MASTERARBEIT / MASTER'S THESIS

Titel der Masterarbeit / Title of the Master‘s Thesis

'European Border Management and Refugee Deaths'.

verfasst von / submitted by

Yavuz Selim Yildiz

angestrebter akademischer Grad / in partial fulfilment of the requirements for the degree of

Master of Arts (MA)

Wien, 2018 / Vienna 2018

Studienkennzahl lt. Studienblatt / degree programme code as it appears on the student record sheet:	A 066 824
Studienrichtung lt. Studienblatt / degree programme as it appears on the student record sheet:	Masterstudium Politikwissenschaft
Betreut von / Supervisor:	Univ.-Prof. Dr. Birgit Sauer

Abstract

The border and migration policies of the EU create irregular migrants, while these people are seeking international protection. There are many reasons why people want to migrate to European countries. Political and economic instabilities, authoritarian governments, rights' violations and other kinds of push factors force people to flee. In this regard, mass migration flow has occurred lately because of the Syrian civil war. In this situation, some EU countries closed their land borders and the EU took measures on its sea borders through FRONTEX and EUROSUR. As the safe and regular entries into the EU are restricted by the member states, migrants, asylum-seekers and refugees try to enter to EU irregularly through sea borders. On this risky journey, more than 3000 migrants died on the Mediterranean Sea in the last year.[1] This MA thesis analyses the external border management of the European Union and its elements through Foucault's perspective. The study claims that the biopolitical border policies risk the life of refugees, asylum-seekers and migrants, who are irregular migrants. Furthermore, these policies cause serious rights' violations, provides new routes and new non-state actors like human trafficking gangs, human smugglers, who cause deaths and increase death risk of irregular migrants through their violence and violation of rights.

Keywords

European Union (EU); FRONTEX-EUROSUR; migration; biopolitical border policies.

[1] International Organization for Migration, Missing Migrant Project. Available at: https://missingmigrants.iom.int/region/mediterranean

Abstrakt

Die Grenz- und Migrationspolitik der EU schafft irreguläre Migranten, Menschen, die eigentlich internationalen Schutz suchen. Es gibt viele Gründe, warum Menschen in europäische Länder einwandern wollen. Politische und wirtschaftliche Instabilitäten, autoritäre Regierungen, Rechtsverletzungen und andere Arten von Push-Faktoren zwingen die Menschen zur Flucht. In diesem Zusammenhang ist der Massenmigrationsfluss in letzter Zeit wegen des Bürgerkriegs in Syrien aufgetreten. In dieser Situation haben einige EU-Länder ihre Landgrenzen geschlossen und die EU hat Maßnahmen an ihren Seegrenzen durch FRONTEX und EUROSUR ergriffen. Da die sicheren und regulären Einreisen in die EU von den Mitgliedstaaten eingeschränkt werden, versuchen Asylbewerber, Flüchtlinge und Migranten irregulär über den Seewegen in die EU zu kommen. Auf dieser riskanten Reise starben allein im vorigen Jahr mehr als 3000 Migranten im Mittelmeer.[2] Diese MA-Arbeit analysiert die Todesfälle im Mittelmeer und das Außengrenzenmanagement der Europäischen Union mit der Perspektive von Foucault. Die Studie behauptet, dass die biopolitische Grenzpolitik das Leben aller Einwanderer gefährdet. Darüber hinaus verursacht die biopolitische Grenzpolitik schwerwiegende Rechtsverletzungen, neue Wege und neue nichtstaatliche Akteure wie Menschenhandelsbanden, Menschenschmuggler, die durch ihre Gewalt und die Verletzung von Rechten Todesfälle verursachen und das Sterberisiko irregulärer Migranten erhöhen.

Schlüsselwörter

Europäische Union (EU); FRONTEX – EUROSUR; Migration; biopolitische Grenzpolitiken.

[2] International Organization for Migration, Missing Migrant Project. Available at: https://missingmigrants.iom.int/region/mediterranean

Table of Contents

1. Introduction 1
2. Definitions related to Migration 7
3.Theoretical Background of the Study 13
3.1. Societal Security – Securitization 13
3.2. Biopower – Biopolitics 15
3.3. Panopticon – Panopticism Concept 19
3.4. Operationalization of the Theories 21
4. Materials and Method of the Study 22
5. Historical Process and Basic Framework of Legal Regulations related to Refugee Law in the World 30
6. International Migration and Refugees as Threat? 37
7. The Development of Migration, Asylum, Immigration Policies in Europe 39
8. Key Instruments of Securitized Biopolitical Border Policy 47
8.1. Key Player of Biopolitical Border Policy: FRONTEX 47
8. 2. Panopticon of the Biopolitical Border Policy: EUROSUR 64
9. Conclusion 68
10. References 73

European Border Management and Refugee Deaths

1. Introduction

Since the beginning of Arab Spring, political and economic instabilities in the Middle East forced many people to migrate from their countries and these instabilities remain in the region. In this regard, around one million asylum seekers wanted to immigrate to the European Union irregularly through land and sea borders. This is the largest migration flow towards the European Union since the Yugoslavian civil war.

The search for democracy against dictatorships in the Middle East has brought people not only just tears and blood, but also the desire for international protection in order to sustain their lives in a safe country. As states collapsed in the region, the loss of authority has created military groups, with different perspectives and ideas. These conditions force people to migrate to other safer neighboring countries in the region. The civil war in Syria is producing mass refugee flows into EU countries. In this regard, over 2.9 million refugees migrated to Turkey, around 1 million reached Pakistan according to data of the UN.[3] There are also other reasons to migrate related to the working and living conditions in transit countries for refugees. However, this study does not focus on migration reasons. It focuses on the deaths and death risk of the irregular migrants in the Mediterranean Sea and how the EU reflects on the irregular migration movement, which includes irregular migrants with the asylum seekers and refugees at its outer borders. In this study, the asylum and immigration policies of the EU are examined within the scope of the securitization theory by Copenhagen School and the practices of FRONTEX and EUROSUR are examined in the light of the theory of Michel Foucault as the biopolitical policy of biopower. In addition, EUROSUR is analyzed through the Panopticism concept of Michel Foucault as the eye of biopower over the mixed migration flows. In this regard, the EU acts as a biopower that aims at managing mixed migration flows, especially irregular migrants through its biopolitical border policy, which includes racist practices towards those people.

In Post-Cold War Era, international migration has been taken as a kind of security threat by the states. That is the reason preventive policies by destination countries on migration by are becoming more restrictive and selective every day. Within these categories, it is

[3] UNHCR, 'Figures at a Glance'. Available at: http://www.unhcr.org/figures-at-a-glance.html

observed that "irregular migrants" has a special place. This category of migrants is perceived as an "external threat" by the target countries. Therefore, these migration flows are considered to be a security problem. In this context, the EU is an example for the management of mixed migration flows as it flows through bureaucratic and technological control and surveillance practices. In this situation, the EU has maximized its securitization and reinforced its outer borders. As the EU closed its land borders, the union has taken precautions on the sea front with FRONTEX, choosing to manage migration flows through FRONTEX and EUROSUR.

FRONTEX – The Operational Cooperation Agency for the Management of the External Borders of the Member States of the European Union was established by the Council Regulation 2007/2004.[4] It started its operations on 3rd October 2005. The headquarters of the agency are in Warsaw, the capital city of Poland. FRONTEX employs over 300 people at its headquarters in Warsaw. Employees work in the different areas of risk analysis, operations (land, sea and air), FRONTEX situation center, returns, pooled resources, International and EU Cooperation, legal affairs, fundamental rights office, corporate governance. FRONTEX does not its own equipment or border guards for the coordination of joint operations, FRONTEX must lean on EU countries to provide border guards, ships, aircraft and other resources.[5] FRONTEX has an autonomous status and its own financial regulation.

The EU Commission recommended establishing EUROSUR with a decision to examine the establishment of the European border surveillance system on February 13, 2008.[6] EUROSUR is a surveillance system designed to improve the management of the external borders of Europe. The EUROSUR system aims to promote the prevention of cross-border crime, create situational awareness in combating illegal immigration and the loss of lives of migrants at sea, increase their reaction capability and support member countries.[7] Data obtained by FRONTEX from the EUROSUR system and other sources of information are shared among the member countries by the National Coordination Centers (NCCS) network

[4] FRONTEX, Legal Basis. Available at: http://frontex.europa.eu/about-frontex/legal-basis/.

[5] European Border and Coast Guard Agency (Frontex). Available at: https://europa.eu/european-union/about-eu/agencies/frontex_en

[6] EUR-Lex – Access to European Union law. Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur). Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1509582695076&uri=CELEX:32013R1052

[7] EUROSUR. Available at: http://frontex.europa.eu/intelligence/eurosur/.

system.[8] Unmanned aerial vehicles, radar, motion sensors, thermal cameras and similar equipment are used to monitor land and sea borders.[9] The logic of operationally strengthening FRONTEX' work is motivated by this system. In this context, EUROSUR has provided a wide range of surveillance and inspection facilities on the eastern and southern borders, which are declared to be risky zones according to risk reports.

The main aim of this study is to understand the external border management of the EU to examine the reasons for the death of refugees. The aim of the study is to explore the reasons of the deaths in the Mediterranean Sea. The focus of the study is irregular migrants, who are matter of the outer borders. In this framework, the European Union is externalizing its boundaries and oversight mechanisms through operations with transit and resource states. Although the irregular migration numbers decrease at certain points through controls and operations at the outer borders, it is also at the same time creating new routes and actors such as migrant smugglers that provide new routes and keep the irregular migration going on. Furthermore, it causes expressive rights violations and "racist" practices as expressed by Foucault.[10] The most harmful result of the violence towards these immigrants by states and non-state actors is the most extreme point of violence that is death.

According to the data of the International Organization for Migration (IOM), more than 40,000 migrants lost their lives since 2000, and more than half of these immigrants were on the way to Europe.[11] More than 40,000 migrant deaths have occurred since 2000 and 22,000 have occurred on European borders. According to the data of UN Agency, International Organization for Migration related to the number of deaths on different sea routes are very interesting.

[8] Ibid.
[9] EUR-Lex - Access to European Union law – EUROSUR, Available at: http://eur- lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:l14579.
[10] Foucault, Michel (1998): "The History of Sexuality". Volume 1, New York: Random House.
[11] IOM (2014): "Fatal Journeys Tracking Lives Lost during Migration". International Organization for Migration. Available at: http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf

Table 1) Death numbers in The Mediterranean Sea

Years	Western Med.	Eastern Med.	Central Med.	TOTAL
2014	59	59	3165	3283
2015	102	806	2877	3785
2016	128	434	4581	5143
2017/09	131	46	2592	2769

Source: International Organization for Migration (IOM)

As it is seen on table the deadliest route on the Mediterranean Sea is Central Mediterranean, where the FRONTEX operations are generally conducted. When the numbers decreased on Central Mediterranean route in 2015, the numbers on Eastern Mediterranean increased hugely. In 2016, the numbers on the Eastern decrease significantly but this time they increase again on the central Mediterranean route. On this route, alone 4581 people died in 2016 and it is the highest number since 2000 on the sea routes. Despite the fact that immigrant deaths have become visible in the 1990s, the most important turning point for related policies is the migrant tragedy, which resulted in the death of 366 people in October 2013 on the Central Mediterranean route off Lampedusa.

The research question of this study is:

- How does the European Union secure its societies from mixed migration flows through biopolitical practices of control and surveillance mechanisms at the external borders of the EU?

This study argues that the EU acts as a biopower and secures the society within Schengen borders from mixed migration flows, especially from irregular migrants through the securitization of the related topic and the biopolitical practices of its border management instruments.

In this context, biopower controls not only its society, but also other situations that can cause a threat against the society. The securitization of the migration allows considering irregular migrants, asylum seekers, refugees as external threat. Hence, they must be controlled by biopower as well. Therefore, migrants are endangered and seen as a threat to the safety of the society. The aim of biopower here is more than the discipline of immigrants. These

external threats should be avoided through surveillance and advanced technologies before they reach the country.

