



THE GOVERNMENT RESPONSE TO THE TENTH
REPORT FROM THE HOME AFFAIRS COMMITTEE
SESSION 2010-12 HC 789

Implications for the Justice and Home Affairs area of the accession of Turkey to the European Union

**Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty**

October 2011

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THE GOVERNMENT RESPONSE TO THE TENTH REPORT OF SESSION 2010-12 FROM THE HOME AFFAIRS SELECT COMMITTEE, HC 789

Introduction

1. The Home Affairs Select Committee (HASC) held an inquiry into the potential impact on Justice and Home Affairs (JHA) issues of Turkey acceding to the EU. The Government submitted written evidence in February, and the Home Office Minister for Immigration, Damian Green, appeared before the Committee to give oral evidence in March.
2. Welcoming the report of the inquiry (published on 1 August), the Government has considered the findings carefully and this paper sets out the response to each of the Committee's recommendations (in bold type) in turn.

Comment 1: This accords with what we saw and heard when we were in Turkey. Relationships with UK police and diplomatic representatives are clearly based on joint action and mutual respect, and we were impressed with the ambitions of leading Turkish police officers in terms of training and organisation. (Paragraph 21)

Government Response

Turkey remains a priority partner for the UK, and in signing the UK-Turkey Strategic Agreement in July 2010, the Prime Minister demonstrated our mutual commitment to tackling shared threats to our security, including organised crime, illegal migration and terrorism.

We have already established an effective operational relationship with Turkish law enforcement agencies. As the Committee has observed, such cooperation has led to tangible criminal justice outcomes and significant drug seizures. The UK is keen to support the Turkish National Police where necessary in terms of training and capacity-building – especially where EU funding is available to help deliver sustainable reforms in priority areas.

Comment 2: Turkish organised crime groups pose a substantial threat to the internal security of the EU, largely owing to Turkey's position along the heroin trafficking route from Afghanistan to Europe. It is estimated that 75-80% of the heroin trafficked from Afghanistan to Western and Central Europe comes via Turkey, and Turkish networks continue to account for around 70% of the UK heroin market. The proportion of cocaine bound for the EU that is seized in Turkey has increased over the last few years, although it is by no means approaching the volume seized along the established cocaine trafficking route through the Iberian Peninsula. Turkey also represents a "key nexus point" for the transit of illegal immigrants to the EU. Our evidence appeared to support findings published in 2006 by the UN Office on Drugs and Crime that Turkey is predominantly a destination rather than a source country for human

trafficking, with only one Turkish national amongst more than 1,000 victims offered support in the UK via the National Referral Mechanism last year. However, the volume of irregular migrants being smuggled voluntarily into the EU via Turkey by criminal groups reached crisis levels at the end of 2010. (Paragraph 37)

Government Response

HMG recognises that Turkey's geographical position makes it a key transit route for both migrants and illicit drugs, predominantly heroin, into the EU. For instance, the 2011 Europol Organised Crime Threat Assessment noted that an increasing amount of cocaine is arriving at ports on the Adriatic and Black Sea, with some evidence of maritime shipments of cocaine from Latin America being destined for Italian criminal groups. The threat to the UK from cocaine trafficking via Turkey is significantly less than that arising from heroin trafficking via Turkey. We are however on our guard for any future increase in this threat.

As the Committee notes, the existing evidence strongly indicates that Turkey remains a destination - rather than a source - country for human trafficking at present. Turkey signed the Council of Europe Convention on Action against Trafficking in Human Beings in March 2009, and the voluntary return of victims continues to be provided for in cooperation with the International Organization for Migration (IOM), NGOs, law enforcement bodies and relevant institutions in source countries. Nevertheless, we will continue to monitor developments in this area closely.

Complementing effective bilateral cooperation, the EU remains committed to supporting continuing efforts by the Turkish authorities to tackle illegal migration. In June, the EU Justice and Home Affairs Council (JHAC) agreed that Member States should continue working together to weaken the capacity of organised crime groups to facilitate illegal immigration to the EU, particularly via southern, south-eastern and eastern Europe, including at the Greek-Turkish border. It should be noted that the volume of irregular migration has dropped significantly since the early 2000s.

