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THE EU-TURKEY DEAL, A SOLUTION THAT CAN WORK

A legal analysis on the flaws of the EU-Turkey deal and its
viability under International and European Law

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ABSTRACT

The EU-Turkey Statement of the 18 March means the confirmation of the change of direction of the EU migration and asylum policy. The so-called EU-Turkey deal –more criticised than praised – casts serious doubts on its compatibility with international standards. This dissertation will try to identify the legal flaws of the deal and the challenges with its implementation. For this purpose, it will focus on three different aspects: the consideration of Turkey as a ‘safe’ country; the interpretation of the European Court of Human Rights of ‘collective expulsions’; and the capacity of Greece to pursue the implementation of the Statement.

Despite the challenges, the EU-Turkey deal goes in the good direction: It helps to retain the confidence in that a European solution is possible, notwithstanding the new nationalistic realities that seem to take over in the EU. If the Union is able to overcome the legal and material obstacles of the agreement with Turkey, despite of being far from becoming a new global system of refugee responsibility sharing, it can be a solution that works for the EU, and a silver lining for the future of international refugee protection.

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