The study seeks to analyze how the EU acts as a biopower and secures its society from mixed migration flows (irregular migrants, asylum seekers, refugees) through securitization of migration and biopolitical border practices. Throughout the securitization process, elected politicians by the societies are persuaded to take exceptional measures against the threat of migration, which is an overly politicized topic. Mixed migration flows are stopped through the biopolitical practices. These practices can cause direct or indirect deaths or they can risk lives of migrants. When a state government establishes its power, it determines boundaries and marks the domain of sovereignty. From the view point of EU, the Schengen Treaty Act removes the nation-state borders and determines the domination area and its sovereignty area as well as marks the external borders. Within this context, the EU's Integrated Border Management (IBM) can be seen as one of the control tools of the biosphere that aims at managing the society within the Schengen System and the EU's members. IBM emerges as a community regulation that sets out the external borders of the EU and regulates border movements under the Schengen Borders Act[12] through the Council Directive in 2006. IBM is a structure that includes trade, customs and visa processes, which aims to combat elements such as customs fraud, human trafficking and smugglings. This study analyses how the integrated border management has an effect on the life of irregular migrants who are not only asylum seekers, but also victims of smugglers, undocumented migrants through the practices of European border management instruments.

The study presents firstly the definitions regarding the migration topic in the second chapter. The third chapter contains the theoretical and conceptual framework of securitization, biopower, biopolitics and panopticism. Chapter 4 is related to the materials and method of the study. Then, the historical process and basic framework of legal regulations relating to Refugee Law in the World are highlighted in the fifth chapter. Chapter 6 discusses whether or not the international migration and immigrants can be considered as threat to the European Union. In the seventh chapter, the Europeanization of borders through the European Union is summarized and highlighted by the development of European border and asylum policies in the EU until FRONTEX and EUROSUR were founded. The development of the asylum and border policies has been much discussed and it has been limited until the

[12] EUR-Lex - Access to European Union law – Official Journal of the European Union. Council Regulation (EC) No 562/2006 of the European Parliament. Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:105:0001:0032:EN:PDF

establishment of FRONTEX and it can be a topic for another study. The next chapter is the data analysis part of the study that analyzes structures, functions and the practices of border management instruments at the external borders of EU in the special case of FRONTEX and EUROSUR. The last chapter summarizes the findings related to the research study.

2. Definitions related to Migration

Definitions related to the topic of the research study cannot be understood clearly without explanation. First, the term migration term. Communities have been faced with migration for centuries. People tend to migrate like all living things in nature. Migration is generally defined as the act of displacing people individually or in bulk for economic, social, or political reasons. If this act is within the country, it is defined as internal migration and if it is between countries, as external migration or international migration. The UN Agency, International Migration Office defines migration as "a movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification".[13]

There is not a single definition used in the literature to describe migration, the reason why there is no single definition of migration is that the factors that cause migration are variable. It changes even since short-term and long-term of migratory mobility was initially discussed at the Geneva Congress in 1932. Migration movements having a duration of one year or more were defined as long-term migration; migrations of less than one year were defined as short-term migration at the Geneva congress.[14] Migration depends also on the migrants‘ will and it may be voluntary or involuntary. The decision-making organ in voluntary migration is only the individuals themselves and it is also called free migration.[15] This migratory movement occurs through the individual's own will such as desire to live in a foreign country or to achieve an education. Individual migratory movement is migration due to the needs of the individual such as working, studying etc.

In the forced mass migratory movements, there are situations like natural disasters or wars, in which the control is completely taken from the hands of people and they can only use their initiative to migrate. According to the UN Migration Agency, the definition of forced migration is "a migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of

[13] International Organization for Migration, Key Migration Terms, Available at: https://www.iom.int/key-migration-terms#Migration

[14] Castles, S., Miller, M. (2003), "The Age of Migration: International Population Movements in the Modern World", Palgrave Macmillan; 3rd Revised edition.

[15] Ibid.

refugees and internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects)".[16]

In considering the purposes of immigration, one is confronted with very different forms of migration. Mass migrations are often referred to as long-term migrations. Such migrations are also external migration. Types of migration are so related to each other that a migratory mobility alone is becoming unexplainable. Furthermore, the term migration is separated into two terms, regular and irregular migration. Regular migration comes off through recognized, legal channels.[17] Irregular migration is essentially highlighted in this study. Immigrants, who are living and working in a foreign country without a visa, are usually called "illegal". When people enter without valid ID documents or residence or work permits, this is referred to as illegal migration by the European Union too. According to the UN glossary, irregular migration is a "movement that takes place outside the regulatory norms of the sending, transit and receiving countries".[18] Nevertheless, there is no clear or universally accepted definition of irregular migration. From the perspective of destination countries, it is illegal to enter, stay or work in a country, if the migrant does not have the necessary authorization or documents required under immigration regulations to enter, reside or work in a given country. From the perspective of the sending country, the irregularity is for seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfill the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term “illegal migration” to cases of smuggling of migrants and trafficking in persons. Illegality is created by illegal organizations that can provide individual or collective irregular entrance to a country. People who are under threat of their lives and cannot find asylum in country or in transit countries are the potential customers of these illegal professional smuggling organizations. Those migrants who are asylum-seekers, unskilled immigrants, or refused refugees are the victims of this illegality. Therefore, it is not fair to call these people illegal or criminal. Hence, it is better to use the "irregular" term for them and for their situation. Human trafficking and smuggling gangs can easily be called illegal structures, but the irregular migration management of the European Union creates the market for smuggling and smugglers, human traffickers, make huge profits on it. Furthermore, irregularity is not related only to attempting to enter a country without needed documents; it can occur for several reasons. Furthermore, the United Nations

[16] IOM, Migration Terms. Available at: https://www.iom.int/key-migration-terms#Forced-migration.
[17] IOM, Key Migration Terms. Available at: http://www.iomvienna.at/sites/default/files/IML_1_EN.pdf
[18] Ibid.

abandoned the term "illegal" in the 2000s on the grounds that immigrants are criminalized.[19] EU as well as intergovernmental organizations now use the term "irregular". “Irregular migrant“ is used for those who enter a country in violation of the laws of that country, have no legal right to remain in the country, and must depart from the country. These people are also called clandestine/ illegal/undocumented migrants or migrants in an irregular situation. The status of an immigrant may become irregular in several ways. Sometimes this can happen because of carelessness; sometimes, for arbitrary and unfair reasons, a person may fall into the category of irregular migrants. Even during a single journey, an immigrant can enter and leave the irregular migrant status according to government policies or visa regulations.

There are also many researchers who do not agree with the term "irregular" and prefer to use the words "paperless" or "undocumented" instead of irregular. They believed that the term "paperless / no-document" is much more appropriate to describe the common and fragile situation of immigrants who do not have access to residence or work permits in accordance with to the restrictive immigration laws of states. Many social movements consider this concept to be very much like the movement of paperless immigrants in France, "Sans-Papiers" (Paperless).[20] Paperless can cover many different situations: crossing a country's borders (passport / visa), visa violations, transit migrants, workers without a work permit may become paperless. In other words, a person can be paperless in any phase of the migration journey. Today, the vast majority of those who are left without papers on a migration route work in transit countries without working permission. While it is normal to be paperless for an immigrant with legal status at any stage of migration, the opposite is almost impossible.

Clandestine migration happens in hidden or hidden form, breaking the immigration laws. In a situation that a person who is not a citizen of the country violates the entry regulations of the country; or if he remains to live in the country for an extended period of time.[21]
After investigation of the act of migration, the subjects of this act will be examined. According to the International Migration Organization, a migrant is "any person who is

[19] Koser, Khalid (2007): "International Migration: A Very Short Introduction". Oxford: Oxford University Press.
[20] Freedman J. (2008): "The French “Sans-Papiers” Movement: An Unfinished Struggle". In: Pojmann W. (eds) Migration and Activism in Europe Since 1945. Europe in Transition: The NYU European Studies Series. Palgrave Macmillan, New York.
[21] IOM: Glossary. Available at: http://www.iomvienna.at/sites/default/files/IML_1_EN.pdf

moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of the person's legal status; whether the movement is voluntary or involuntary; what the causes for the movement are; or what the length of the stay is.".[22] Immigrants can be defined as people who are separated from their country for reasons of education and work, not for reasons of persecution or fear. While these immigrants continue to benefit from the protection of their country of citizenship, they undertake this journey of their own free will in order to achieve a better standard of living. While some of these travels are conducted regularly with legal documents such as passports and visas, some can be done irregularly, contrary to the legal systems of the countries. The immigrants can obtain some rights according to the purpose of the residence related to the legal procedures of the countries. Although the right to emigrate legally is one of the requirements of international law, each country implements its own criteria for it. Living, working, educating, citizenship rights are the rights that immigrants can have legally acquire in the country of residence.

Another important term is the question of who is a refugee. The first regulation on refugees is the 1951 Geneva Convention, which relates to the legal status of refugees and according to the Geneva Convention: "[T]he term "refugee" shall apply to any person who: [...] As a result of events occurring before 1 January 1951 and owing to well- founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.".[23] On the other hand, refugees carry legal status. The Universal Declaration of Human Rights defines the right to asylum as follows: "Everyone has the right to seek and to enjoy in other countries asylum from persecution.".[24] Collective asylum emerges in civil wars and conflicts, intense pressures, major disasters. Individual asylum is mostly related to political reasons. Sometimes foreign embassies, combat ships and planes protect the refugees. Refugees are sometimes in a stateless position. The Right of Asylum is another essential term related to migration. It is defined as "a generic term, used in two senses: the right to grant asylum

[22] IOM: Migration Terms. Available at: https://www.iom.int/key-migration-terms#Migrant.
[23] UNHCR: Convention and Protocol relating to the Status of Refugees, Geneva Convention on Refugees, Art. 1, par. B (2). Available at: http://www.unhcr.org/3b66c2aa10.pdf
[24] UN: Universal Human Rights Declaration. Art. 14/1. Available at: http://www.un.org/en/universal-declaration-human-rights/.

(a State may grant asylum in its territory to any person at its own discretion) and the right to be granted asylum either vis–à–vis the State in whose territory asylum is requested, or vis–à–vis the pursuing State.".[25]

Furthermore, non-refoulement is one of the most important rights that bases on the Art.33 of Geneva Convention Relating to the Status of Refugees for the refugees. It is a principle which “no Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.".[26]

Asylum Seekers are persons seeking international protection as a refugee, but whose status has not yet been officially recognized.[27] The term is often used for those who are waiting for the application of refugee status to be accepted by the government or by the United Nations High Commissioner for Refugees (UNHCR). Even if the statutes are not officially recognized, asylum-seekers cannot be forcibly returned to their country of origin and their rights must be protected.

Externally displaced persons are the other terms that need to be highlighted. These are persons who have left their country due to persecution, civil war, generalized violence, armed conflict situations and often these persons flee as masses.[28] Internally displaced persons are persons or groups of persons, that "who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or man-made disasters, and who have not crossed an internationally recognized State border.".[29]

There are also other terms concerning the countries that want to prevent irregular migration such as return, readmission, and readmission agreements. Return, in a broad sense, refers to the act of returning. This return may be within the borders of an ethnicity, as in the case of displaced persons, as well as the return to the country of origin from the host country (transit or target country), as is the case for refugees, asylum seekers and qualifying

[25] IOM: Glossary on Migration. P.57. Available at: http://www.iomvienna.at/sites/default/files/IML_1_EN.pdf.
[26] Ibid.
[27] Ibid.
[28] Ibid.
[29] IOM: Glossary on Migration. Available at: http://www.iomvienna.at/sites/default/files/IML_1_EN.pdf.

citizens.[30] There are also subcategories that describe how the transformation takes place: for example, voluntary, forced, supported, or spontaneous as well as subcategories describing who is participating in the return for example refugees.[31] Readmission is an "act that by a State accepting the re-entry of an individual (own national, third-country national or stateless person), who has been found illegally entering or being present in another State".[32] The admission agreement addresses the procedures for one State to return persons in an irregular situation to their home state or to a state through which they passed on the way to the state, which seeks to return them.

[30] IOM: Glossary on Migration. Available at: http://www.iomvienna.at/sites/default/files/IML_1_EN.pdf.
[31] Ibid.
[32] Ibid.

3. Theoretical Background of the Study

3.1. Societal Security – Securitization

In terms of the study, the concepts of "societal security" and "securitization" as laid out by the Copenhagen School are crucial to explore how the refugee topic is securitized. The Copenhagen School addresses security in four new lines as environment, society, economy and policy. It is an alternative approach to the traditional state-based security. "Societal security" is described by Waever[33] as "defense against a perceived threat to the identity of a community". Culture, religion, unity, language, national identity, tradition are the essential features of a community that must be sustained under all changing circumstances and defended against any possible threats. In this context, when the sustainability of those features is faced with migration, the migrants, asylum seekers, refugees or irregular migrants can be presented as threatening elements due to the probable changes in the basic character of that society by states or political elites that the actors who securitize the society.