Comment 3: More open borders in an enlarged Union bring greater opportunities for organised crime and facilitate the illegal smuggling of goods and people. We judge that Turkish accession would be unlikely to lead to an increase of narcotics into the EU market, given that the major factors influencing drug flows into the EU appear to be production levels in the source countries and domestic demand in the EU Member States, neither of which would be affected. Furthermore, accession will bring opportunities for greater cooperation between Turkish and EU law enforcement agencies, which could bring about a more robust response to drug trafficking. (Paragraph 38)

Government Response

As it would need to meet the unanimously agreed standards before membership was granted, Turkey will need to demonstrate, to the satisfaction of all existing Member

States, that its borders are secure and managed effectively. As a result, the accession process will further strengthen the European Union's border security in that crucial region and, as the Committee observes, create greater opportunity for cooperation between law enforcement agencies.

Comment 4: There is some disagreement about the impact of accession on levels of human trafficking but we are concerned by evidence highlighted by the Poppy Project of an increase in trafficking following previous enlargements of the EU, of Romanian victims in particular. We also note that there may be some reluctance among Turkish law enforcement authorities to recognise that human trafficking into and through Turkey is already a problem. An understanding of the nature of human trafficking will be critical to preventing an increase in trafficking following enlargement, as well as supporting victims of trafficking in Turkey now. We therefore welcome the European Commission's focus on closely monitoring Turkey's progress in tackling human trafficking and we expect the UK—as a fellow destination and transit country—to provide advice and assistance to Turkey if required. (Paragraph 39)

Government Response

Turkey will also need to demonstrate that it has put sufficient measures and resources in place to tackle human trafficking as part of its accession negotiations, and the Turkish authorities will be strongly encouraged to make best use of available EU funding to support any necessary capacity-building in this area. We are aware of existing and new initiatives planned by the Turkish authorities in this area including work with the International Organisation for Migration and proposed introduction of new legislation on trafficking. The UK would be happy to support further Turkish efforts as needed.

Our new strategy on human trafficking emphasises the importance of strengthening our efforts to stop human trafficking in transit and source countries, and the UK is committed to working with its international partners (such as Turkey) to address key challenges, raise awareness in-country and explore opportunities for joint operations where appropriate. Closely monitoring the threat of human trafficking to the UK on an ongoing basis, we direct resources and law enforcement activity to where they are needed most.

Comment 5: We consider the issue of people smuggling with related issues concerning illegal migration in the next chapter, but the likely impact of more open borders on this phenomenon is an area of major concern to us. (Paragraph 40)

Government Response

The accession process ensures that aspirant Members States must meet agreed standards across a wide range of policy areas – including border security – to the satisfaction of all existing Member States.

Tackling illegal migration and people smuggling remains a top priority for the UK, and further details about our efforts in Turkey to address potential risks are set out in response to the Committee's comments below.

Comment 6: A stringent law enforcement response will be required to minimise the impact of organised crime originating in Turkey in an enlarged Europe. We are encouraged by the evidence brought to our attention both in the UK and in Turkey of the efficiency and capability of the Turkish National Police, particularly in respect of drug trafficking—with heroin seizures made by the Turkish authorities dwarfing those made in South-East Europe—and their willingness to cooperate with most EU counterparts. We are particularly impressed by the close working relationship between UK and Turkish law enforcement agencies, which is clearly helping to reduce the supply of heroin to the EU, and we urge the Home Secretary to ensure that the resources which the UK brings to this partnership continue to be provided through the new National Crime Agency. (Paragraph 41)

Government Response

As highlighted by the Committee, the Turkish authorities continue to make impressive efforts in the fight against drug trafficking, and we will further reinforce the strong operational relationships between our respective law enforcement agencies. The National Crime Agency (NCA) will look to build on existing law enforcement relationships between UK and international partners, working with them where appropriate to tackle and disrupt criminals, including drugs and people traffickers, who target the UK from overseas.

