Preface

This book critically evaluates how the implementation of the EU-Turkey Statement on refugees affects the rights of refugees and asylum seekers, particularly in relation to the application of the principle of *non-refoulement* and the right to seek asylum. Drawing upon the political theory of Arendt, the book investigates whether the fundamental rights of refugees and asylum seekers are compromised during the readmission procedure. In seeking to address this issue, the book set out two main hypotheses. The first hypothesis is that the EU-Turkey Statement falls short of guaranteeing ‘a right to have rights’ for refugees, with notable limitations around the right to seek asylum, protection from *refoulement* and the availability of dignified living conditions as envisioned in the 1951 Refugee Convention and other human rights instruments. The second hypothesis is that Turkey is not a safe country for refugees. These two hypotheses were tested during fieldwork undertaken in Turkey to explore the current situation of refugees and asylum seekers there. Alongside legal and doctrinal analysis, the book sets out the results of interviews conducted with representatives of NGOs, judges, lawyers, senior officials and experts in Turkey who shared their experiences and observations and threw light on the practical and legal difficulties that refugees experience in seeking to assert their fundamental human right in Turkey.

The research project argues that the two hypotheses are confirmed. First, the EU and Turkey Statement on refugees fails to guarantee the fundamental rights of refugees because Turkey’s institutional and legal structures are simply not capable of hosting a large number of refugees. Furthermore, Turkey’s security concerns after the failed coup attempt in 2016 have resulted in an increased security-oriented approach and the risk of deportation of asylum seekers and refugees on the ground of public security and public order, resulting also in prolonged detention in inhuman conditions. Secondly, Turkey is not a safe third country for refugees since Turkey cannot provide effective protection to refugees meaning that nearly three million refugees are struggling to access housing, health, education services and employment opportunities. The book suggests that this situation is a further form of violence against refugees and hinders their ability to claim and exercise their rights. Put simply, even though refugees are endowed with natural human rights they have no means of exercising those rights. This situation gives rise to the fundamental condition of ‘rightlessness’ and reduces refugees to ‘bare humanity’. 
The book finds that the EU-Turkey ‘deal’ and its implementation provide important evidence to counter the suggestion that refugee protection in the region of origin is an effective solution to the refugee protection crisis. The book further casts doubt on the capacity of the Agreement to contribute to fair burden sharing between states. The book concludes that there is a need for further research to determine how refugee protection could be facilitated without infringing the fundamental rights of refugees.