Buzan, Waever and Wilde, representatives of the Copenhagen School, claim "securitization" as a discursive and political process. Securitization is reached through actors who securitize.[34] Such actors are usually politically active in a rhetorical manner.[35] Three types of actors can be cited in this process. In the first instance, there is the “referent object”, which is the object of the threat.[36] A state, a government, a territory and/or a society could be the referent object. Secondly, the “securitizing actors” declare the referent object to be threatened and finally the “functional actors” play a major role in the field, but they are neither threatened themselves, nor do they constitute a threat or identify the threat.[37] The securitizing actors can be political elites, advocacy groups, bureaucracies, governments and lobbying groups. In the third process, a subject is overly politicized by a special kind of politics or a policy by the securitizing actor.[38]

[33] Waever, Ole et al. (1993): "Identity Migration and the New Security Agenda in Europe". P.23. New York: St. Martins Press.
[34] Ibid.
[35] Ibid.
[36] Ibid.
[37] Ibid.
[38] Buzan, Barry and Waever, Ole (2003): "Regions and Powers: The Structure of International Security".P. 91, Cambridge: Cambridge University Press, 2003.

The concept of securitization first came to the terminology of international relations after being framed by Waever in the mid-1990s.[39] Waever described security as a speech-act in 1995 and described the concept of securitization as "a verbal presentation that puts a subject in the position of a threat".[40] Furthermore, Donald defines it as "the positioning through speech acts (usually by a political leader) of a particular issue as a threat to survival, which in turn (with the consent of the relevant constituency) enables emergency measures and the suspension of 'normal politics' in dealing with that issue."[41]

Weaver's conceptualization of "securitization" has three important rhetorical processes. In the first of these, a subject is politicized extensively as an external threat. At the second stage, the authority is requested to take illegal measures in order to cope with the external threats in order to secure the referent object (state, society etc.) by the securitizing actor. In this context, administrative oversight for immigrants, deportation without procedural guarantees, illegal pushbacks, the use of disproportionate power and the risk of death or to cause direct death can be considered as examples of illegal measures.
The last stage provides legitimization of illegal actions due to the crucial priority given to the threat. Hence, it is ensured that the subject becomes the most important agenda above and beyond daily routines; so the violation of norms like international human rights or refugee rights is legitimated by the securitizing actor.

In summary, in the speech act of securitization, a subject is firstly presented as a threat to existence. This act begins with the elites declared this threat as a security issue.[42] Then, the subject posed as a threat requires extraordinary measures beyond routine political processes as it is urgent. This necessity will provide legitimacy to combat against it by presenting it as a threat. Finally, the society must be convinced to accept these measures in order to make extraordinary arrangements.

[39] Waever, Ole (1995): "Securitization and Desecuritization." In On Security. Edited by Ronnie Lipschutz, 46–86. New York: Columbia University Press, 1995.
[40] Ibid.
[41] McDonald, Matt (2008): "Securitization and the Construction of Security", p.567. European Journal of International Relations, 2008, Vol. 14 (4).
[42] Waever, Ole (1995): "Securitization and Desecuritization." In On Security. Edited by Ronnie Lipschutz, 46–86, p.57. New York: Columbia University Press, 1995.

3.2. Biopower – Biopolitics

Michel Foucault provides a crucial theoretical framework for "biopower" and its management style "biopolitics" concepts for the study in explaining the current practices and the consequences of these practices of the external border management of EU.

Michel Foucault argued his ideas about biopolitics primarily in his lectures collected later in "Society Must Be Defended".[43] Foucault's concept of biopolitics is widely formed by his own concept of biopower and it means the extension of state power over both the physical and political bodies of a population. Biopolitics show a meaningful historical transformation from a politics of sovereignty to a politics of society. In other words, he takes us from an approach that the ‘sovereignty must be defended’ to an approach that the 'society must be defended'. In The History of Sexuality book, Foucault expresses how the transformation emerges:

> "Wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone; entire populations are mobilized for the purpose of wholesale slaughter in the name of life necessity: massacres have become vital."[44]

Foucault defines biopolitics as "a new technology of power... that exists at a different level, on a different scale, and that has a different bearing area, and makes use of very different instruments.’’.[45] Biopower is a "life-regulating technology" in which the population and its bodies are controlled by different and new power technologies.[46] Foucault speaks of "biopower" as an alternative power technology to the traditional governance/power model, which is dominant, prohibitive and restrictive. It is the governor that has a right to give and take life. Unlike the dominant power, the biopower approaches the human body as a machine.[47] The essential need for this power is to discipline the body, to develop its abilities and to integrate it with economic control systems. The aim is to make the human body docile and productive through control mechanisms, so that it can respond to the needs of

[43] Foucault, Michel (1997): "Society Must Be Defended: Lectures at the Collège de France, 1975-1976". New York, NY: St. Martin's Press.
[44] Foucault, Michel (1998): "The History of Sexuality". Vol. 1, p.137. New York: Random Hause.
[45] Foucault, Michel (1997): "Society Must Be Defended: Lectures at the Collège de France, 1975-1976", p.242. New York, NY: St. Martin's Press.
[46] Ibid, p. 242.
[47] Ibid, p. 249.

government.[48] Another focus of biopower is power technology, which focuses on population. Individuals and their bodies are "… not exactly society (or at least not the social body, as defined by the jurists), nor is it the individual-as-body. It is a new body, a multiple body, a body with so many heads that, while they might not be infinite in number, cannot necessarily be counted".[49] The unit of analysis, which the Copenhagen School defines as „society“, is the "population" that the biopower regulates. He says further out as "Biopolitics deal with the population, with the population as political problem, as a problem that is at once scientific and political, as a biological problem and as power's problem."[50] In the biopolitics, the right to "kill or to survive" has turned to the right to "live or die" in the transformation from sovereign power to biopower.[51]

Foucault claims that:

> "I wouldn't say exactly that sovereignty's old right —to take life or let live— was replaced, but it came to be complemented by a new right which does not erase the old right but which does penetrate it, permeate it. This is the right, or rather precisely the opposite right. It is the power to "make" live and "let" die. The right of sovereignty was the right to take life or let live. And then this new right is established: the right to make live and to let die."[52]

As a general rule, biopower makes the human body obedient and submissive by the new power techniques like hygiene, public housing systems, and demographics studies. The new power techniques try to organize and deny multiple bodies, or populations. Freedom and happiness of the individual is not the goal of biopolitical techniques. However, biopolitical discourse produces a discourse that is positive, productive and supports the life of the individual. Unlike the traditional model, which punishes the individual by imprisoning the individual and limiting his powers or in the extreme by taking his life, the model of biopower transforms prisons to collective restoration / correctional spaces. This change does not mean that discipline and punishment are completely out: rather discipline tries to direct the multitude of people/population so that this multitude can and should be turned into individual bodies that are watched, trained, used, and perhaps punished.[53] While the human

[48] Foucault, Michel (1997): "Society Must Be Defended: Lectures at the Collège de France, 1975-1976", p.249. New York, NY: St. Martin's Press.
[49] Ibid, p. 245.
[50] Ibid, p. 245.
[51] Ibid.
[52] Ibid, p. 241.
[53] Ibid, p. 249.

body becomes valuable and human life must be protected for biopower, the new approach on population management is the control and protection of multi-human structures. Controlling, protecting or bringing the life to its best in a manner similar to the individual as a living being through security mechanisms is the goal.[54] For the population "bringing life to its best" means also protecting this population from possible external threats.
As Foucault notes,

> "... how will the power to kill and the function of murder operate in this technology of power, which takes life as both its object and its objective? How can a power such as this kill, if it is true that its basic function is to improve life, to prolong its duration, to improve its chances, to avoid accidents, and to compensate for failings? How, under these conditions, is it possible for a political power to kill, to call for deaths, to demand deaths, to give the order to kill, and to expose not only its enemies but its own citizens to the risk of death?."[55]

Although the limit of biopower is seen as death according to Foucault, there is also a dark face of the biopower to maximize life. He underlines it in the History of the Sexuality too.[56] Foucault's term for the dark side of the biopower is "racism".
In his Society Must be Defended, he further outlines this:

> "It is indeed the emergence of this biopower that inscribes it in the mechanisms of the State. It is at this moment that racism is inscribed as the basic mechanism of power, as it is exercised in modern States. As a result, the modern State can scarcely function without becoming involved with racism at some point, within certain limits and subject to certain conditions."[57]

Foucault's idea of state racism was born in the displacement from the defense of the sovereign to the defense of society. He defines:

> "It is primarily a way of introducing a break into the domain of life that is under power's control: the break between what must live and what must die."[58]

[54] Foucault, Michel (1997). "Society Must Be Defended: Lectures at the Collège de France, 1975-1976", p.245. New York, NY: St. Martin's Press.
[55] Ibid, p. 254.
[56] Foucault, Michel (1998): "The History of Sexuality". Vol. 1. New York: Random Hause.
[57] Foucault, Michel (1997): "Society Must Be Defended: Lectures at the Collège de France, 1975-1976", p. 254 New York, NY: St. Martin's Press.
[58] Foucault, Michel (1997): "Society Must Be Defended: Lectures at the Collège de France, 1975-1976", p. 254. New York: St. Martin's Press.

It means that any group, that is constructed to be a threat to life of population, which is regulated by biopower can be removed without facing any punishment such as the legitimation process in the securitization by biopower. The basic principle for dominant power is "if you want to live, you must take lives, you must be able to kill". This discourse for biopower has changed to "if you want to live, the other must die".[59] The death of the other one is "the death of the bad race, the death of the lower race" as an external threat for the security of the population. This is also necessary not only for the safety of that population‘s life, but also to make it healthier and purer.[60]

Biopower can divide people into who needs to live and who needs to die through racism. Such a power defines itself in relation to the biological order as a manager and as a distinction between the living and the dead. This audit logically requires the distribution of the human race into groups and the division of the population into subgroups.[61] In other words, it creates a distinction between us and the others, normal and abnormal as well as citizens and irregular migrants, asylum seekers, refugees. The second group can be removed to save the life of the first. In other words, authority is given to the biopower to kill others for the safety of the population. Foucault does not mention only the authority to kill for those who can be removed from sight, but also the authority to put them "under the risk of death". It means "indirect killing": some people can "be condemned to death’’ as an exceptional case to avoid a greater risk for the population. The aim is not to triumph over political enemies, but to eliminate the biological danger to the population.
Foucault defines indirect killing as:

> "When I say "killing," I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection, and so on."[62]

[59] Ibid, p.255.
[60] Ibid.
[61] Mbembe, Achille (2008): "Necropolitics". In: Morton S., Bygrave S. (eds) Foucault in an Age of Terror. Palgrave Macmillan, London.
[62] Foucault, Michel (1997): "Society Must Be Defended: Lectures at the Collège de France, 1975-1976", p.256 New York, NY: St. Martin's Press.

3.3. Panopticon – Panopticism Concept

Panoptic – this word is a mixture of two words: pan that means all as in panorama and other is optic, which means sight, just optic in general. It means all seeing, so Panopticism is basically a concept of being watched all the time. The concept of Panopticism comes from Panopticon. Panopticon was discovered by the British philosopher Jeremy Bentham. Bentham used this concept in his proposed project for the design of prisons, mental asylums, hospitals and schools in the UK. In this project, there is a watchman inside of a tower surrounded by cells in the middle of the prison, which is shaped in the form of a circle. Prisoners are in the cells. The watchman is able to see everyone in the cells through the tower. In this way, he can observe each prisoner, even if he is not actually doing so; it causes the conduct of the prisoners to stay in line with the rules because of their feeling that the watchman can see them. The Panopticon can be described as a modern prison model. Michel Foucault talks about Panopticon as Panopticism in his book „Discipline and Punish".[63] Foucault understood this watchman as power and the perception that power exercised over individuals / in institutions made sense through this concept of the watchman-prisoner relationship. According to Foucault, Panopticon is designed to be in a fashion method of maintaining discipline.