Comment 7: We recognise the positive impact, albeit variable, made by international institutions such as Europol, Frontex and Interpol in combating cross-border crime in this region, but recommend that, as well as fostering ever-closer linkages with each other, these bodies cooperate more closely with the SECI Center, which is responsible for facilitating information-sharing and joint operations between the law enforcement agencies of its member states in South-East Europe. (Paragraph 42)

Government Response

We would also welcome closer cooperation between SECI and the relevant international organisations, and forthcoming developments which will help strengthen such working arrangements.

Recent EU Council Conclusions recognised that further efforts are required to improve regional cooperation in the Western Balkans whilst avoiding duplication of resources by promoting effective operational and strategic cooperation between Europol and SECI. Although SECI is primarily funded by its members, an ongoing €1.5 million EU-funded project aims to enhance its capacity to use EU tools (including the regional threat assessment) and to enhance coordination between SECI, Member States and the relevant EU bodies, especially Europol.

Comment 8: We note that a substantial proportion of pre-accession funding from the EU to Turkey is currently directed towards law enforcement. Two areas where this money could perhaps be used to particular effect are building capacity for greater intelligence sharing between agencies both nationally and internationally, and tackling organised immigration crime. We urge the UK Government to use its influence at European level to direct available funding towards these areas, and to report back to us on the outcome with a detailed breakdown of future pre-accession spending on programmes to tackle organised crime. (Paragraph 43)

Government Response

As the Committee notes, there is significant EU funding available to support priority reforms in those countries working towards EU membership, and these resources should be utilised where it will make the most impact in the long-term. We have previously worked in close partnership with the Turkish authorities on building capacity for greater intelligence sharing and tackling organised immigration crime, and will continue to seek future opportunities to work collaboratively with the Turkish authorities in support of their ambitious reform efforts.

The UK has consistently supported efforts to strengthen the link between the justice and home affairs priorities established in the European Commission's regular assessments of progress and the strategic programming of EU financial assistance. Where such details become available, we will endeavour to provide further information on relevant pre-accession spending in due course.

Comment 9: In the long-term, we believe that the risks that Turkish accession poses for organised crime in the EU are considerably outweighed by the potential benefits—partly in terms of the standards the Turkish authorities will be required to meet to bring their systems and capabilities in line with the rest of the EU but largely owing to the opportunities it will bring for increased cooperation with EU law enforcement agencies and with Europol. We also fear there is a risk that, if Turkey is not permitted to join the EU, the Turkish authorities may lose their incentive to prioritise tackling criminality which affects EU Member States to a far greater extent than their own population (Turkey does not have a big domestic drug market and most immigrants transiting the country do not intend to stay), and to cooperate with their EU counterparts. However, we recognise that ultimate decisions on membership of the EU will be based on a far wider variety of considerations than these.

Clearly these problems—and the ability of law enforcement agencies to deal with them—do not conveniently follow the boundaries of the European Union. We need law enforcement agencies to work together effectively both inside and outside the EU borders. It is clear that the Turkish authorities are proving more effective than some of the authorities that lie within the EU border, such as Greece, and that bilateral arrangements—for example, between SOCA and the Turkish authorities—are maturing well. (Paragraph 44)

Government Response

The UK remains Turkey's strongest supporter in its ambition to join the European Union, subject to the rigorous application of the accession criteria. We agree that Turkish accession would be to the wider benefit of the UK and EU, contributing to our mutual prosperity, security, and stability. We welcome the Turkish Government's continued commitment to accelerating domestic reforms, including in the justice and home affairs field.

We strongly endorse the acknowledgement that the Turkish authorities continue to make impressive efforts in tackling cross-border organised crime and illegal migration. Our Strategic Partnership commits the UK and Turkey to tackling all forms of organised crime (especially drug trafficking) and to stepping up our existing and fruitful cooperation to fight illegal migration.

It should also be noted that there is a good level of cooperation between UK and Greek law enforcement agencies overall, with some notable successes in both organised immigration crime and drugs cases.

