing Syrian refugees in Turkey to resettle in the EU per the 1:1 agreement. Yet, that policy discriminates one nationality over others, and to date only 9,383 Syrian refugees have been resettled—a pitiful number compared to the need (EC 2017, 3). Moreover, the objective of “providing safe and legal routes to the EU for those in need” excludes irregularly arriving asylum-seekers coming from Turkey, who are now eligible to be returned to Turkey. That exclusion is unacceptable, because many of those asylum-seekers are in need of protection—protection that Turkey cannot adequately provide.

Thus, while the EU-Turkey deal is successful based on its own objectives, those objectives are problematic. Evaluating the deal based on the legal and ethical responsibility to protect refugees reveals a far more harrowing outcome. The deal is a failure because burden-shifting has resulted in an erosion of the EU's ethical and legal responsibility to protect refugees, at a humanitarian cost evidenced by the reality on the ground.

The humanitarian consequences are enough reason to deem the deal a failure. However, beyond humanitarian reasons, there are also grounds to question the prudence of the deal based on its potential economic and collective security consequences. The deal could exacerbate the ongoing economic crisis in Greece and by extension the EU's integrated economy. While the EU is providing some financial support to Greece to help with reception, Greece still bears an undue burden for the direct and indirect costs of receiving asylum-seekers. One example of indirect costs is tourism. Due to the accumulation of irregular migrants in Greece as claims are processed now that entry to the rest of Europe is blocked, tourism dropped 80 percent on some Greek islands such as Lesbos in 2016 (Dimitriadi 2016, 8). The loss of tourism is a significant blow to the Greek economy, especially while the country is in the middle of an economic crisis.

In addition, the deal could pose a threat to global security. Before the deal, Turkey already had a refugee population of 3 million; the deal increased that number even more. Especially in wake of the recent coup in Turkey on June 15, 2016, this burden could disrupt international security (Betts and Loescher 2011, 17); when "large numbers of refugees are received in areas of acute poverty or escalating civil conflict, the effects can be highly destabilizing" (Boswell 2003). Refugees can be destabilizing due to social tensions. As mentioned previously, Turkey's authoritarian drift makes it less likely to respond to and mitigate social conflicts between local and refugee populations. The tensions that arise could be "explosive" (Boswell 2003). Refugees can also be destabilizing due to the economic strain it puts on already poverty-stricken areas. The destabilizing effect of more refugees in Turkey could be mitigated with the EU's promised refugee aid and one for one resettlement exchange. However, the EU has been slow to follow through with these promises after the coup (Yeginsu 2016).

Thus, the burden-shifting in the EU-Turkey deal deteriorates protection for refugees and could destabilize the EU economy and global security. These consequences could be further amplified in significance if the EU-Turkey deal sets a precedent.

Causes of Burden-shifting

The humanitarian, economic, and global security costs of burden-shifting are clear. Yet, to provide a solution that shares rather than shifts the EU's responsibility to refugees, it is necessary to understand the reasons for burden-shifting in the first place. This paper identifies three main causes of burden-sharing failure on international, national, and individual levels.

On an international level, the current weak legal basis for international cooperation helped to enable the burden-shifting approach to the EU-Turkey deal. The 1990 Dublin regulation established that the country where a refugee first enters the EU is responsible for processing their asylum request and granting them asylum if eligible (Fratzke 2015, 1). This puts an unequal burden on front-line states closest to refugee countries of origin, such as Greece, who must process and grant asylum to the bulk of refugees entering the EU. Also, the EU's burden-sharing initiatives for the physical relocation of refugees are all based on voluntary pledging (Thielemann 2012, 819). In summary, there is little legal basis for equitable international burden-sharing for refugees in the EU.