He argues that it is not just a model for institutions, but also can be considered as a principle of power in society:

> "The Panopticon, on the other hand, must be understood as a generalizable model of functioning; a way of defining power relations in terms of the everyday life of men... No doubt, Bentham presents it as a particular institution, closed in upon itself. Utopias, perfectly closed in upon themselves, are common enough. As opposed to the ruined prisons, littered with mechanisms of torture, to be seen in Piranese's engravings, the Panopticon presents a cruel, ingenious cage. The fact that it should have given rise, even in our own time, to so many variations, projected or realized, is evidence of the imaginary intensity that it has possessed for almost two hundred years. But the Panopticon must not be understood as a dream building: it is the diagram of a mechanism of power reduced to its ideal form; its functioning, abstracted from any obstacle, resistance or friction, must be

[63] Foucault, Michel (1977): "Discipline and Punish: The birth of Prison", Penguin Books Ltd, London, United Kingdom.

represented as a pure architectural and optical system; it is in fact a figure of political technology that may and must be detached from any specific use.".[64]

Foucault notices that we are all being watched at schools, in offices, in public places. In the modern age, we have smart phones and through applications with the ability for officers to access our cameras, microphones. Street and way cameras, communication and security systems, shortly all over the place, someone is watching us or there is a probability of being watched. Foucault says this is Panopticism, a modern way of disciplining bodies by modern power. He notices too that not all cameras record us but the point is they do not have to do it. Private people, official people, governments, all must mind that they could be being watched – somebody could be watching every single one of our movements. In this concept, it can be considered, that governance — power can also be used as a security mechanism for modifying behavior not just capturing it, for instance, in the process of a crime.

[64] Foucault, Michel (1977): "Discipline and Punish: The birth of Prison", p. 205, Penguin Books Ltd, London, United Kingdom.

3.4. Operationalization of the Theories

The operationalization of theories was made through discourse analysis. The discourse analysis, which is suitable for use in the discourse of institutions, in oral and written media, even in verbal communication, can be preferred for the cover-up of Foucault's post-structural perspective too.

According to Foucault, discourse is ‘’a group of statements which provides a language for talking about a particular topic at a particular historical moment... Discourse is about the production of knowledge through language. But… since all social practices entail meaning, and meanings shape and influence what we do – our conduct – all practices have a discursive aspect.’’[65]

From this point, perspectives of Foucault related to biopower and its politics, as well as its surveillance – Panopticon were interpreted in materials through discourse analysis. The theories of Copenhagen School are also suitable for discourse analysis. Discourse analysis was useful to interpret and analyze FRONTEX’ and EUROSUR’ organizational structures, objectives and operations. The primarily materials of study that three half-structured interviews and documents of FRONTEX and EUROSUR were analyzed through discourse analyze and interpreted in the light of the theories.

[65] Hall, Stuart (1997): ‘’Representation: Cultural Representations and Signifying Practices’’. P.44. The Open University/Sage Publications, London.

4. Materials and Method of the Study

The qualitative method of research was used in the study and the materials related to the study are three half-structured interviews, legal documents related to maritime operations and institutional structure of FRONTEX and EUROSUR, as well as published reports of UN and non-governmental organizations.

Biopower is a "life-regulating technology" in which the population and its bodies are controlled by different and new power technologies.[66] Throughout implementation of securitizing steps for migration subject, the EU acts as a biopower and tries to manage the migration. In this respect, it manages not only its own population but also other population – mixed migration flows – to discipline them through different and new power technologies. These technologies can be interpreted as External border management and its institutions – FRONTEX and EUROSUR. In this regard, EUROSUR is interpreted as Panopticon for the surveillance of irregular migrants in order to define and create selective targets for FRONTEX activities. To understand and find out the structural, financial and operational logic of these institutions, the legal documents of those institutions were analyzed. The legal documents were reached from official FRONTEX web page and they were interpreted by analyzing their discourses.

In the analysis of primarily sources, I quickly browsed transcripts and legal documents and made notes about my first impressions. Then, I labeled relevant pieces such as, words, phrases, sentences or sections in the transcripts and legal documents. It was important to examine how these relevant pieces were expressed; also, the actual word used during the interview or repeated ones or something that is stated, as it is important by interviewee. Labeled pieces or codes were categorized under four themes, which cause direct or indirect deaths. They are European External Border Management and its institutions, Human Trafficking and Smugglers, Rights' Violations and Refugee Deaths.

The following materials were examined through discourse analysis:

FRONTEX 'Legal Basis'[67],

[66] Foucault, Michel (1997): "Society Must Be Defended: Lectures at the Collège de France, 1975-1976", p.242. New York, NY: St. Martin's Press.

[67] FRONTEX, 'Legal Basis'. Available at:http://frontex.europa.eu/assets/Legal_basis/frontex_amended_regulation_2011.pdf.

FRONTEX 'Board of Directors'[68],

FRONTEX 'Mission and Tasks'[69],

FRONTEX 'Executive Director'[70],

FRONTEX 'EUROSUR'[71],

FRONTEX 'EUROSUR Regulation'[72],

EUROSUR[73],

FRONTEX 'CRATE'[74],

FRONTEX 'Rapid Intervention'[75],

FRONTEX 'Archive of Operations' – Poseidon[76],

FRONTEX 'Fundamental Rights Strategy'[77],

FRONTEX 'Amended Budget 2017'[78],

FRONTEX 'Annual Risk Analysis 2017'[79],

FRONTEX 'Annual Risk Analysis 2015'[80],

FRONTEX 'Beyond the Frontiers'[81],

FRONTEX 'Annual Risk Analysis 2010'[82],

68 FRONTEX – Board of Directors, available at: http://frontex.europa.eu/about-frontex/organisation/management-board/

69 FRONTEX (2015): "Mission and Tasks". Available at: http://Frontex.europa.eu/about-Frontex/mission-and-tasks/

70 FRONTEX – Executive Director. Available at: http://frontex.europa.eu/about-frontex/organisation/executive-director/

71 FRONTEX: EUROSUR. Available at: http://frontex.europa.eu/intelligence/eurosur/.

72 FRONTEX (2013): "EUROSUR Regulation". Available at: http://frontex.europa.eu/assets/Legal_basis/Eurosur_Regulation_2013.pdf

73 EUR-Lex: "EUROSUR". Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l14579

74 FRONTEX – CRATE. Available at: http://frontex.europa.eu/news/european-patrols-network-and-centralised-record-of-available-technical- equipment-to-be-presented-at-tomorrow-s-jha-council-O1bOgX,

75 FRONTEX 'Rapid Intervention'. Available at: http://frontex.europa.eu/operations/rapid-intervention/.

76 FRONTEX – Archive of Operations, Poseidon. Available at: http://frontex.europa.eu/operations/archive-of-operations/ZCQzCe

77 FRONTEX (2011): "Fundamental Rights Strategy". Available at: http://frontex.europa.eu/assets/Publications/General/Frontex_Fundamental_Rights_Strategy.pdf

78 FRONTEX (2017): "Frontex Amended Budget 2017", available at: http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Budget/Budget_2017_N2.pdf

79 FRONTEX (2017): "Annual Risk Analysis 2017", available at: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf.

80 FRONTEX (2015): "Annual Risk Analysis Report 2015", available at: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf

81 FRONTEX (2010): "Beyond the Frontiers", available at: http://frontex.europa.eu/assets/Publications/General/Beyond_the_Frontiers.pdf

82 FRONTEX (2010): "Annual Risk Analysis 2010", available at: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2010.pdf.

FRONTEX 'General Report 2009'[83],

FRONTEX 'Annual Risk Report 2006'[84],

A year in Review – First 12 months of the European Border and Coast Guard Agency[85], Longest FRONTEX Coordinated Operation – Hera, the Canary Islands[86]

Discourses would not be enough to interpret the practices of FRONTEX and EUROSUR, as those institutions do not publish any written or spoken information on operation processes and refugee deaths. Thus, two half-structured interviews were conducted in order to highlight governmental approaches related to refugee deaths in the Mediterranean Sea. Still these primarily sources were not enough to interpret the institutional practices and the refugee deaths in Mediterranean Sea complementary. Therefore, a third interview was conducted with an expert of a non-governmental organization related to right violations that cause direct or indirect deaths.

Selection of Interview, Interview Partners and Implementation of Interviews

Interviews were chosen with experts who have special knowledge, related to their professions. This knowledge is part of their experiences, responsibilities and obligations of their status within an institution. These experts were chosen according to their importance in relation to border management and border relations, which cause deaths and increase death risk. Interviews were held in Turkey and Austria with experts to gather data related to the research question. I carried out two interviews in Turkey as it is a country with 3,5 million refugees. Furthermore, it is an important transit country for the 853.000 refugees who reached the EU borders in 2015 and there has been a tendency to decrease refugee death numbers in the East Mediterranean sea after the EU-Turkey Agreement. That is the reason to highlight Turkey, in hopes to ensure preventing deaths in East Mediterranean. The first expert is from the Izmir Turkish Coastguard Border Police Center. He is a senior officer and responsible for the Security, Smuggling and Organized Crimes Unit at the center. The second interviewed person is the coordinator of asylum rights from Amnesty International

[83] FRONTEX (2009): "General Report 2009", available at: http://www.europarl.europa.eu/document/activities/cont/201008/20100805ATT79751/20100805ATT79751EN.pdf.

[84] FRONTEX (2006): FRONTEX Annual Risk Report. Available at: http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Annual_report/2006/annual_report_20061.pdf

[85] FRONTEX (2017): "A year in Review - First 12 months of the European Border and Coast Guard Agency". Available at: http://frontex.europa.eu/assets/Publications/General/A_Year_in_Review.pdf

[86] FRONTEX (2006): Longest FRONTEX Coordinated Operation – Hera, the Canary Islands. Available at: http://frontex.europa.eu/news/longest-frontex-coordinated-operation-hera-the-canary-islands-WpQlsc

Turkey, a non-governmental organization and he was very easy to reach. The third Interview partner is the Head of migration, asylum, and border trafficking department from Austrian Foreign Affairs Ministry.

Semi-structured interviews were carried out with open questions and recorded by a voice-recording machine. Interview guidelines were prepared by formulating questions based on the thesis. Questions were related to European Border Management – FRONTEX, Human Trafficking and Smugglers, Rights' violations and Refugee deaths. Then contacts with the experts were arranged and appointments made.
The first interview was carried out in Izmir, as it is one of the transit cities on the East Mediterranean route, where irregular migrants are refugees, asylum-seekers and forced migrants. The author's cultural background, education, status as a student and thesis, he was convinced to make an interview. It lasted fifty minutes and was conducted in the office of the expert. All of the interviewed persons were relaxed and the execution of the interviews was pleasant. The second interview was made in Ankara with an expert from Amnesty International Refugee Rights, a Coordinator for investigating the racist implications and violation of rights that cause direct or indirect deaths. It was carried out in the expert's office in the Amnesty International Turkey Refugee Department and lasted 47 minutes. The third interview was conducted in Vienna with the Head of border, migration, asylum department from Austrian Foreign Affairs Ministry at his office. As Austria is an EU country, the interview was important to discuss and gather information on EU external border management and its implications.

Newspapers and Documents

The primarily sources were not enough to interpret the practices of FRONTEX and EUROSUR and the refugee deaths in Mediterranean Sea. Thus, the following published materials of UN, the reports of non-governmental organizations and news articles from daily newspapers regarding to deaths were used as material for study and these materials were analyzed through descriptive analysis. In the analysis of newspaper news and the materials regarding reports of international and non-governmental descriptive analysis was used. Descriptive Analysis is the categorization of the data into the determined themes.[87] I read and made notes on the documents. Then important sentences, paragraphs and incidents were labeled. Coded sentences, paragraphs and incidents were categorized under themes,

[87] Yildirim, Ali and Simsek, Hasan (2013): "Sosyal Bilimlerde Nitel Araştırma Yöntemleri", Ankara: Seckin Yayincilik.

which were above mentioned. Nevertheless, this time instead of trying to know and criticize what is behind the labeled pieces, it is essential in descriptive analysis to identify these codes and use them directly in the study.

At the first stage of securitization[88] steps, a subject is politicized extensively as an external threat and governments, politicians or institutions voice it. The Guardian and Washington Post were chosen in order to see if it is possible to find a speech from EU governments to interpret. I could reach to news articles of The Guardian, Washington Post and Hurriyet through their online archives. These newspapers were chosen as their news articles were accessible. The news articles used for the analysis were taken from their online archives with a time limitation from 01/2013 until 06/2017. The news articles of The Guardian and Washington Post related to immigrant crisis and immigrant deaths were collected through typing these words on search buttons. At the second stage of securitization, the authority is requested to have illegal measures in order to cope with the external threats for the defense of referent object. In this context, administrative oversight for immigrants, deportation without procedural guarantees, illegal pushbacks, the use of disproportionate power and the death risk or to cause direct deaths are the possible examples of illegal measures.
In addition, Foucault claims that state racism is the primary characteristic of the modern biopolitical state: the external border management of EU regarding to refugees, in contrast to the human rights discourse in practice can be expressed rights violations and "racist" practices. The reports of non-governmental organizations and news articles presented those possible rights‘ violations, racist practices or illegal measures of FRONTEX – EUROSUR and EU member countries. Hurriyet, one of the most read newspapers in Turkey, was chosen in order to find news articles related to these illegal actions and their fatal costs on refugees in East Mediterranean Sea. The key word ‘’göcmen ölümleri’’ was typed to reach the related news articles of Hurriyet. Furthermore, the choice of a Turkish newspaper was necessary, as it is a neighbor country to EU and a transit one on the east Mediterranean Sea route for refugees. Moreover, the refugee topic is always popular in Turkey. Following news articles were benefited in the study in order to find speeches and rights’ violations.