Comment 10: In the meantime, it is clear that building a closer relationship between Turkey and EU law enforcement agencies should not be deferred until the membership negotiations are completed. In the first instance, we encourage the new Turkish Parliament to continue the work of its predecessor in bringing into effect a data protection law that will allow for a higher level of cooperation with Europol prior to accession, and again encourage the UK Government to offer any assistance that will further this end. It is clear that our UK police and diplomatic representatives have a relatively high level of respect for their Turkish counterparts and spoke positively about the ambition, rate of progress and strategic grasp of the Turkish police and associated authorities. In the medium-term, we consider that the EU should consider making special arrangements for Turkey to assume some of the attributes of EU membership in areas which would be feasible and mutually beneficial. We strongly recommend that Turkey be allowed full membership of Europol (or at the very least a special and enhanced level of associate membership) and of the European Monitoring Centre for Drugs and Addiction, prior to (and irrespective of) full membership. It became clear to us that the fact that Turkey is not a full member of Europol poses obstacles for our own diplomatic and policing work and makes it more difficult to promote multilateral joint working across the EU. Not to admit Turkey to membership of those bodies would be to cut off the European nose to spite our face and we hope that our Government will press

for Turkey to be admitted formally to both bodies at the very least. We recommend that the UK Government discusses this approach with their European partners and reports back to us on the outcome. (Paragraph 45)

Government Response

UK law enforcement agencies and diplomatic representatives have an extremely high level of respect for their Turkish counterparts, and we agree that closer working relationships should not be deferred until accession negotiations are completed. As suggested, there are obvious benefits in bringing into effect a data protection law that would allow a higher level of cooperation with Europol, and the UK stands ready to provide any necessary assistance in this area.

Europol's mandate means full membership is only possible for EU Member States. However, the Council decision of 27 March 2000 (amended by the Council decision of 6 December 2001 and the Council decision of 13 June 2002) authorises the Director of Europol to enter into negotiations on cooperation agreements with third party states and non-EU related bodies. As such, Turkey has an existing cooperation agreement with Europol which promotes the exchange of strategic and technical information. In addition, we would strongly support the development of an operational cooperation agreement between Europol and Turkey, subject to the necessary data protection measures being in place. Such an agreement would benefit both parties and the wider EU by facilitating information exchange and providing greater opportunity for practical cooperation with EU partners. This would also improve the EU's intelligence picture of regional organised crime threats.

The governing regulation of the EMCDDA (Article 21) states that it shall be open to the participation of any third country that shares the interest of the Community and of its Member States in the Centre's objectives and work. Turkey has participated informally in the Centre's work for several years and the UK Focal Point previously hosted a study visit for the Turkish Focal Point. Formal membership by Turkey of the EMCDDA has been agreed by the EU and is only awaiting ratification by the Turkish Parliament before it can take effect.

We will continue to press for Turkey's membership of these bodies as long as the conditions for entry are met and will report back on the outcome in due course.

Comment 11: We gained the very clear impression that Turkey has a genuine will to achieve agreement and to improve co-operation and practice, but feels that EU decision-making is slow and cumbersome. The UK Government should press the EU—and other Member States—to recognise the immediate benefits of cooperating with the Turkish authorities on such issues as law enforcement, border controls, people smuggling and trafficking of drugs and people. This should be pressed in advance of a resolution of other accession issues or the overall rate of progress towards accession. (Paragraph 70)

Government Response

We take every opportunity to encourage our EU partners to recognise the benefits of cooperating with the Turkish authorities in these crucial policy areas. For example, the EU working group on JHA external relations (JAIEX) held a timely discussion on EU-Turkey relations in April. The UK strongly emphasised the importance of working collaboratively with the Turkish authorities, highlighting that the current Multi-annual Indicative Planning Document (MIPD) for Turkey rightly highlights that JHA is one of the priority sectors during the 2011-13 spending period. We suggested that improving judicial efficiency, strengthening inter-agency cooperation in tackling OC and drugs trafficking, and increasing capacity to manage illegal migration should be among the specific priorities for future EU-funded project work – noting that aligning such expenditure with Turkish JHA strategies will help ensure national ownership and further improve the relevant institutions. We pressed for regular follow-up discussions within future JAIEX meetings given that implementation of tangible reforms across the full range of priority JHA areas is in the interests of Turkey and the EU.

