

Courting Asylum

How Asylum Claimants in Greece are
Using Judicial Power to Combat neo-
Refoulement and the EU-Turkey Safe Third
Country Agreement



Ender McDuff

edited by Marie Fester and Madeleine Northfield
POLI 353 Politics of the International Refugee Regime

Abstract

The international refugee regime is marked by a widening gap between the constitutional democratic values of countries in the global north and the practices employed by their state executives. While states have committed to the rights of refugees by joining the 1951 Refugee Convention, they have simultaneously subverted the rule of law in the name of security by instituting practices that externalize asylum: neo-refoulement. The purpose of this article is to examine the extent to which judicial power can be used to combat executive practices of neo-refoulement. This article considers asylum claims heard in the Greek appellate court system pertaining to the safe third country agreement between the European Union and Turkey. The article concludes that, under a system of coequal institutions, judicial power and case law harbour the potential for necessitating the consideration of all individual asylum cases effectively disarming practices of neo-refoulement.

Introduction

A seismic shift in state practices surrounding the international refugee regime has taken place since the end of the Cold War. The refugee regime has progressed from its third iteration, the Effective Internationalization regime, where states acknowledged the need to provide refugees with protection through international law, to a regime of Non-Entrée due to a growing preference for securitization policies (Orchard 2014, 14). This regime is marked by “increased border... [and] extraterritorial restrictions,” practices that constitute a new dominant framework: neo-refoulement (Orchard 2014, 14). As a result, “a fundamental change in how liberal democracies conceive [of] their obligations to foreigners within their territory [has] occurred” (Gibney 2003, 35), as a gap has widened between constitutional democratic values and the practices employed by state executives. This divergence in practice “contradict[s] the values by which western societies claim to define themselves,” and, as a result, states have quietly instituted practices of neo-refoulement to maintain the liberal democratic image through which they are legitimized while “neutraliz[ing] the rule of law in the name of security” (Gibney 2003, 23; Hyndman & Mountz 2008, 250). But, despite executives trying to circumvent judicial power, certain refugees—most particularly asylum applicants in Greece, as is relevant to this paper—have been able to combat non-entrée through legal proceedings. How then have these actors been able to oppose the intentions of states? And, to what extent might these legal proceedings

shape the future of the refugee regime and the application of neo-refoulement?

In examining the 2016 safe third country agreement between the European Union (EU) and Turkey, this paper sets forth to argue that, while refugees and their legal counsel have been unable to thoroughly disarm neo-refoulement practices in the courts, the potential for the use of judicial power to combat executive non-entrée preferences exists, as case law may prove capable of dictating the necessity and personalization of judicial hearings for all asylum seekers. This will be illustrated by first establishing which international laws and norms constrain states in their actions towards refugees and how neo-refoulement circumvents many of these obligations. Next, an understanding of the relationship between executives seeking non-entrance measures and judiciaries maintaining the rule of law will be put forth. With these elements understood, specific attention will be given to the case of the 2016 EU-Turkey safe third country agreement, which will be contextualized as a measure of neo-refoulement. Lastly, the legal opposition mounted against this agreement by refugee plaintiffs in the Greek Asylum Appeals Committees will be analyzed. In so doing, this paper finds that in liberal democracies with a judiciary coequal to the executive branch, there exists potential for asylum seekers to utilize precedent and judicial power to necessitate case by case asylum hearings for the consideration of individual context as a means to combat the securitized policies of neo-refoulement and preferences of state executives.

Norms and Laws Governing the International Refugee Regime

To understand how state practices have changed in bringing about the fourth regime, two cardinal rules that govern state practices in relation to refugees must first be understood: the right to seek asylum and non-refoulement.

The right to seek asylum comes from a long lineage of intellectual thought on liberty, as the classical Greek philosopher Epictetus—a former slave—defined freedom as simply meaning “I go wherever I wish; I come from whence I wish.” In contemporary times, this notion of personal liberty has been translated into international law, most notably in the Universal Declaration of Human Rights, which was a direct response to the Nazi regime’s restrictions on free movement (McAdam 2011). The right to seek asylum broadly dictates that everyone has the right to seek and enjoy asylum in countries other than one’s indigenous state, free from persecution (McAdam 2011). This principle is intended

to incur upon state sovereignty in a limited manner to ensure that where individuals have the right to flee, states have corresponding obligations to provide refuge within their borders.