[88] Wæver, Ole (1995): “Securitization and Desecuritization.” In On Security. Edited by Ronnie Lipschutz, 46–86. New York: Columbia University Press, 1995.

The Guardian News:

"Most Migrants Crossing Mediterranean will be sent back"[89]

"Lampedusa Tragedy"[90]

"African migrants 'left to die' in dinghy sue Spanish and French military"[91]

Washington Post News:

"An interview with Antonis Samaras, Greek prime minister, on austerity and unrest"[92],

"Why Britain Won't save drowning migrants in the Mediterranean"[93]

Hurriyet News:

" Meric'te yarali halde bulunan Cezayirli: Beni Yunan polisi dovdu"[94]

Moreover, the documents from UN Migration Agency – International Organization for Migration and non-governmental organizations such as Amnesty International, ProAsyl, State Watch, Human Rights Watch, United against Racism, Migeurop were used as material for study in order to highlight practices of FRONTEX – EUROSUR. These documents were achieved from their official web pages. was used relating to deaths and irregular migration to Europe from the International Organization for Migration, which is the UN Migration Agency. The irregular migration research database of International Organization for Migration, which includes more than 800 sources on the irregular migration to Europe, was used to reach sources. The database could be reached through the official web page of the UN Migration Agency.[95]

The following report of International Organization for Migration (IOM) was used as material related to deaths:

[89] The Guardian (2015): "Most Migrants Crossing Mediterranean will be sent back". Available at: https://www.theguardian.com/world/2015/apr/22/most-migrants-crossing-mediterranean-will-be-sent-back-eu-leaders-to-agree

[90] The Guardian (2014): "Lampedusa Tragedy". Available at: https://www.theguardian.com/world/2014/mar/22/lampedusa-boat-tragedy-migrants-africa.

[91] The Guardian (2013): "African migrants 'left to die' in dinghy sue Spanish and French military". Available at: https://www.theguardian.com/world/2013/jun/18/boat-tragedy-migrants-sue-france-spain

[92] Washington Post (2012): "An interview with Antonis Samaras, Greek prime minister, on austerity and unrest". Available at: https://www.washingtonpost.com/opinions/an-interview-with-antonis-samaras-greek-prime-minister-on-austerity-and-unrest/2012/09/14/f80887dc-fdb4-11e1-a31e-804fccb658f9_story.html? utm_term=.39356c174e8c

[93] Washington Post (2014): "Why Britain Won't save drowning migrants in the Mediterranean". Available at: https://www.washingtonpost.com/news/worldviews/wp/2014/10/28/why-britain-wont-save-drowning-migrants-in-the-mediterranean/?utm_term=.f0fddbf315e1

[94] Hurriyet (2017): Meric'te yarali halde bulunan Cezayirli: Beni Yunan polisi dovdu. Available at: http://www.hurriyet.com.tr/mericte-yarali-bulunan-cezayirli-beni-yunan-p-40517860

[95] Irregular Migration Research Database: Europe, available at: https://gmdac.iom.int/research-database/search?field_country_tid_selective=3398

Dangerous Journeys; International Migration increasingly Unsafe – The Central Mediterranean Route; Deadlier than ever[96]

The materials related to right violations which may cause deaths are the reports of Amnesty International on pushbacks and violations on the Mediterranean Sea are:

Europe's Gatekeeper – Unlawful Detention and Deportation of Refugees from Turkey[97],

Fear and Fences – Europe's Approach to Keeping Refugees at Bay[98],

The Human Cost of Fortress Europe – Human Rights Violations against Migrants and Refugee at European Borders[99].

A Perfect Storm – The Failure of European Policies in the Central Mediterranean[100],

Europe's Sinking Shame – The Failure to Save Refugees and Migrants at Sea[101],

S.O.S. Europe – Human Rights and Migration Control[102],

Forced Back to Danger – Asylum-Seekers Returned From Europe to Afghanistan[103],

Amnesty International Public Statement, Italy: Refugees and migrants in the central Mediterranean, cutting the lifelines[104]

Reports of other non-governmental organizations were also used as materials:

State watch, Opaque and unaccountable: Frontex Operation Hera, 2017[105],

96 IOM (2016): Dangerous Journeys; International Migration increasingly Unsafe – The Central Mediterranean Route; Deadlier than ever. Available at: https://publications.iom.int/system/files/gmdac_data_briefing_series_issue4.pdf

97 Amnesty International (2015): Europe's Gatekeeper – Unlawful Detention and Deportation of Refugees from Turkey, Available at: https://www.amnesty.org/download/Documents/EUR4440222015ENGLISH.pdf

98 Amnesty International (2015): Fear and Fences – Europe's Approach to Keeping Refugees at Bay. Available at: http://www.amnesty.eu/content/assets/Doc2015/2015_Documents/Report_-_Fear_and_Fences-EMBARGO.pdf

99 Amnesty International (2014): The Human Cost of Fortress Europe – Human Rights Violations against Migrants and Refugee at European Borders. Available at: https://www.amnesty.at/de/view/files/download/showDownload/?tool=12&feld=download&sprach_connect=135

100 Amnesty International (2017): A Perfect Storm – The Failure of European Policies in the Central Mediterranean. Available at: https://www.amnesty.org/en/documents/eur03/6655/2017/en/

101 Amnesty International (2015): Europe's Sinking Shame – The Failure to Save Refugees and Migrants at Sea. Available at: https://www.amnesty.org/en/documents/eur03/1434/2015/en/

102 Amnesty International (2015): S.O.S. Europe – Human Rights and Migration Control. Available at: http://www.amnesty.eu/content/assets/S_O_S_Europe_Report_Web_02.pdf

103 Amnesty International (2016): Forced Back to Danger – Asylum-Seekers Returned From Europe to Afghanistan. Available at: https://www.amnesty.at/de/view/files/download/showDownload/?tool=12&feld=download&sprach_connect=635

104 Amnesty International (2017): Amnesty International Public Statement, Italy: Refugees and migrants in the central Mediterranean, cutting the lifelines. Available at: https://www.amnesty.org/en/documents/eur30/6319/2017/en/

105 Statewatch (2017): "Opaque and unaccountable: Frontex Operation Hera". Available at: http://www.statewatch.org/analyses/no-307-frontex-operation-hera.pdf

United Against Racism, List of Deaths[106],

Migeurop Document, Frontex between Greece and Turkey: The Border of Denial[107],

Human Rights Watch Report, Greece: Attacks to boats risk migrant lives[108],

Pro Asyl Report, Pushed Back: Systematic Human Right Violations against Refugees in the Aegean Sea and at the Greek – Turkish Land Border[109],

European Database of Asylum Law: EctHR – Hirsi Jamaa and Others vs. Italy[110]

[106] United Against Racism (2017): List of Deaths. Available at: http://www.unitedagainstracism.org/wp-content/uploads/2017/06/UNITEDListOfDeathsActual.pdf.

[107] Migeurop (2014): "Frontex between Greece and Turkey: The Border of Denial". Available at: http://www.migreurop.org/IMG/pdf/rapport_en_web-3.pdf

[108] Human Rights Watch (2015): "Greece: Attacks to boats risk migrant lives". Available at: https://www.hrw.org/news/2015/10/22/greece-attacks-boats-risk-migrant-lives.

[109] Pro Asyl (2013): "Pushed Back: Systematic Human Right Violations against Refugees in the Aegean Sea and at the Greek – Turkish Land Border". Available at: https://www.proasyl.de/wpcontent/uploads/2015/12/PRO_ASYL_Report_Pushed_Back_english_November_2013.pdf

[110] European Database of Asylum Law (2012): EctHR – Hirsi Jamaa and Others v Italy [GC], Application No. 27765/09. Available at: http://www.asylumlawdatabase.eu/en/content/ecthr-hirsi-jamaa-and-others-v-italy-gc-application-no-2776509

5. Historical Process and Basic Framework of Legal Regulations related to Refugee Law in the World

In this chapter, the historical process and basic framework of legal regulations relating to Refugee Law in the World are being highlighted and it aims to show the achievement and importance of the refugee law. Furthermore, it helps to see the general situation of refugees and their rights in the world.

International Refugee Law

In world history, the refugee and asylum seeker phenomenon is based on ancient history. Today, various regional and international agreements have tried to determine the boundaries of refugee law. Refugee law today is based on the efforts of the victims of the first and the second world wars. The aim was to seek safe countries for refugees. European-originated movements in the aftermath of both World Wars can be seen as the main factor for the emergence of refugee law. Nevertheless, the recent non-European mass events are the major influence for current developments in refugee law.[111] For example, Mozambique refugees in Rwanda and Tanzania, Bengali refugees in India, Iranian political refugees after the Iranian revolution, refugees fleeing Afghanistan after an invasion attempt in 1979, refugees fleeing Bosnia and Herzegovina and Kosovo because of the Yugoslavian civil war, Arabs who fall into refugee status because of Israeli policies in the Middle East, as well as the invasion of Iraq by the United States and the refugees from this region, refugees from Arab Springs & the instabilities in Middle East and finally refugees from Syrian civil war[112] have all influenced refugee law.

As mentioned briefly, massive movements of European origin and non-European origin are seen in the sources and in the development of refugee law. For this reason, Buyukcalik defined the work done to find solutions to the refugee problem in the international arena into two periods: The first period, the period from World War I to World War II will be assessed. The second period, the period that emerged in response to the refugee problem after the Second World War, started with the efforts of the governments to find a solution to this problem and the emergence of a legal basis related to refugee rights will also be evaluated.[113]

[111] Buyukcalik, Murvet E. (2015): "Mülteci Hukuku'nun Gelişimi ve Türkiye'de Mültecilerin Sosyal Hakları", p.11. On İki Levha Yayincilik, Ankara.
[112] Ibid.
[113] Ibid, p.32.

Considerations on Refugees between the World Wars

Several studies were launched to help refugees after the First World War. The first important work in these studies was made by the International Committee of the Red Cross in its application made to the League of Nations to help Russian refugees in 1921.[114] After the application of the International Red Cross Organization, The League of Nations decided to help Russian refugees in hunger and famine who had to leave their countries and Fridhof Nansen was appointed High Commissioner for the issue.[115] For Jewish and other refugees who had to leave Germany between 1931 and 1935, James McDonald was appointed High Commissioner.[116] The League of Nations also made various studies in order to provide international protection for the people who fell into the status of refugees during and after World War I – Russian and Armenian refugees in 1926, German refugees in 1936.[117]
In these years, two conditions were required by the League of Nations to enable people to benefit from their refugee status. One of them was being outside the country of origin, while the other was to be under the protection of some country or government. It was necessary and sufficient for those seeking refugee statuses to have these two conditions. In the years since the beginning of World War II, millions of people in Europe had to leave their countries because of the aggressive attitudes of Nazi Germany. While the war was still in progress in 1943, the United Nations Relief and Rehabilitation Administration (UNRRA) was established in order to help these refugees.[118]

International Refugee Organization

This is an international organization established for a temporary period of three years in 1947 to serve European refugees resulting from World War II. The International Refugee Organization has worked to solve the problem at every stage of the refugee problem and was officially commissioned in 1952 for approximately five years.[119] The Foundation of the International Refugee Organization has described its main objective as: "to encourage and

[114] Buyukcalik, Murvet E. (2015): "Mülteci Hukuku'nun Gelişimi ve Türkiye'de Mültecilerin Sosyal Hakları". On İki Levha Yayincilik, Ankara.
[115] Ibid.
[116] Ibid.
[117] Buyukcalik, Murvet E. (2015): "Mülteci Hukuku'nun Gelişimi ve Türkiye'de Mültecilerin Sosyal Hakları", p.34. On İki Levha Yayincilik, Ankara.
[118] Ibid, p.35.
[119] Castles, S., Miller, M. (2003): "The Age of Migration: International Population Movements in the Modern World". Palgrave Macmillan; 3rd Revised edition.

help refugees in every way possible to return to their own country or to the countries in which they had previously resided.''[120]

The Constitutional Law of the International Refugee Organization has the characteristic of being an international treaty that codifies the concept of "refugees" for the first time.[121] Besides the definition of a refugee, the agreement includes protection for refugees. According to the definition in the Convention, refugees are defined as person who are persecuted for their race, nationality, political thought and religious beliefs, or who are not protected by the state in which they are nationally protected.