Comment 12: The land border between Greece and Turkey now constitutes the main loophole for irregular immigration to the EU: by the end of 2010, up to 350 migrants were attempting to cross it every day. While it is difficult to obtain accurate figures, the majority of these migrants originate from Afghanistan, Pakistan, Central Asia and, more recently—because of a decision by the Turkish Government to relax visa requirements for the nationals of some Maghreb countries—North Africa. (Paragraph 75)

Government Response

We agree with the Committee's assessment regarding the challenges faced at the land border between Greece and Turkey, whilst noting that establishing the true nationality of irregular migrants is problematic. UKBA and SOCA have deployed additional resources in Greece and are developing joint Action Plans to support the enhancement of high-level relationships with the Greek and Turkish authorities in the area of border capacity building and intelligence sharing to tackle the organised criminality behind people smuggling in the region. This work includes specific UK support to the wider Greece Action Plan on asylum and close collaboration with Turkey at all levels to combat organised immigration crime under the Turkey/UK Strategic Partnership Agreement. In support of the latter, the UK and Turkey have successfully delivered a series of EU and bilateral-funded projects to improve border security and asylum processing, as well as establishing close working arrangements with the Turkish police to combat those travelling on forged or fraudulent travel documents.

Comment 13: There is little doubt that the subsequent presence of the Frontex operation at the border since November 2010 was associated with a reduction in the number of migrants crossing. A number of reasons are suggested, including that it has had some form of deterrent effect, it has increased the

surveillance capacity at the border, and it has encouraged the Turkish authorities to put more resources into policing their side of the border. The numbers apprehended on the Greek side dropped from 7,607 in October 2010 to 1,632 in February 2011. We therefore recommend that the European Council strongly communicates to Member States the importance of meeting their commitments to provide Frontex with adequate resources to combat irregular migration at the land border between Greece and Turkey. We believe that, to the extent that Frontex has succeeded, it is largely through the political message that it has sent Turkey that the whole Schengen area, and not just Greece, expects Turkey to act more strongly to combat illegal migration. We recommend that our Government bolsters the limited but cost-effective Serious Organised Crime Agency and UK Border Agency presence and visibility on the Greek-Turkish border to emphasise that the UK wholly concurs with this. (Paragraph 76)

Government Response

A number of reasons contributed to the success of the Frontex operation at the Greece-Turkey border between November 2010 and March 2011, and the political messaging was only one factor affecting its positive outcome.

We welcome the committee's recommendation that the European Council emphasise to Member States the importance of providing Frontex with adequate resources. Although we will continue to support its activities where our presence can deliver the most value, it is important to note that the UK is not a full participant in Frontex. Frontline positions at the Greece-Turkey border are better suited to border guards from the Schengen states who enjoy the necessary legal powers and protections to carry out such duties effectively.

Comment 14: However, Frontex is unable to turn back migrants and we question whether a more effective use of EU resources might not be for Frontex, with the permission of the Turkish Government, to undertake preventative work in Turkey alongside the Turkish border authorities. For this reason, we urge the European Council to adopt provisions for the draft Frontex Regulation that will allow for increasing liaison with third countries and encourage Frontex to put them into effect swiftly. We urge the UK Government to press this specific point with the European Commission as a matter of urgency. (Paragraph 77)

Government Response

As the Committee states, engagement by Frontex with the countries from which illegal migrants seek to cross into the EU is crucial to the effort to reduce these flows. The Government notes that the measures proposed by the Committee are likely to be adopted later this year and will be encouraging their swift implementation.