Non-refoulement operationalized the right of an individual to seek asylum by ensuring that no refugee would be returned to any country where he or she is likely to face persecution, torture, or other ill-treatment (Goodwin-Gill 2014, 5). These foundational principles began as norms but have since been codified in the seminal 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, which serves as the dominant guiding law in international relations on refugee treatment. While the right to seek asylum was mandated previously by Article 14 of the Universal Declaration of Human Rights, the 1951 Convention operationalized this principle (UNHCR 2010). The convention stipulates in Article 33-1 that “states shall not expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened,” so explicating the principle of non-refoulement (UNHCR 1951). Pjorla notes that even from its inception, in the wake of the atrocities committed in World War II, the concept of non-refoulement was largely open-ended due to unspecific wording, which gave state executives greater authority in choosing how to implement non-refoulement (2008, 1). Nevertheless, the codified nature of non-refoulement did indeed begin to constrain state executives in the global north. During the Cold War, non-refoulement was aligned with state interests, as refugees fleeing one economic system for another was perceived to be a mark of weakness for one block and strength for the other. However, with the end of the Cold War, state executives’ preferences transformed, and new policies were abruptly sought to bypass the restrictive, legally binding obligations of non-refoulement: what would become known as neo-refoulement (Orchard 2014, 2).

Neo-Refoulement and the Non-Entrée Regime

Hyndman and Mountz trace the inception of neo-refoulement to 1993, with the introduction of the concept of preventative protection (Hyndman and Mountz 2008, 262). This practice stressed the right to remain in one’s home country as opposed to the prior focus on the right to leave. Preventative protection also shifted protection from the legal basis of the 1951 Convention to the domain of political actors; the asylum and refugee regime are now, in practice, governed by domestic politics and executive action rather than by international standards. As securitization practices have evolved since the end of the Cold War, and particularly post-9/11, neo-refoulement was adopted. Under this system, asylum

was re-spatialized to “transit countries or regions of origin, from where [refugees could] ‘properly’ apply for asylum consideration” (Hyndman & Mountz 2008, 253). This marked a “shift from a paradigm of refugee protection to prioritizing the protection of national security interests,” driven by heightened domestic fears of immigrants and their perceived association with crime, terrorism, and social unrest (Hyndman & Mountz 2008, 253; Mattsson 2016, 14).

Neo-refoulement refers itself “to a geographically based strategy preventing the possibility of asylum through a new form of forced return different from non-refoulement” (Hyndman & Mountz 2008, 250). As asylum has increasingly become the domain of security interests rather than of refugee protection, a parallel shift has occurred “from the legal domain where international instruments to protect refugees are still [...] intact to the political domain where migrant flows are managed [...] in regions of origin” (Hyndman & Mountz 2008, 251). Under this regime, the protection of refugees is not by law, but through an *ad hoc* decision process of state executives and agencies. Neo-refoulement measures include readmission agreements, visa regimes, detention and interdiction practices, and, most relevant to this paper, safe third country agreements. This extensive group of policies and spatial practices is that which constitutes neo-refoulement: a broad “neutraliz[ation] of the rule of law in the name of security”—a resolution to the tension between executive preferences and the legal obligations of the Refugee Convention (250).

A Safe Third Country

A disruptive element of neo-refoulement that has increasingly been accepted since 1999 is the safe third country agreement (Matthew 2003, 142). A safe third country itself is one in which “an asylum seeker either has received or may receive protection consistent with the 1951 Convention to the Status of Refugees” (136). Due to such perceived equality in treatment, the ‘first country of asylum principle’ has been adopted: any irregular migrants may be returned to the first safe country they stepped foot in (Yenidogan 2017, 3). This principle is predicated upon the fact that “an applicant for international protection could have obtained [protection] in another country and therefore [a] receiving state is entitled to reject responsibility for” protecting the individual without violating either non-refoulement or the right to seek asylum (ECRE 2017, 1). Safe third country agreements are considered lawful, therefore, “on the grounds that protection has already been found or can be found elsewhere,” while also, the practice has been legitimized as a

form of international cooperation and burden sharing between states, as a means to simplify the processing of asylum claims (Gil-Bazo 2015, 43).