Establishment of the United Nations High Commissioner for Refugees

The International Refugee Organization, which was established on a temporary basis and narrowed in scope, tried to solve the refugee problem in Europe. However, in the same period, the world had suffered from various other conflicts, such as Mao's victory, the Korean War and the division of India in 1947.[122] Therefore, conditions continued to maintain the existence of the refugee problem in numerous regions. The idea of a permanent organization under the roof of the United Nations was gaining importance for the large-scale refugee problem that began to emerge as it grew and became increasingly prevalent throughout the world.[123] In 1949, the United Nations General Assembly adopted a decision to establish the "United Nations High Commissioner for Refugees" for three years starting on 1 January 1951 and Gerrit Jan van Heuven Goedhart was appointed as the first commissioner.[124] The mandate and responsibilities of the High Commissioner were determined by the UNHCR Regulation adopted in 1950. The temporary nature of the commission is still ongoing and since 1956, it has continued to work with five-year terms of extension.[125] UNHCR is following a two-stage path while fulfilling its core tasks. In the first phase, it seeks to provide international protection for refugees; in the second stage, it attempts to achieve voluntary repatriation of refugees through aid provided to governments or to ensure their integration in new communities.[126] The organization, which initially had serious financial problems, today continues to work towards a permanent solution to the refugee problem in different

[120] UNHCR (2000): The State of the World Refugees. Available at: http://www.unhcr.org/3ebf9ba80.pdf
[121] UNHCR (2000): The State of the World Refugees. Available at: http://www.unhcr.org/3ebf9ba80.pdf
[122] Buyukcalik, Murvet E. (2015): "Mülteci Hukuku'nun Gelişimi ve Türkiye'de Mültecilerin Sosyal Hakları". On İki Levha Yayincilik, Ankara.
[123] Ibid.
[124] Ibid, p.43.
[125] Buyukcalik, Murvet E. (2015): "Mülteci Hukuku'nun Gelişimi ve Türkiye'de Mültecilerin Sosyal Hakları", p.45. On İki Levha Yayincilik, Ankara.
[126] Ibid.

regions of the world with a budget of $ 1 billion.[127] UNHCR is helping refugees to return to their home country, if the circumstances are appropriate.

Persons entering the UNHCR's area of interest (covered by the protection) can be classified as:

- those who fall under the Geneva Convention of 1951,
- those who escaped due to conflict or serious disturbances in public order (persons recognized as refugees in regional organizations such as the African Union Organs Convention or the Cartega Declaration),
- returning people,
- stateless persons,
- those who fall under the pre-war international regulations,
- in some cases, those who have been displaced within their own country.[128]

As seen, the scope of UNHCR interests is very broad and aims to play an active role in resolving the refugee problem. It is estimated that the number of people who are interested in UNHCR today is around 30 million.[129]

Geneva Convention on the Legal Status of Refugees of 1951

The document that constitutes the basis for international refugee law, and perhaps can be called the Magna Carta of refugee law, is of course the Geneva Convention on the Legal Status of Refugees of 1951.[130]

The agreement, which was adopted in 1951 after intensive debate over the refugee concept, could only come into effect in April 1954.[131] The contract consists of 46 items and regulates the recognized rights in matters such as education, social security, work, accommodation, document ownership and freedom of movement.

[127] Buyukcalik, Murvet E. (2015): "Mülteci Hukuku'nun Gelişimi ve Türkiye'de Mültecilerin Sosyal Hakları", p.45. On İki Levha Yayincilik, Ankara.

[128] UNHCR: Guidelines on International Protection. Available at: http://www.unhcr.org/publications/legal/58359afe7/unhcr-guidelines-international-protection-12-claims-refugee-status-related.html?query=refugee

[129] Buyukcalik, Murvet E. (2015): "Mülteci Hukuku'nun Gelisimi ve Türkiye'de Mültecilerin Sosyal Hakları". On İki Levha Yayincilik, Ankara

[130] UNHCR: Geneva Convention. Available at: http://www.unhcr.org/3b66c2aa10.pdf

[131] Buyukcalik, Murvet E. (2015): Mülteci Hukuku'nun Gelişimi ve Türkiye'de Mültecilerin Sosyal Hakları. On İki Levha Yayıncılık. Ankara

The refugee concept was at the center of the debate during the preparation of the Convention. The US opposed the existence of a comprehensive definition of refugees, while the European countries that had learned the meaning of refugees in their own history were on the side of a broader definition.[132] Finally, the concept of a refugee based on the "fear of persecution based on justifiable reasons" could be agreed upon. However, two notable exceptions were embodied because it was both a result of a settlement and was signed by many countries. The refugee in the Art. 1 of the Convention shall be deemed to be "a person who in the country of his citizenship is deemed a victim of persecution because of the events leading up to the 1st January 1951 and who is a victim of racial, religious, national persecution, has a certain social group membership or political considerations. and who cannot take advantage of the protection of this country, or who does not want to take advantage of it because of fear; or who has no nationality, and where events are beyond the influence of the country of residence in which they had lived, who have not been there or who do not wish to return because of the fear of them".[133] Item B of Art. 1 of the Convention explains what the meaning of the expression is "in the result of the events that took place before 1 January 1951 "above. According to this statement, "a. Events that took place in Europe before January 1, 1951, b. Events that took place in Europe or elsewhere before 1 January 1951.“.[134]

As understood from the article text of the Convention, the concept of refugee has been narrowed down from historical and geographical angles. With the collapse of history, even if the conditions are completely appropriate, it prevents people from becoming refugees after 1 January 1951. Signatory states were given the opportunity to limit the desired option according to geographic definitions. The state in the geographical definition would be able to compensate another state with a note to be sent later. Another important shortcoming of the Convention is that it does not mention "the right to asylum". However, Article 14 of the Universal Declaration of Human Rights of 1948 refers to the existence of the right to asylum. Although it is not necessarily granted. It is an important achievement for refugees to include the non-refoulement principle in Article 33 of the Convention.

[132] Buyukcalik, Murvet E. (2015): Mülteci Hukuku'nun Gelişimi ve Türkiye'de Mültecilerin Sosyal Hakları. On İki Levha Yayıncılık. Ankara

[133] UNHCR: Convention and the Protocol relating to the Status of Refugees. Available at: http://www.unhcr.org/3b66c2aa10.pdf p.10.

[134] UNHCR: Convention and the Protocol relating to the Status of Refugees. Available at: http://www.unhcr.org/3b66c2aa10.pdf p.10.

Protocol on the Legal Status of Refugees of 1967

Although the Geneva Convention on the Status of Refugees of 1951 defined a number of refugee rights, it has become insufficient in the effort to find a solution for the rapidly increasing refugee problem in the world. In the light of these developments, the UN General Assembly proposed a protocol on the legal status of refugees at the initiative of UNHCR and the UN General Assembly adopted the protocol on 16 December 1966 and it was put into effect on 2 October 1967.[135] Throughout this protocol, the 1951 Geneva Convention removed the phrase "the events which took place before 1 January 1951", as it narrowed the refugee concept historically and the scope of the protocol was expanded by using the expression "every person" instead. The signatories to the Geneva Convention on the Legal Status of Refugees of 1951 were allowed to continue their previous choices regarding geographical narrowing.

United Nations Declaration of National Asylum in 1967

Work on the right to asylum in the United Nations was initiated in 1959. The declaration emphasizes that the right to asylum in the 14th article of the Universal Declaration of Human Rights is a peaceful and humanitarian action.[136] Therefore, it cannot be thought to be a hostile act by another state, but it contains a number of principles related to asylum. The great importance of this declaration is that, although it is a recommendation, it establishes a number of principles, including the "asylum right", which is not mentioned in the Geneva Convention on the Legal Status of Refugees of 1951 nor in the Protocol on the Legal Status of Refugees of 1967.

Other International Regulations

There are also some other international legal regulations on refugees and asylum seekers. They may be adopted from international legal arrangements for asylum seekers and refugees such as the Universal Declaration of Human Rights, The Geneva Convention of 1949 on the Protection of Civilian Persons in War Time, the Convention on the Prevention and Punishment of Genocide Crimes, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and

[135] UNHCR: The 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Available at: http://www.unhcr.org/about-us/background/4ec262df9/1951-convention-relating-status-refugees-its-1967-protocol.html.

[136] UNHCR: Convention and the Protocol relating to the Status of Refugees. Available at: http://www.unhcr.org/3b66c2aa10.pdf

Political Rights, the Convention on the Status of Stateless Persons, the UN Convention on the Elimination of All Forms of Discrimination against Women, the UN Convention on the Rights of the Child, the Convention on the Prevention of Statelessness etc.

Regional Considerations

Refugees sometimes constitute a major problem in various regions. In addition, international agreements to solve the refugee problem remain inadequate. Here, the solution of regional refugee problem, definitions and the standards from the 1951 Geneva Convention on the Legal Status have been taken into account in regional arrangements' definitions. At the same time, these agreements have been partially developed according to the needs of the region.

The refugee definition is almost identical to that of the Geneva Convention of 1951 on the legal status of refugees in the Asia Africa Legal Committee's Principles on Refugee Treaties adopted in Bangkok in 1966.[137]

The 1977 Declaration on European Asylum in the Country of Refuge also sets out the right of asylum to persons who refer to their previous refugee contracts and the European Convention on Human Rights (ECHR).[138] The declaration, in addition to the 1951 Convention's definition of "asylum seekers" as well as the "humanitarian reasons", also outlines the right of asylum to those seeking asylum. The development of European asylum policies will be explained in another chapter.

[137] UNHCR: Note on International Solidarity and Refugee Protection EC/SCP/50. Available at: http://www.unhcr.org/afr/excom/scip/3ae68cd4c/note-international-solidarity-refugee-protection.html#_ftn6.

[138] Ibid.

6. International Migration and Refugees as Threat?

This chapter discusses whether or not the international migration and immigrants can be considered as threat to the European Union. Many agreements and protocols have been signed with the UN to deal with immigrants, refugees and asylum seekers, and there are attempts to protect their rights. Since all the protocols and agreements can be reached through the UN Information Center, they will not be detailed here.

However, it should be noted that according to "the Art.13 Universal Declaration of Human Rights, (1) everyone has the right to freedom of movement and residence within the borders of each State. (2) Everyone has the right to leave any country, including his own, and to return to his country."[139] The article has been accepted by the signatories of the declaration. Also according to Article 14 of the same declaration, ‘‘(1) everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations."[140] The declaration has been accepted and approved. It is estimated that there are about 150 million immigrants in 2000 in the whole world, but when it comes to day-by-day numbers, it is over 214 million.[141] The total number of refugees is estimated to be approximately 22.5 million in 2017.[142]

Mass migration movements are understood as an important external threat by some EU countries. In this context, it is noteworthy that the vocabulary of securitization is now being used more intensively by countries located at the outer borders of the EU. In this context, the statement by Antonis Samaras, former Prime Minister of Greece, is an important example of it:

> "I wake up every morning and say, “Has anything happened to Syria today?” If something happens in Syria, thousands of people would be flowing into Greece. Illegal immigrants are already a very big problem for us. We are already taking big steps to disallow illegal immigrants from coming in. Imagine if that number is multiplied by 10."[143]

[139] United Nations: "Universal Human Rights Declaration". Available at: http://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf.
[140] Ibid.
[141] IOM: “Facts & Figures". Available at: https://www.iom.int/infographics/migration-facts-and-figures.
[142] UNHCR: "Figures at a Glance". Available at: http://www.unhcr.org/figures-at-a-glance.html.
[143] Washington Post (2012): An interview with Antonis Samaras, Greek prime minister, on austerity and unrest. Available at: https://www.washingtonpost.com/opinions/an-interview-with-antonis-samaras-greek-

On the other hand, it can be seen that the actual numbers of irregular and mixed population movements with regard the EU do not correspond with external threat size. As mentioned in the introduction, according to the UN, it is estimated that there are 214 million migrants, 65, 6 million forcibly displaced persons, 22, 5 million refugees and 10 million stateless throughout the world.[144] In addition, 30 million irregular entries have been registered all around the world[145] and 1 million irregular entries have occurred in the EU in 2015 at its highest point according to the FRONTEX reports.[146] Here, the migration flow is a complex population movement that not only contains irregular migrants but also forced migrants, asylum-seekers and refugees. No reliable and up to date information could be found relating to irregular migration that encompasses all Member States at EU level. With regard to the issue, according to FRONTEX' 2017 report[147], irregular entries were identified as 511,371 with a 72% decrease compared to the previous year. On the other hand, it is true that by 2017, the numbers have fallen significantly.