Comment 15: In the long-term, substantially reducing the flow of irregular migrants to the EU depends significantly upon an improvement in the life chances of people in the developing world, which can be assisted by the effective targeting of UK and EU aid budgets. In the shorter-term, we believe that a four-fold strategy is required to address the situation in Greece and Turkey: resources for Assisted Voluntary Returns, effective readmission agreements, increased cooperation between the Greek and Turkish authorities, and a focused effort to tackle organised immigration crime. The proposed border fence to be built in Evros may have a limited deterrent effect, but all parties involved acknowledge that it is no solution in itself. (Paragraph 78)

Government Response

The Government agrees with the recommendation. UKBA have deployed resources to work with SOCA to develop relationships with Greek and Turkish Authorities to provide support for capacity building and to share intelligence to tackle organised immigration crime. In Turkey, the UK Returns and Reintegration Fund supported the introduction of a pilot Assisted Voluntary Return project that is now being funded by other Member States. Proposals are being developed for securing resources for Assisted Voluntary Returns to support NGOs in Greece. We will continue to offer support to more effective cooperation between Greece and Turkey, and to encourage more effective readmission agreements.

Comment 16: We appreciate the commitment we were given by the Greek authorities that they would continue to combat the issue of irregular migration on behalf of Europe, despite Greece's own acute domestic concerns. However, we are concerned that these domestic problems will severely inhibit the capacity of the Greek authorities to do this effectively and we heed their call for greater burden-sharing amongst European partners. We understand that European funding for crucial migration programmes, including Assisted Voluntary Returns, which allow those migrants who are stuck in Greece to return to their own countries, is being delayed because of Greece's inability to provide matched funding. The UK Government should put pressure on the European Union to release emergency funding without the usual requirement for matched funding while Greece is experiencing acute economic difficulties. (Paragraph 79)

Government Response

The Government agrees with the Committee that support should be given to Greece to combat the issue of irregular migration and we support practical cooperation measures through the European Asylum Support Office. We disagree with calls for greater burden sharing if they include the relocation of beneficiaries of international protection between Member States as this simply moves the problem around rather than solving it. We also have concerns that large-scale relocation could become a pull factor. In our view, people who need protection should obtain it in the first Member State they reach and not be relocated routinely from one Member State to

another. We believe the best way for the EU to assist those Member States facing particular pressures due to illegal immigration is through practical cooperation, sharing of expertise and funding under the Solidarity Mechanism.

On EU funding, we support quicker and more flexible funding where necessary to address migration pressures. However, matched funding is a necessary tool when allocating funding to Member States to ensure EU Funds do not substitute national spend. Emergency measures EU funding is allocated on a higher level of matched funding, meaning Member States are allocated 80% EU funds for 20% national spend. We support this higher level of matched funding in certain circumstances.

Comment 17: We also recognise the efforts made by the Turkish authorities to stem the flow of migrants into Greece, and were particularly encouraged by indications of a greater willingness on the part of the Greek and Turkish authorities to cooperate on migration issues. Small but positive steps have been taken by the Greek and Turkish Coastguards along the maritime border over the last few years and we hope this can be built upon and replicated, with the aid of Frontex, between agencies operating at the land border. Intelligence-sharing across state boundaries is key to disrupting networks facilitating organised immigration crime and Europol and Frontex must take a stronger lead in developing effective ways of sharing and utilising intelligence captured by themselves and the relevant national agencies in Greece and Turkey. Once again, we urge the European Council to pass provisions for the Draft Frontex Regulation that would facilitate this. (Paragraph 80)

Government Response

The Government recognises the significant efforts made by Turkish authorities to tackle the flow of migrants into Greece. Greater co-operation between the Greek and Turkish authorities is essential to the effective tackling of illegal migration through the shared border.

Effective sharing of intelligence remains key to countering cross-border criminality. The UK has bilateral mechanisms in place for the exchange of intelligence on organised immigration crime on the ground in Turkey and Greece and we are seeking to further improve the quality of that information and the outcomes delivered.

As the measures proposed by the Committee have been included in proposed amendments to the Frontex Regulation, we anticipate a marked acceleration of joint working between Frontex and other European law enforcement agencies.