However, many dissident scholars and human rights groups view the implementation of safe third country agreements as a particularly aggressive form of neo-refoulement. In establishing such agreements, legal rights and entrenched norms have been disregarded in the name of security, as, most notably, the right to seek asylum has been limited to a specific geographic domain, causing there to be “fewer and fewer spaces through which to pass to make a refugee claim” (Hyndman & Mountz 2008, 268). Additionally, according to Liz Curran and Susan Kneebone, the concept of a safe third country subverts the notion of burden sharing as opposed to such agreements’ stated purpose (2003, 7). Instead, safe third country agreements force the responsibility for refugees on to developing countries located near the source of the refugee flow, which places refugees in greater danger and “can potentially infringe [upon] the non-refoulement obligation... of the [Refugee] Convention” (Matthew 2003, 136; Curran & Kneebone 2003, 12).

Judicial Power in the Refugee Regime

Since the end of World War II, a global phenomenon has taken place as government power has shifted increasingly from the legislative to the judicial branch—a process known as judicialization (Ferejohn 2002, 41). Judicialization connotes three new roles courts have taken on: a willingness to limit the exercise of legislative authority, a willingness to regulate political activity, and serving as a place where substantive policy is made (Ferejohn 2002, 41). Through these three capacities, judiciaries have “increasingly limited the capacities of national political institutions to make and implement domestic and international policy” (Ferejohn 2002, 42). Additionally, supranational legal institutions such as the Court of Justice of the European Union (CJEU) have also been formed in this era of judicialization, which have also served to limit the capacities of national political actors and institutions (Ferejohn 2002, 42). These same institutions have also taken part in the advancement of individual rights through the development of human rights discourse and law, which has further shifted emphasis away from national actors and towards the individual (Parlett 2012).

In the international refugee regime, judicialization has played out as a power struggle between judicial and executive powers, “fuelled by tensions of securitization, border control and human rights over the issue of irregular migration” (Marmo & Giannacopoulos 2017). Matthew Gibney illustrates further that while democratically elected

state executives in the global north operate with the intent of preserving the liberal democratic image upon which their power and legitimacy are founded, the judiciary is said to have, in opposition, continued practicing its properly liberal democratic mandate (2003, 44). Marmo and Giannacopoulos note that while the executive has attempted to create buffers in the form of neo-refoulement in order to “minimize migrants’ protections and [possibility] for judicial review, such manoeuvring is countered by [state judiciaries]” who continue to prioritize the rule of law and established a precedent (2017). In large part, this very relationship necessitated the creation of neo-refoulement as executives have been forced to find strategies to circumvent the judiciaries that continue to hold the state to account in accordance with the standards of protection implemented in the 1951 Convention. In such a system, however, exceptions to successful executive domination of power must and do exist, and it is in seeking this anomaly that this paper now turns to examine the safe third country agreement between the EU and Turkey and the legal ramifications thereupon.

European Refugee Crisis and the EU-Turkey Safe Third Country Agreement

Beginning in 2015, Europe has experienced the largest influx of forced migrants since the second world war, as asylum seekers have fled protracted conflict zones in Iraq, Afghanistan, Pakistan, Nigeria, and most prominently, Syria (Henley 2018; BBC 2018). The United Nations High Commissioner for Refugees has noted that “the scale and fluidity of refugee movements in Europe have posed significant challenges for asylum systems... in many countries,” while declining domestic opinions of refugees in Europe have caused additional obstacles (UNHCR 2018). Furthermore, the path of flight to Europe is geographically constrained, resulting in large groups of migrants moving either through Turkey into Greece or by ship across the Mediterranean to Italy (Henley 2018). This has tragic consequences for human security, as asylum seekers fleeing conflict are compelled to choose between a country in which their rights may be repressed and the perilous voyage—often in unseaworthy and overcrowded vessels—across the Mediterranean, the world’s deadliest maritime route which caused more than 2,200 deaths in 2018 (Belliveau 2018). In 2015, because of this geography, the majority of refugees reaching the EU—nearly 900 000 total arrivals—arrived in Greece (BBC 2018). This is problematic as, under EU law, asylum claimants must make their application in the first EU country they enter, which forced much of the initial strain on the Greek system (Henley 2018).