The figures mentioned above include not only irregular transit migrants but also compulsory migrants who are subject to similar procedures and have similar treatment that of irregular migrants at the border, even if they have different legal statuses. It is now a known fact that many compulsory migrants seeking asylum, who need to be given refugee status, even have this status, or who are in "temporary protection" status in Turkey are without international protection and are in irregular immigration status. However, often these legal differences on paper are invisible at the borders. According to the United Nations High Commissioner for Refugees (UNHCR) Global Trends Report[148] on asylum-seeker and refugee populations of the world, apart from the number of irregular transit migrants, it shows that the vast majority of compulsory immigrants (including the massive asylum movements) cannot leave their own country. According to the report, most asylum-seekers and refugees, with the exception of irregular transit migrants, could be called forced migrant populations (including mass movements) and could not leave their own country. Those who could leave their lands migrate to neighbor countries.

prime-minister-on-austerity-and-unrest/2012/09/14/f80887dc-fdb4-11e1-a31e-804fccb658f9_story.html?utm_term=.39356c174e8c

144 UNHCR: Figures at Glance. Available at: http://www.unhcr.org/figures-at-a-glance.html

145 IOM (2015): Global Migration Trends 2015. Available at: https://publications.iom.int/system/files/global_migration_trends_2015_factsheet.pdf

146 FRONTEX: Risk Analysis Reports. Available at: http://frontex.europa.eu/publications/?c=risk-analysis.

147 FRONTEX (2017): Annual Risk Analysis 2017. Available at: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf.

148 UNHCR (2016): Global Trends – Forced Displacement 2016. Available at: http://www.unhcr.org/5943e8a34.pdf.

Today it would not be realistic to say the European Union has a increasing external threat problem related to its outer borders. It was not a problem even in 2015 as the numbers showed the reality. Regardless of the cause and legal category of asylum-seekers-refugees-forced migrants, they are all difficult to control and threatening the societal security for the EU. They are seen as a problem for which both the member countries and transit/source countries need to find a common solution. This is an important example for the Joint Action Plan agreed on 15 October 2015 between the Council of Europe (Council of European States and Heads of Governments) and Turkey, which is considered to be an important transit country.[149] The plan has been expanded in a significant fashion at the summits on 29 November and 7 March 2016. On March 8, 2016, the Joint Action Plan was supplemented by a consensus, which reached its final status.[150] Syrian refugees, who are under international protection status as well as irregular migrants, are involved in reconciliation.

The Accord foresees that all irregular migrants from Turkey to Greece will be sent back to Turkey from 20 March 2016, as an effective application of the Readmission Agreement that entered into force in 2014. If Turkey is to be declared a "safe third country" by Greece even though aims to provide access to the asylum system in this process, those who apply for asylum applications will be sent back to Turkey. These developments show that biopolitics' external threat perception is focused not only on irregular migrants, but also on mixed population movements, including forced migrants and asylum-seekers. Because the policies do not take the legal statuses of refugees and asylum-seekers into account.

[149] EUR-Lex – Access to European Union law. Report of EU Commission. Available at: http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX %3A52016DC0140.

[150] European Commission Press Release Database (2015): EU-Turkey joint action plan. Available at: http://europa.eu/rapid/press-release_MEMO-15-5860_en.htm.

7. The Development of Migration, Asylum, Immigration Policies in Europe

The chapter highlights the development of the migration, asylum and immigration policies in Europe. It is necessary to understand and clear out how the FRONTEX was created by the EU.

The EU, which is a party to the 1951 Geneva Convention and the 1967 Protocol, has also regulated its domestic law in the framework of these agreements. The EU has also confirmed the 1967 New York Protocol. In order to understand the existence of the European Integrated Border System, it is primarily necessary to know briefly how the EU is formed.

Treaties of Rome

Europe developed out of the great ruins of the Second World War. Cities were burned down, states' economies weakened, unemployment increased. Europe was sought ways to restore peace and regional stability and economic restructuring. European leaders, who lost many of their people through prolonged wars throughout history believed that this is the end and that the only way to live in peace is through unified economic and political efforts. Under these circumstances, the basis of the EU was laid by French Foreign Minister Robert Schumann[151] on 9 May 1950 with a call to European countries to put the use of coal and steel, the main materials of the war industry, under the responsibility of a transnational organ.[152]

France, West Germany, Italy, Belgium, Luxembourg and the Netherlands, responded to this call and signed the Treaty of Paris in 1951. The European Coal and Steel Community (ECSC) was established. The countries that came together to protect peace in Europe turned towards an economic union in order to increase the prosperity of the war-torn region. They signed the Treaty of the EEC on 25 March 1957, as well as the Treaty of European Atomic Energy Community.[153] These two treaties are referred to as the "Rome Treaties".[154] The Treaties of Rome came into force on 1 January 1958. The EU Common Migration Policy was first dealt with in the Title 3 of the Rome Treaty of 1957, which contains provisions on the free movement of persons, services and capital.[155]

[151] The official website of the European Union: The Schuman Declaration – 9 May 1950. Available at: https://europa.eu/european-union/about-eu/symbols/europe-day/schuman-declaration_en.
[152] Yıldız, Burc (2008): "Avrupa Birligi ve Türkiye", İzmir Ticaret odasi, Izmir.
[153] Ibid.
[154] Rome Treaties. Available at: https://rometreaties.eu/.
[155] European Commission: Treaty of Rome. Available at: http://ec.europa.eu/archives/emu_history/documents/treaties/rometreaty2.pdf

The idea of European integration has been a product of the rules, norms and cultural values laid out by European societies. It can be considered that all values emerging as a result of changing and developing socio-political events under the influence of European history constitute the foundation of the Union.

Council Agreement on TREVI – Begin of Border Protection

In 1975, the TREVI Group (Terrorism, Radicalisme Extrémisme et Violence Internationale) was created by the EEC Ministers of the Interior, which can be regarded as a precursor to today's cooperation in the field of justice and home affairs.[156] The aim of this group is the development of joint strategies for terrorism, radicalism, extremism and international violence. The TREVI group and various working groups that follow can be seen as "the first efforts by the EC to deal with the issue of asylum, migration and border protection".[157]

Single European Act

Among the countries that established the Community in the Treaty of Rome, the community was intended to establish a customs union first and then a common market.[158] The single market in the European Single Act is defined as "an area where there are no internal boundaries where goods, services and capital move freely.".[159] The European Single Act collects the provisions of the Treaty establishing the European Communities and the provisions for cooperation between the member states in foreign policy into a single document.

Schengen Treaty & Convention

The recent history of European external borders begins with the Schengen Agreement in 1985 (Schengen I). In June 1985, the representatives of Belgium, Germany, France, Luxembourg and the Netherlands came together in Schengen to decide measures for joint economic cooperation. The result of this meeting is an idea to have a better network in the common market area by breaking the internal borders up and reducing controls within the area covered by the countries through the reinforcement of the external borders.[160]

[156] Moellers, Rosalie (2010): Wirksamkeit und Effektivität der Europäischen Agentur FRONTEX: eine politikwissenschaftliche Analyse der Entwicklung eines integrierten Grenzschutzsystems an den Außengrenzen der EU. Frankfurt am Main: Verl. für Polizeiwiss.

[157] Bunyan, Tony (1993): Trevi, Europol and the European state. In Statewatching the new Europe, 1993/15, available at: http://www.statewatch.org/news/handbook-trevi.pdf

[158] European Council: Single European Act. Available at: http://www.consilium.europa.eu/uedocs/cmsUpload/SingleEuropeanAct_Crest.pdf

[159] Ibid.

[160] Hess, Sabine and Tsianos, Vassilis (2007): Europeanizing Transnatioalism! Provincializing Europe! - Konturen eines neuen Grenzregimes. In: Transit Migration Forschungsgruppe (Hg.): Turbulente Ränder. Neue Perspektiven auf Migration an den Grenzen Europas, p.28. Transcript Verlag, Biefeld.

According to Engbersen and Broders, steps have been taken to establish a "Fortress Europe" by increasing security measures at the outer border since the removal of the internal borders.[161] Ideas contributed to the setting up of the Schengen process of territorial networking, namely the Vienna process 19916 (to combat illegal entry) and the Budapest process 19937 (to strengthen border security) are important to mention for the study.

Schengen Convention

In 1990, the Schengen Convention was signed. However, it did not come into effect until 1995. The Convention became binding for all EC member states with the Dublin Convention. The Schengen Convention, also called Schengen II, introduced new operational measures and common asylum as well as visa requirements. According to Kasparek, the most important technical instrument of the Schengen treaties was the first supranational European search database SIS (Schengen Information System).[162]

Schengen Information System: This is a system that enables exchange of information between police, border guards, customs clearance and visa center units of Schengen countries during external border checks.[163]

Dublin Convention: It has been found that some asylum seekers applicate for asylum **in** more than one state in hopes to find the state that will provide the best international protection for them. Therefore, the Convention determined that applications can be made only to one country and that country will decide. The Dublin Convention regulates matters relating to asylum seekers' rights, family reunification and repatriation to a safe third country. This Convention is not valid anymore, now Dublin III is the actual one. However, the regulation bases on the same principle as the other ones that the first Member State reached is responsible for examining a person’s asylum application. Furthermore, asylum seekers who leave the state where he is and travels to another country will be transferred back to the first destination country, also there are exceptions here.[164]

[161] Engbersen, Godfried and Broeders, Dennis (2011): Fortress Europe and the Dutch Donjon: Securitization, Internal Migration Policy and Irregular Migrants’ Counter Moves. P.82, Springer, Berlin.

[162] Kasparek, Bernd (2008): Struktur und Aufgaben der Frontex-Agentur. In: Materialen gegen Krieg, Repression und für andere Verhältnisse. 4. Available at: http://www.todesnacht.com/raf/Frontex/Was%20ist %20Frontex.pdf.

[163] European Council: SIS (Schengen Information System), available at: https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system_en.

[164] EUR-Lex – Access to European Union law. Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013. Dublin III. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0604&from=en

EURODAC: The Eurodac system has been established to ensure the effective implementation of the Dublin Regulation and the comparison of fingerprints.[165]

In order to ensure internal security, member states have worked on visa, immigration and border control. The required necessary standards for the entry of third country nationals into the Schengen zone, legal visits for not more than three months and the conditions necessary to stay for longer than three months are determined. Accordingly, the entry of a stranger into the Schengen zone for a period of more than three months is subject to the requirement of obtaining a residence permit from any of the contracting parties according to the law of that country. On the other hand, the permission to enter the region for citizens of countries, which need a visa to visit the Schengen region for a short period of three months depends on the following conditions:[166]

- Has a valid travel document
- is a valid visa holder
- Submission of documents confirming the intent to enter the Schengen zone (if necessary)
- Submission of official documents showing that he has the financial means to ensure when he arrives that he can return to the country at the end of the visit, either directly or through a third country
- No registration in the Schengen Information System for persons who should not be allowed
- None of the parties should be considered a threat to the external relations or public safety of the national security.

Treaty of Maastricht

The Community decided to make a new agreement aiming at the amendment of the founding agreements of the European Communities (Paris, Rome Treaties and the European Single Act) in Maastricht, the Netherlands, on 10 December 1991. The Treaty on the European Union, also known as the Treaty on European Union, was signed on 7 February 1992 and came into force on 1 November 1993. The Maastricht Treaty consists of 200 articles, 17 additional protocols and 33 articles.[167] The Maastricht Treaty emphasized that the aim of the deal was to create a more integrated unity for the people of Europe. The

[165] EUR-Lex – Access to European Union law. EURODAC. Available at: http://eur-lex.europa.eu/legal-content/DE/TXT/?uri=LEGISSUM%3Al33081.

[166] European Council, EU Immigration Portal: Short Stay Visa. Available at: http://ec.europa.eu/immigration/do-i-need-a-visa/do-i-need-a-short-stay-visa_en.

[167] European Council, Treaty on European Union. Available at: https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf.

Agreement is structured on three pillars: the Economic and Monetary Union, the Common Foreign and Security Policy, the Justice and Foreign Affairs Policy. Furthermore, the EU's visa applications for third-country nationals became part of Europe's agenda with the Maastricht Treaty. The treaty clearly states that foreign citizens should have the visa when crossing the outer borders of the Union.