Comment 18: We are deeply concerned about the conditions in which migrants are currently being held in Greece as the authorities struggle to deal with the high level of migration. Currently migrants are able to be held in detention in Greece for a maximum of six months only, and the threat of detention, even in such conditions, appears not to have had a deterrent effect. Most are subsequently released by the Greek authorities because of a lack of

enforcement of the Greek-Turkish Readmission Agreement, which might allow the majority of third-country nationals who have transited Turkey to be returned there. While Greece is unable to return the vast majority of those whom it detains, we question the value of holding migrants in these conditions. We add our voice to that of the UK Government in encouraging the prompt conclusion of a Readmission Agreement between Turkey and the EU, which should facilitate the return to Turkey of greater numbers of irregular economic migrants. (Paragraph 81)

Government Response

The Government is also deeply concerned about the conditions in which migrants are being held in detention in Greece. We have continued to apply political pressure on the Greek Government to treat this issue as a matter of urgency, particularly in the case of those migrants who seek international protection and are subject to prolonged detention without access to the asylum procedure. It is imperative that Greece tackles this issue using measures available to them in order to provide adequate and humane facilities for migrants that are detained. We have offered our support to Greece through the European Asylum Support Office and will be sending our own experts to assist the authorities on management of detention centres and first reception centres. We remain committed to providing practical co-operation to Greece to help implement reforms under the Greek Action Plan for Managed Migration and Asylum Reform.

The Government welcomes the Committee's support for our position on the swift conclusion of the EU Readmission Agreement with Turkey. Given the high level of transit migration through Turkey and into the EU, co-operation on the return of illegal immigrants is important. Finalising the Readmission Agreement would be a further step towards tackling the flow of irregular migrants between Turkey and the EU, and we are pleased that Turkey would also like to conclude the agreement.

Comment 19: There are two positions taken by the Turkish Government which are currently contributing to the flow of irregular migrants into Europe but which Turkey would be required to reverse in order to align itself with EU standards prior to accession. The first concerns the agreement of visa exemptions with a number of countries on the EU's negative list—Turkey would be required to align with the EU Visa Regulation on third country nationals by requiring nationals of these countries, such as Syria, to obtain a visa. The second concerns the application of geographical limitations to the 1951 Geneva Convention—Turkey would have to award full refugee status to genuine refugees from outside Europe. This might encourage more migrants to claim asylum in Turkey rather than the EU, although the impact on overall numbers of migrants is difficult to assess. (Paragraph 87)

Government Response

The Government notes the Committee's concerns. These issues would need to be addressed by Turkey as it works towards meeting the relevant EU standards as part

of the ongoing accession process. For instance, Turkey would need to align its visa policy with that of the EU more widely before accession.

Turkey has prepared a new draft law on asylum, which is expected to go to Parliament during 2012. UNHCR have commended this step, which will bring Turkey's practice closer to the EU acquis, albeit without necessarily removing the limitation itself. An impact assessment on the potential effect of removing the limitation is already underway. In the meantime, the UK continues to support activities that address the treatment of asylum seekers and refugees in Turkey.

Comment 20: Nonetheless, were Turkey to join the EU, the Union's external borders would extend to several countries which pose a considerable security risk, including as a source of large numbers of irregular migrants, notably Syria, Iran and Iraq. In our view, the ability of Turkey to control this border gives rise to the greatest cause for concern within the Justice and Home Affairs area. The EU must apply a very stringent set of conditions relating to border security, all of which must be clearly and objectively demonstrated to have been met by Turkey prior to accession. Careful consideration must also be given within the accession negotiations as to the desirability of eventually allowing Turkey to join the Schengen area. It is appropriate that part of the EU's pre-accession aid package to Turkey is aimed at developing a modern and effective border management system. We have been told that the UK is also providing a considerable level of assistance to the Turkish authorities in this area. This is commendable, but we would like to receive assurances from our Government that the UK is not shouldering too much of the burden and that the EU is meeting its commitments in this area. We urge the Government to make the case vigorously for the EU to be more engaged and forthcoming to Turkey in advance of accession since we have a lot to gain and such an approach would be in the best interests of the UK and other members of the EU. (Paragraph 88)

Government Response

The Government thanks the Committee for these recommendations. Turkey will be required to meet stringent conditions relating to its border security, and EU institutions and existing Member States will continue to work closely with Turkey to enhance its capabilities prior to accession.

