Executive Summary
Why Turkey is Not a "Safe Country"

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This article critiques recent European plans to consider Turkey a 'safe country'. Based on detailed evidence of developments in Turkey, we argue that Turkey does not fulfil the conditions for being either a 'safe country of origin' or a 'safe third country'. We urge the Commission and Member States to seriously reconsider their designation of Turkey as a 'safe country'.

The European institutions and Member States have taken decisive steps to obtain cooperation from Turkey in the field of migration and asylum. In September 2015, the Commission presented a proposal to introduce a European common list of safe countries of origin which includes Turkey and in October 2015 the European Council negotiated with Turkey an action plan which implicitly assumes Turkey is a safe third country. In January 2016, a Dutch political leader presented a further proposal, called 'the Samsom Plan', to return all migrants and asylum seekers arriving in Greece from Turkey, based on the explicit recognition of Turkey as a safe third country. On 5 February 2016, the Greek Ministry of Interior stated that Greece will recognize Turkey as a safe third country which potentially opens the way to mass readmission of asylum seekers.

The 'safe country' concept in EU law has multiple meanings related to the process of asylum seeking and refugee protection: the concepts of 'safe country of origin', 'safe third country', 'first country of asylum', and 'European safe third country', all appear in the Asylum Procedures Directive. This article scrutinizes only the concepts of 'safe country of origin' and 'safe third country' in EU law and if they apply to Turkey in light of current developments in the country.

Based on our examination of the empirical evidence, we suggest that Turkey is neither a safe country of origin nor a safe third country. In light of strong evidence that Turkey does not comply with the legal requirements to be considered a 'safe country' in general, we urge the Commission, the Council, and Member States to reconsider: a) the proposal to designate

Turkey a safe country of origin, and b) the plan to strengthen cooperation on migration with Turkey based on the assumption that Turkey is a safe third country.

The paper is outlined as follows: Section 1 analyses the legal notion of 'safe country of origin' and the Commission's proposal to establish a common list of safe countries of origin. Section 2 considers the concept of 'safe third county' under international and EU law and discusses the EU-Turkey Action Plan and the Samsom Plan. Section 3 investigates whether, based on empirical evidence, Turkey fulfils the legal requirements to be considered a safe country. We end with a brief summary of the argument.