Due to this large-scale influx and growing internal pressures, on 18 March 2016, the European Council of the EU – which is comprised of the member countries’ heads of state – and Turkey arrived at an agreement, as enunciated in the EU-Turkey Statement, that designated Turkey to be a safe third country. As a result, all irregular migrants crossing from Turkey into Greece are to be returned to Turkey, where they will then have their asylum claims processed (Yenidogan 2017, 19). Empirically, the agreement has been greatly successful, as the number of irregular migrants arriving in Greece has fallen dramatically as a result (BBC 2018). Notably, however, the CJEU ruled that the agreement was not in fact an EU Act, as the deal was made by heads of state acting in what was determined to be their capacity as heads of state. Despite acting in a framework provided by the EU (the European Council), the agreement was considered to have a limited scope of impact, namely on Greece and Italy (CJEU 2017, 44). As such, the CJEU determined that, rather than the agreement being invalid as was requested by the applicant (asylum claimants), the CJEU simply had no jurisdiction on the matter, as the statement was adopted by national authorities. Accordingly, the determination of the EU-Turkey Statement’s lawfulness was to be left in the hands of state entities, namely the courts of Greece.

Turkey as a Safe Third Country?

Grave issues exist concerning whether Turkey truly constitutes a safe third country for refugees and irregular migrants. While Turkey is a signatory to the 1951 Convention, Turkey has maintained geographical limitations, having never adopted the 1967 Protocol which expanded the mandate of the Convention to not only include forcibly displaced migrants from Europe, but also from around the globe (Goodwin-Gill 2014, 3). As such, Turkey does not recognize any non-European migrants as refugees in terms of the 1951 Convention. Instead, Turkey has bound itself to alternate legal obligations surrounding refugees and forced migrants, most notably, the EU-inspired Laws on Foreigners and International Protection (LFIP) (Tsiliou 2018). Under LFIP, non-European refugees are granted conditional refugee status; refugees are known as “guests” (Kirişci 2014, 7). As guests, these migrants are afforded a lesser set of rights than those protected under the 1951 Convention or those of Turkish citizens, leading human rights groups to accuse Turkey of “detaining refugees arbitrarily, sending refugees back to dangerous countries, including Syria, and obstructing their access to the job market” (Kingsley & Rankin 2016). Furthermore, concerns persist surrounding Turkey’s asylum process, as “it has been reported that

Turkish migration officers often act against the legislation [that provides for status determination] ... denying applications without proper examination and [then] executing illegal deportations” (Yenidogan 2017, 22). This, in essence, means that refugees are not being afforded due process as stipulated by the 1951 Convention and the norm of non-refoulement, and as such, Turkey is a non-compliant non-signatory to the Convention. Turkey itself has several readmission agreements with countries like Nigeria and Pakistan, two countries not considered safe by all but two European countries (European Commission). Through the EU-Turkey Statement, asylum claimants are now returned to possible harm—in direct violation of the principle of non-refoulement as enshrined in the 1951 Convention to which these same European states are signatories.

Judicial Response to the EU-Turkey Safe Third Country Agreement

In response to the EU-Turkey Statement, refugees and their legal counsel have begun to utilize the justice system to negate the non-entrée regime’s attempted dissolution of judicial power. Due to the CJEU ruling, within the first four months of the agreement, 393 asylum cases were brought before the Greek Asylum Appeals Committees (Committees) (Gkliati 2017, 213). In 390 out of 393 decisions, the Committees ruled that Turkey did not constitute a safe third country, due to such conditions as the country’s systematic violations of non-refoulement, the inability of asylum seekers to obtain refugee status as per the standards of the 1951 Convention, and the “clash between law and practice” on the ground, as various NGOs have documented how asylum seekers are often subjected to arbitrary detention, immense poverty (as refugees are not allowed to work), and other ill-treatment (Gkliati 2017, 213; Amnesty International 2017). As a result, the EU-Turkey deal was effectively impeded in application, as 390 claimants were prevented from being refouled to Turkey (Gkliati 2017, 213).