The UK has an especially strong bilateral relationship with Turkey in building and maintaining an effective border management system. It is right that we should do this due to the large number of irregular migrants the UK receives via Turkey's border. However, many other Member States are also working closely with Turkey and providing bilateral support, including Denmark, France, Germany, the Netherlands and Sweden. Over the next financial period, the UK will continue to give bilateral support to the Turkish authorities but will also encourage the EU to take a leading role in this area.

In the period 2007-2010 the EU spent €373.46 million on aid to support Justice, Home Affairs and Fundamental Rights in Turkey, including border management. In the period 2011-2013 this will be increased by 17% to €439.77 million. This work is supported by international organisations and NGOs, as well as bilateral support from numerous EU Member States.

Under the EU Treaties, all new Member States are required to join the Schengen area after accession, but internal border controls are removed only when the country concerned has been evaluated and has fully demonstrated its ability to implement Schengen rules in practice. We support in principle current proposals to strengthen the Schengen evaluation mechanism so that weaknesses in border security are tackled quickly and effectively.

Comment 21 It is very difficult to estimate the number of Turkish nationals who would be likely to take advantage of free movement within the EU, particularly given that the date of Turkish accession is unclear; we heard very different views accordingly. Available forecasts have put the figure at anywhere between 0.5 and 4.4 million arrivals between the date of accession and 2030. The scale of migration will depend upon a combination of complex factors, including the relative economic conditions in EU Member States and in Turkey at the time of accession, and the terms of the accession treaty and how these are applied throughout the Union. The picture is complicated by conflicting precedents from previous comparable enlargements: increased migration from Spain and Portugal was negligible following their accession in 1986, but at least 200,000 migrants arrived each year in the UK alone following the accession of the A8 countries between 2004 and 2007, despite official predictions of an annual flow of between 5,000 and 13,000. (Paragraph 105)

Comment 22: We accept that both legal and clandestine migration from Turkey to the EU have declined in recent years to a combined annual figure of below 50,000, and that there is also evidence of negative migration from the EU to Turkey, particularly from Germany. However, it is also the case that population trends and the gap in living standards could make easier migration to the EU an attractive option for Turkish nationals. In terms of destinations within the EU, it is perhaps likely that Turks would favour Germany, Austria, the Netherlands and France, who have the largest Turkish communities in the Union, but previous experience has shown that such assumptions may prove ill-founded. (Paragraph 106)

Comment 23: All of which leads us to be cautious about the prospect of allowing Turkish citizens full freedom of movement. We note the success of transitional arrangements in controlling levels of migration to many EU countries, in the case of the A8 Member States; and to the UK, in the case of Bulgarian and Romanian nationals following their accession in 2007. We therefore welcome and fully support the Government's commitment to applying "effective transitional controls as a matter of course" for all new Member States. While we appreciate that a number of unknown factors make this analysis difficult, and that the Home Office is no doubt wary of attracting

criticism for inaccurate estimates in the future, we are concerned that no impact analysis of Turkish accession for future migration trends has yet been carried out. Accordingly, we recommend that the Home Office undertakes this piece of work now and updates it as circumstances change. (Paragraph 107)

Government Response

As the Committee acknowledges, it is difficult to estimate the additional number of Turkish nationals who would be likely to exercise their Free Movement rights within the EU over and above existing flows. There are a number of factors that make such estimations difficult, including uncertainty around the relative strength of economies across Europe and elsewhere over time; uncertainty around what the relative stocks of Turkish migrants in the UK and other EU countries will be in the future; uncertainty in other key drivers of migration such as relative employment opportunities across Turkey and Europe; and most importantly, the uncertainty around what type of transitional arrangements other Member States might introduce for Turkish accession. Therefore, we do not consider that it would be useful to make such an estimate at present.

However, it will be crucial to carry out timely assessments in the future, using the most robust, up-to-date evidence possible to inform estimates on the potential migration flows and impacts for all future EU accession countries. This evidence base will also help determine the type of transitional controls to apply.



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