On a national level, another cause of burden-sharing failure is the prioritization of strategic national interests. Accepting refugees comes at economic, social, and political costs. Economically, states are concerned about resettling refugees because of the "direct costs of subsistence, schooling, healthcare, [and] the determining process" (Thielemann 2003, 227). The resources required are substantial; for example, Britain spends about 30,000 euros per asylum seeker, while current policies under the European Refugee Fund only refund a fraction of that cost (Thielemann 2006, 20). Socially, states are concerned about the "more indirect costs of social integration" (Thielemann 2003, 227). States reason that foreign asylum-seekers create social tensions, especially within the relatively homogenous populations of most EU member states (Buonanno and Nugent 2013, 34). This social tension creates political tensions. Indeed, refugees have caused huge levels of political unrest among native populations in France, Britain, and Germany, and can be considered a potential cause

of the rise in populist sentiments in Europe today. Therefore, negative public opinion makes policymakers reticent to sharing the burden of physical relocation of refugees. Refugee immigration is never popular among domestic populations, as voters tend to overestimate the chance that they will become victims of small but highly publicized risks, such as terrorist attacks. Across Europe, about 50 percent believe that refugees are a major threat and will increase the likelihood of terrorism in their country (Stokes 2016). One needs to look no further than the anti-immigration rhetoric that fueled Brexit debates (De Freytas-Tamura 2016) and the campaign of Marine Le Pen in the French election to recognize the political obstacles of granting asylum. Especially after Brexit, it has become clear that there is more at stake than popularity if policymakers in the EU do not take the anti-immigration sentiment of the public seriously; the EU could collapse if more refugees are accepted.

Finally, examining the state-level rationale for evading responsibility reveals another layer of causation for burden-shifting: a shortsighted conceptualization of the refugee crisis on the individual level. EU policymakers who created the EU-Turkey deal conceptualized the refugee influx as a zero-sum issue, in which benefitting refugees incurs inevitable costs. This implicit assumption of EU policymakers is evident in the terms of the EU-Turkey deal, which focuses on preventing irregular migrants from ever reaching the EU. However, if EU policymakers conceptualize refugee flows as a permanent, enduring reality, they might consider that closing borders will not reduce migration flows in the long run and the refugee influx may be positive for the European economy and society over time.

In conceptualizing refugee flows as a temporary phenomenon rather a long-term problem, EU policymakers failed to recognize that closing borders will not reduce migration flows in the long run. The causes of refugee migration are deep structural problems like civil wars, repressive regimes, and environmental disasters—none of which are likely to disappear soon. Even current crises like the conflict in Syria may take years to end, and, in the longer-term, new crises will come to take Syria's place. In reality, increased mobility due to globalization and likely increased displacement due to climate change suggest that forced migration will only increase (Betts 2015). Meanwhile, the stability and quality of protection in Europe will always be a draw for refugees. When one route closes, those who are desperate enough will find another way in. Thus, closing borders is shortsighted because it only redirects the migration flows temporarily, but does not stop them in the long run.

Moreover, the desire to stop refugees from entering the EU is also shortsighted because refugees could actually benefit the EU in the long term. While states face the short and medium-term costs of providing immediate basic needs to refugees, processing asylum applications, and integrating refugees socially and economically, studies show that the refugee influx may be positive for the European economy and society in the long run (Karakas 2015, 2-3). In particular, refugees can contribute to GDP growth as workers who can “fill important niches both in fast-growing and declining sectors of the economy” (Karakas 2015, 2-3) and make up for Europe's aging population (Karakas 2015, 5). This economic benefit could address the current economic uncertainty within the EU due to the zone's poor recovery from the disruption of the financial crash, the debt crisis in Greece, and the Brexit movement (McRae 2016). EU policymakers' decision to burden-shift is myopic because while hosting refugees comes as a cost, it is an investment that could benefit the nation's economy in the long run.

In short, burden-shifting is caused by a flawed international framework, national self-interest, and individual shortsightedness of the issue.

Solution: The Case for Burden-sharing

To improve burden-sharing refugee relocation within the EU and its humanitarian consequences, this paper recommends that policy solutions address the flawed international framework, state self-interest, and individual shortsightedness detailed above. One promising approach is a market-based strategy. Market-based strategies take account of economic and political incentives rather than just moral obligation—which states often do not respond to when that obligation conflicts with national self-interest.