Analysis of the Committees’ rulings is limited in scope to these few months as due to their flagrant disregard for the politically expedient EU-Turkey Statement, the Committees were reorganized in June 2016 to prevent further unwanted rulings (Gkliati 2017, 214). Such restructuring illustrates the extent to which an executive focused on promoting non-entrance was forced to go to in order to ensure a neo-refoulement measure was upheld, so allowing for the statistical decrease in asylum seekers reaching Europe previously mentioned. Additionally, on 22 September 2017, the Supreme Administrative Court of Greece ruled that

two Syrians should be returned to Turkey after declaring their asylum claims inadmissible, establishing an entirely new stream of precedent, contradictory to that established by the appellate courts (Tsiliou 2018; Amnesty International 2017)—a legal quagmire that may be seen as negating any conclusions drawn upon the 393 cases surveyed, but may alternatively be seen as the result of executive overreach (Gkiliati 2016). As such, the following analysis will necessarily be limited in scope to the context of the Committees pre-restructuring in order to fully capture the context of a coequal and independent judiciary; this analysis is only generalizable so far as other countries with independent court systems.

Analysis: The Legal Implications of Fighting Neo-Refoulement

Understanding the implications of the Committees' rulings and the case law thereby set, as well as outlining the legal ability of refugees to combat neo-refoulement, is nuanced and requires the examination of the individual cases heard before the appellate courts, as examined by Mariana Gkilati. Based upon these individual cases, Gkilati determined that the most important basis for rejecting Turkey as a safe third country centered around the inability of asylum claimants to obtain refugee status as provided by the 1951 Convention, as in all overturned decisions, the Committees agreed that this requirement had not been fulfilled (213). Additionally, in several cases, the Committees held that the principle of non-refoulement is systematically violated in Turkey given their history of dangerous returns (218). Also notable is that in most of the overturned cases, the Committee, based on the EU-Turkey deal, assumed that Turkey was a safe third country, and in its rulings, poses whether Turkey is safe for the applicant whose case is being considered, illustrating that the Committees did not consider the agreement as establishing safe third country status without exception for Turkey (221). For instance, in the first case heard, *Case 05/133782*, the court's ruling found that even if the EU established the presumption of a safe third country, this would then shift the burden of proof on to the asylum claimant. This would therefore require individual cases to be heard in court so that this assumption could be challenged (220). Meaning any claimant able to prove Turkey to be an unsafe third country for them would be able to claim asylum.

Despite these references to the generalized conditions in Turkey and their causing of unsafe conditions for refugees, Gkilati notes that the Committees focused on the personal situation of each application and then upon how the individual applicant applied to the general situation

in Turkey (2017, 218). In two of the three decisions that were upheld, the ruling was based upon the fact that the applicant had a personal link with Turkey, while little attention was paid to other criteria (Gkliati 2017, 217). In upholding these three rulings, the Committees determined that the unsafe situation in Turkey is not generalized to the extent that every return to Turkey would be prohibited *a priori*, as instead, individual circumstance remains the deciding factor.

While no universal precedent has thus been set in determining whether Turkey constitutes a safe third country, this analysis of both the central positions in the overruled cases and the cause of sustainment in those decisions upheld leads to a conclusion nonetheless: asylum claims in the Committees have been determined in all cases by the examination of individual circumstance. This itself may, had the Committees not been reformed by the executive branch, have created a precedent under which individual cases must be heard by the courts and considered based upon individual context, despite the preferences of the executive. Such a precedent would itself directly counteract the very purpose of neo-refoulement as circumventing the justice system, for such precedent might have demanded judicial consideration on all asylum cases, yet, such potential is difficult to speculate upon. For certain, however, the response of the Committees to asylum claims in contest with the EU-Turkey Statement illustrates the power judiciaries still maintain in relation to the refugee regime and the application of personal context asylum applicants can employ to overrule general agreements on conditions of safety.