One market-based solution for burden-sharing the resettlement of refugees is a tradable refugee quota system coupled with a matching mechanism. Jesús Fernández-Huertas Moraga and Hillel Rapoport are two scholars that have advocated a similar plan (Moraga and Rapoport 2014, 94-108). A tradable refugee quota system would designate each member of the EU a certain quota of refugees to resettle. However, these quotas are tradable with other countries on a refugee quota market, similar to a cap and trade system. States who wish to settle fewer refugees than their quotas require will have to pay other states to take their undesired quotas, thereby compensating for that additional burden. As a result, tradable refugee quotas would exploit countries' comparative advantages in hosting refugees efficiently. This system would be coupled

with a matching mechanism to further maximize state interests. With a refugee matching system, legal routes to sanctuary in EU states would be available through humanitarian visas from embassies in countries like Greece and Turkey. Asylum-seekers who demonstrate a legitimate need can collect a humanitarian visa that allows them to pay for their own travel to an EU member state where they will finish their asylum application. A computer program would match asylum-seekers with humanitarian visas to EU member-state destinations based on both preferences (Betts 2016). The matchmaking scheme would protect refugees from undertaking dangerous journeys via smugglers and require other states to share the responsibility of granting and processing asylum.

This policy of tradable refugee quotas with a matching mechanism tackles the causes of burden-shifting. National self-interest is addressed because the tradable quota system gives states incentives to resettle refugees and costs for not resettling them. In other words, states that accept additional refugees are compensated, while states that accept fewer refugees foot the bill. This policy also incentivizes states to host refugees because they can rank their refugee preferences—for example, by language, job skills, family reunification, etc.

This could be an economic as well as a political incentive, because states can choose refugees that will most benefit their economy and be welcomed into their society. In addition, this policy addresses individual-level shortsightedness because the refugee preference system helps policymakers to consider the long-term economic benefits the state will gain from investing in a refugee. Finally, the policy addresses the flawed international framework because the policy would require a certain number of refugees to be resettled, unlike the voluntary pledging system in place today. Even as quotas are traded, the overall number of refugees resettled would be the same. The current flaw in the international legal framework of frontline states carrying most of the refugee burden is also mitigated because of the criteria for which states are responsible now depends on the quota system and matching mechanism. Thus, the legal framework of this policy would enforce burden-sharing.

There are many details that need to be solidified before such a policy could be implemented. However, this proposal is, at the very least, useful as an example of how to approach the burden-sharing failure of refugees in the EU in a way that addresses the causes of burden-shifting. A tradable refugee quota system along with a matching mechanism thus offers a potential solution for the EU sharing the responsibility of hosting refugees.

Nonetheless, it is important to recognize that this policy will be impossible to enact without overcoming the political obstacles against refugee relocation. This policy addresses the economic interests of states, but is weaker in addressing their political motives in terms of the negative public opinion against hosting refugees. While an extended discussion of overcoming public hostility against refugees is beyond the scope of this paper, this paper has highlighted two possible tactics for changing public opinion. From a strategic perspective, policymakers could convince the public that hosting refugees has a “weak but positive” (Betts 2016) economic effect in the long run and that granting asylum to refugees could decrease their chances of radicalization into terrorists (Barnes-Dacey 2016). From a humanitarian perspective,

policymakers could communicate the refugees' suffering to appeal to the public's conscience. Whatever arguments policymakers make to persuade public opinion, what is important is that they make an argument at all, rather than letting the public's largely unfounded fears prevent refugees from safety.

The EU-Turkey deal is a failure in terms of the EU's ethical and legal commitment to refugee protection. By putting an undue burden on Greece and Turkey, the deal incurs humanitarian costs, as well as consequences for the EU economy and international security. The flawed international legal framework, prioritization of national interests, and myopic conceptualization of the crisis cause states to burden-shift their responsibility to provide refuge. The enduring character of refugee flows demands that the EU create comprehensive, long-term solutions to address the continuing influx of refugees, for socioeconomic, security-related, and moral reasons. This paper recommends that the EU improve upon sharing its responsibility to protect refugees through market-based policies such as tradable refugee quotas with a matching mechanism. Refugees have the right to seek asylum. In reality, the EU-Turkey deal prevents refugees from reaching safety. Refugees have the right to start a new life in a new country where they are safe. In reality, they are left in an almost indefinite state of uncertainty waiting in detention centers in Greece or stranded in Turkey. States claim they share the responsibility of welcoming refugees into the safety within their borders. In reality, countries like Greece and Turkey that are already strained and under-resourced are taking in the majority of the refugees, while wealthy countries within the EU are closing their borders. With 51 million people displaced from their homes today and no end to the crisis in sight, the need to transform the reality refugees face is urgent. Closing the borders is not an option.

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