Conclusion

There is little doubt that refugees seeking asylum will, for the present, continue to be faced with restrictive neo-refoulement practices that limit their ability to successfully seek and claim asylum in the global north. Anti-refugee opinions continue to build in the increasingly protectionist global north, and with them, the implementation of re-spatializing neo-refoulement policies by state executive branches likewise increases. The challenge for asylum seekers is not only limited to Europe, but exists also along the securitized American southern border, in Canada where another safe third country agreement exists, and perhaps most profoundly in Australia with their assortment of offshore detention facilities.

The case in Greece, however, amply demonstrates the potential power of legal precedent and individual context in serving to help avail refugees of their 1951 Convention rights. Because the Committees' rulings each

consider individual context, it would follow that individual cases must be heard for determination, and so policies such as safe third country determination could not be resolved a priori. This could potentially effectively mitigate and disarm several neo-refoulement practices, as the re-spatializing elements that seek to keep asylum claimants outside of country's borders would be overruled, so allowing the due process and full protection of the 1951 Convention to again prevail. Such usefulness can, however, only be derived so long as the judiciary remains equal and independent from the executive, as shown by the actions of the Greek executive to ensure the implementation of the EU-Turkey agreement.

References

- BBC News. 2018, September 11. "Migration to Europe in charts." Accessed November 12, 2018. <https://www.bbc.com/news/world-europe-44660699>.
- Belleveau, Joe. 2018, December 7. "An assault on international law." *Doctors Without Borders*. Accessed February 21, 2019. <https://www.doctorswithoutborders.ca/issues/refugee-journey-migrant-lives-risk>.
- Court of Justice of the European Union. 2017, February 28. "ORDER OF THE GENERAL COURT (First Chamber, Extended Composition)". <http://curia.europa.eu/juris/document/document.jsf?text=&docid=188483&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=308349>.
- Curran, Liz., & Kneebone, Susan. 2003. "Overview." In *The Refugee Convention 50 Years On: Globalization and International Law*, edited by Susan Kneebone. Aldershot: Ashgate, 1-18. (e-book).
- European Commission. n.d. "An EU 'Safe Countries of Origin' List." Accessed November 12, 2018. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2_eu_safe_countries_of_origin_en.pdf
- European Council on Refugees and Exiles (ECRE). 2017. "Debunking the 'Safe Third Country' Myth." Accessed November 12, 2018. <https://www.ecre.org/wp-content/uploads/2017/11/Policy-Note-08.pdf>
- Ferejohn, John. 2002. "Judicializing Politics, Politicizing Law." *Law and Contemporary Problems* 65, 3: 41-42. <https://www.jstor.org/stable/1192402>.
- Gibney, Matthew. 2003. "The State of Asylum: Democratization, Judicialization and the Evolution of Refugee Policy." In *The Refugee Convention 50 Years On: Globalization and International Law*, edited by Susan Kneebone. Aldershot: Ashgate, 19-45. (e-book).
- Gil-Bazo, María-Teresa. 2015. "The Safe Third Country Concept in International Agreements on Refugee Protection." *Netherlands Quarterly of Human Rights* 33, 1: 42-77. <http://www.unhcr.org/59c4be077.pdf>.
- Gkiliati, Mariana. 2016, August 5. "Greece creates new Asylum Committees after decisions blocking returns under the EU-turkey deal." *Universiteit Leiden Law Blog*. Accessed November 12, 2018. <https://leidenlawblog.nl/articles/greece-creates-new-asylum-appeals-committees>.

- Gkliati, Mariana. 2017. "The EU-turkey Deal and the Safe Third Country Concept before the Greek Asylum Appeals Committees." *Movements* 3, 2: 213-224. <https://movements-journal.org/issues/05.turkey/14.gkliati--eu-turkey-deal-safe-third-country-greek-asylum-appeals-committees.pdf>.
- Goodwin-Gill, Guy. 2014, June. "The International Law of Refugee Protection." *The Oxford Handbook of Refugee and Forced Migration Studies*. DOI: 10.1093/oxfordhb/9780199652433.013.002.
- Henley, Jon. 2018, November 21. "What is the current state of the migration crisis in Europe?" *The Guardian*. Accessed November 12, 2018. <https://www.theguardian.com/world/2018/jun/15/what-current-scale-migration-crisis-europe-future-outlook>.
- Hyndman, Jennifer, & Mountz, Allison. 2008. "Another Brick in the Wall? Neo-Refoulement and the Externalization of Asylum by Australia and Europe." *Government and Opposition* 43, 3: 249-269. DOI: 10.1111/j.1477-7053.2007.00251.x.
- Kingsley, Patrick., & Rankin, Jennifer. 2016, March 8. "EU-Turkey refugee deal – Q&A." *The Guardian*. Accessed November 12, 2018. <https://www.theguardian.com/world/2016/mar/08/eu-turkey-refugee-deal-qa>.
- Kirişci, Kemal. 2014, May. "Syrian Refugees and Turkey's Challenge: Going Beyond Hospitality." *Brookings Institute*. Accessed November 12, 2018. <https://www.brookings.edu/wp-content/uploads/2016/06/Syrian-Refugees-and-Turkeys-Challenges-May-14-2014.pdf>.
- Marmo, Marinella., & Giannacopoulos, Maria. 2017, October 11. "Cycles of judicial and executive power in irregular migration." *Comparative Migration Studies* 5, 1. Accessed November 12, 2018. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5636859/>.
- Matthew, Penelope. 2003. "Safe for Whom? The Safe Third Country Concept Finds a Home in Australia." In *The Refugee Convention 50 Years On: Globalization and International Law*, edited by Susan Kneebone. Aldershot: Ashgate, 133-172. (e-book).
- Mattsson, Noora. 2016. "Securitization of Immigrants and its Political Impacts on the European Union." *Charles University in Prague Institute of Political Science*. Accessed February 21, 2019. file:///C:/Users/Ender/Downloads/DPTX_2016_1_11230_JDIP01_421265_0_187641.pdf.
- McAdam, Jane. 2011. "An Intellectual History of Freedom of Movement in International Law: The Right to Leave as a Personal Liberty." *Melbourne Journal of International Law* 12: 27-56.
- Orchard, Phil. 2014. "Introduction – A right to flee." *A right to flee: Refugees, states and the construction of international cooperation*. Cambridge: Cambridge University Press, 1-17. (e-book).
- Parlett, Kate. 2012, February 1. "The Individual in the International Legal system. Continuity and Change in International Law." *European Journal of International Law* 23, 1: 294-299. <https://doi.org/10.1093/ejil/chs010>.
- Pjorla, Jari. 2008. "Shadows in paradise: Exploring non-refoulement as an open concept." *International Journal of Refugee Law* 19, 4: 639-660.
- Tsiliou, Angeliki. 2018, May 29. "When Greek judges decide whether Turkey is

FLUX: International Relations Review

a Safe Third Country without caring too much for EU law.” *EU Immigration and Asylum Law and Policy*. Accessed November 12, 2018. <http://eumigrationlawblog.eu/when-greek-judges-decide-whether-turkey-is-a-safe-third-country-without-caring-too-much-for-eu-law/>.

UNHCR. 2018. “Europe.” Accessed November 12, 2018. <https://www.unhcr.org/europe.html>.

UNCHR. 1951; December 2010. “Convention and Protocol Relating to the Status of Refugees.” Accessed March 11, 2019. <https://www.unhcr.org/1951-refugee-convention.html>.

Yenidogan, Deria Rumina. 2017. “Turkey as a safe third country?” (Unpublished bachelor thesis). *Faculty of Law Lund University*. Lund, Sweden. Accessed November 12, 2018. <http://lup.lub.lu.se/luur/download?func=downloadFile&recordId=8908411&fileId=8914838>.