Treaty of Amsterdam

The EU Summit in Amsterdam on 16-17 June 1997, addressed the issue of amending the institutional structure and important policies of the EU. The Treaty of Amsterdam was signed by the foreign ministers of the EU countries on 2 October 1997 and came into force on 1 May 1999.[168] The Treaty of Amsterdam brings legal changes and the Human Rights Convention becomes a precondition for the membership in the European Union. Furthermore, the treaty contains the topics related to immigrants. The issue of returning irregular persons to their country of entry into the European Union was regarded as the problem of the relevant country. The Amsterdam Treaty has authorized the union in this regard. In the scope of the return-readmission, the union can make agreements with third countries. These agreements mainly regulate the return of citizens of third countries who cannot fulfill residence requirements or have lost the residence, work permissions of an EU member state. These agreements are related to return of the persons, who entered an EU state irregularly or fell into irregularity. Here, irregularity means not only entering into the country without a valid passport or required visa or required travel documents, but also entering into country regularly following all necessary legal procedures and having permissions to stay and work but losing these conditions or at the end of the visa period. In the migration movements towards the EU. The EU does not limit readmission agreements only to the readmission of the citizens of the contracting parties, but these agreements also apply to third country nationals who use these countries as transit countries. The Turkey-EU Readmission Agreement can be mentioned here as an example. The base of migration and asylum policy was europeanized by Amsterdam Treaty, which means that the control competences were transferred from the intergovernmental level to the level of the EU institutions.[169] This Europeanization became particularly visible with the creation of the Common European Asylum System. It formulates the vision of a harmonized asylum system

[168] European Parliament, Treaty of Amsterdam. Available at: http://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf.

[169] Kasparek, Bernd (2016): Complementing Schengen: The Dublin System and the European Border and Migration Regime. In: Bauder H., Matheis C. (eds) Migration Policy and Practice. Migration, Diasporas and Citizenship. Palgrave Macmillan, New York.

within the EU under the motto of an "area of protection"[170] CEAS took shape for the first time between 1999 and 2005.[171] It consists of five EU legislative acts, which are procedural guidelines, qualification guidelines, admission guidelines, the Dublin System and the EURODAC regulation.

Charter of Fundamental Rights of the European Union

The EU declared the European Union Charter of Fundamental Rights in Nice on
7 December 2000. The first and fundamental document that contains concepts related to refugees and asylum seekers in EU law is The EU Charter of Fundamental Rights.[172] It has also been the main reference source of the union in these respects. The declaration refers to international norms, rules and values that exist within the scope of human rights. The declaration, which was just an announcement and therefore not legally binding. It became legally binding with the Lisbon Treaty signed by the Heads of Governments at the EU Summit on 13 December 2007 and entered into force on 1 December 2009.[173] As a result of Article 51 of the Charter, it has become compulsory for all institutions of the EU and member countries of the Union to comply with the Charter in their practice of EU law. Article 18 states the right to asylum in the EU Charter of Fundamental Rights includes the right to asylum for the first time in terms of the EU.[174]
In this Article;

"The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty establishing the European Community."[175]

The same article goes beyond the right to be granted asylum and guarantees the right to asylum. Article 19 of the Charter states that "no person shall be sent, sentenced to extradition or be extraditable to any country where extradition is seriously considered subject to death penalty, torture or other inhuman or degrading treatment or

[170] Kasparek, Bernd (2016): Complementing Schengen: The Dublin System and the European Border and Migration Regime. In: Bauder H., Matheis C. (eds) Migration Policy and Practice. Migration, Diasporas and Citizenship. Palgrave Macmillan, New York.
[171] European Commission: Common European Asylum System. Available at: https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en.
[172] European Parliament – Official Journal of the European Communities (2000): Charter of Fundamental Rights of the European Union 364/1. Available at: http:// www.europarl.europa.eu/charter/pdf/text_en.pdf.
[173] EUR-Lex – Access to European Union law. Treaty of Lisbon. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12007L %2FTXT.
[174] European Parliament, Charter of Fundamental Rights of the European Union. Available at: http://www.europarl.europa.eu/charter/pdf/text_en.pdf.
[175] Ibid.

punishment.".[176] As seen, the EU Charter of Fundamental Rights explicitly foresees the right of asylum and its refusal to be returned.

The Tampere Program

This is a program for a first five-year EU-wide migration control program. It was adopted in Tampere, Finland in 1999. At the Summit, certain goals on migration were set out. Four basic principles have emerged here: partnership with the source countries, work to establish a common asylum system, fair treatment of third-country nationals, a more effective form of governance against migration flows.[177] Within these objectives, a common deportation policy and a large number of programs[178] were aligned all over Europe, which are SIS and SIS II, EUROPOL, VIS, CIREA, CIREFI and EURODAC etc.

Furthermore irregular immigration is defined in the Tampere Conclusions as "illegal migration" and states that "'the European Council is determined to tackle it at its source."[179] Although the conclusions refer to the Geneva Convention on Refugees and agree on the right to asylum, a difference between irregular migration and asylum seekers is still not made. The Tampere Conclusions depict irregular migration as a threat and the securitizing word 'to tackle' is used. It can be widely discussed here that the externalization of European borders control the movement of people who look for international protection and these people cannot access this right in European territory. Therefore, their lives and their freedom remain under threat. Another topic to discuss here is readmission agreements as signed with many countries, but not all countries have the same human rights standards.

The Hague Program

The Hague Program was the second five-year EU program to develop a common policy related to migration and border control management. 9/11 and the Madrid bombings in 2004 gave the best timing to securitize the migration topic. So irregular migration was linked with terrorism and organized crime in the program.

Importance and priority was given to extraterritorialization of border controls through partnerships with third countries in order to "combat illegal migration, inform on legal

[176] European Parliament, Charter of Fundamental Rights of the European Union. Available at: http://www.europarl.europa.eu/charter/pdf/text_en.pdf.

[177] European Council, Tampere European Council. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00200-r1.en9.htm

[178] Hess, Sabine and Tsianos, Vassilis (2007): Europeanizing Transnatioalism! Provincializing Europe! - Konturen eines neuen Grenzregimes. In: Transit Migration Forschungsgruppe (Hg.): Turbulente Ränder. Neue Perspektiven auf Migration an den Grenzen Europas. p.29/30, Transcript Verlag, Bielefeld.

[179] European Commission, Tampere Council Conclusions – Paragraph 23. Available at: https://ec.europa.eu/anti-trafficking/eu-policy/tampere-council-conclusions-1999_en.

channels for migration, resolve refugee situations by providing better access to durable solutions, build border-control capacity, enhance document security and tackle the problem of return".[180] The securitizing language related to immigration is performed to point out irregular immigrants as a potential threat in the Hague Programme.

[180] EUR-Lex – Access to European Union law. Hague Programme 2004:1.6.1. In chapter 3. Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:053:0001:0014:EN:PDF

8. Key Instruments of Securitized Biopolitical Border Policy

8.1. Key Player of Biopolitical Border Policy: FRONTEX

This chapter contains the data analysis part of the study that analyzes structures, functions and the practices of border management instruments at the external borders of EU in the special case of FRONTEX and EUROSUR.

The root of the agency is the harmonization of European asylum, migration and the border policies adopted by the European Union in the Amsterdam Treaty according to Kasparek.[181] FRONTEX is an agency and "an autonomous body of the European civil law independent from EU institutions such as Council, Parliament, Commission, etc.".[182] Baumann claims that FRONTEX cannot be a border police in the true sense of the word as the European Union is not a state but – in theory – only implements the limited competencies of the EU in border policy.[183] Klepp defines FRONTEX in practice as "given a powerful position"[184] by the task of creating a uniform approach to the EU's external borders on the basis of a common legal basis and it is an important militant actor equipped with advanced technologies in EU border management. According to Kasparek, FRONTEX is a laboratory of the European Border Guard[185], an institutionalized form of experimentation and exploration on border protection practices in the Schengen area[186] and for my study, FRONTEX is the key player of securitized biopolitical border policy that secures the socities in the Schengen area from mixed migration population.

According to the FRONTEX official web page: "The mission of Frontex is to promote, coordinate and develop European border management in line with the EU fundamental rights charter and the concept of Integrate Border Management.".[187] FRONTEX is managed

[181] Kasparek, Bernd and Tsianos, Vassillos (2015): Back to the Future. Blair-Schily reloaded. In: Movements. Journal für kritische Migrations- und Grenzregimeforschung 1, (1). p.13, available at: http://movements-ournal.org/issues/01.grenzregime/03.kasparek,tsianos—back-to-the-future-blair-schily-reloaded.html.

[182] Baumann, Mechthild (2011): Frontex und das Grenzregime der EU. Available at: http://www.bpb.de/gesellschaft/migration/kurzdossiers/179671/frontex-und-das-grenzregime-der-eu.

[183] Ibid.

[184] Klepp, Silja (2011): Europa zwischen Grenzkontrolle und Flüchtlingsschutz. Eine Ethnographie der Seegrenze auf dem Mittelmeer, p.59. Bielefeld,

[185] Kasparek, Bernd (2010): Laboratorium, Think Tank, Doing Border: Die Grundschutzagentur Frontex. In: Hess, Sabine and Kasparek, Bernd: Grenzregime. Diskurse, Praktiken, Institutionen in Europa. Berlin, Hamburg. p. 111 – 126.

[186] Kasparek, Bernd and Tsianos, Vassillos (2015): Back to the Future. Blair-Schily reloaded. In: Movements. Journal für kritische Migrations- und Grenzregimeforschung 1, (1). Available at: http://movements-journal.org/issues/01.grenzregime/03.kasparek,tsianos--back-to-the-future-blair-schily-reloaded.html

[187] FRONTEX – Mission and Tasks. Available at: http://frontex.europa.eu/about-frontex/mission-and-tasks/

by a structure formed by representatives of the member countries.[188] The board of directors is responsible for controlling the agency's activities and functions. FRONTEX meets five times a year under the chairmanship of the board of directors and decides with a representative from Schengen countries. On January 16, 2015, Fabrice Legger was introduced to FRONTEX as executive director.[189] FRONTEX conducts its activities from a number of Ad-hoc centers formed by member states. These centers and their locations are; Risk Analysis Center (Helsinki, Finland), Land Border Center (Berlin, Germany), Air Border Center (Rome, Italy), Western Sea Border Center (Madrid, Spain), Special Training Center (Traiskirchen, Austria), Center for Excellence (Dover, UK), Center for the Eastern Sea Border (Piraeus, Greece) and headquarters in Warsaw, Poland.[190] RABIT-S, EUROSUR, CRATE[191] (Centralized Records of Available Technical Equipment) and EPN[192] (European Patrol Network) systems are installed as sub units connected to FRONTEX. CRATE is a database of technical equipment created by FRONTEX on a voluntary basis for the control and surveillance of the external borders of the EU and which allows member states to use FRONTEX. The European Patrol Network (EPN) was established permanently to monitor the southern sea boundaries of the Union in 2006 upon request at the EU Council meeting. The practice of FRONTEX, which co-ordinates the activities of the Eu's external borders and regulates operations on the basis of its legal basis, is important in responding to the question of "how life / population is secured" within the Schengen Field.

According to the FRONTEX regulation of 2004,
"[the] Agency [...] has the following tasks:

- coordination of the operational cooperation between the Member States in the field of the protection of the external borders
- assisting the Member States in the training of border guards, setting common training standards
- carrying out risk analyzes
- pursue the development of research relevant to the control and surveillance of external borders

188 FRONTEX – Board of Directors. Available at: http://frontex.europa.eu/about-frontex/organisation/management-board/
189 FRONTEX – Executive Director. Available at: http://frontex.europa.eu/about-frontex/organisation/executive-director/
190 Ibid.
191 FRONTEX – CRATE. Available at: http://frontex.europa.eu/news/european-patrols-network-and-centralised-record-of-available-technical- equipment-to-be-presented-at-tomorrow-s-jha-council-O1bOgX,
192 European Union Press Release, European Border Patrols Network to combat illegal immigration along the southern maritime borders of the European Union, available at: http://europa.eu/rapid/press-release_MEMO-07- 203_en.htm?locale=en,

- to assist Member States in situations requiring enhanced technical and operational assistance at external borders
- To provide the environment for information sharing and information systems (to be addressed in EUROSUR)
- provide the necessary support to the Member States in the organization of joint Return operations".[193]

In short, the aim of FRONTEX can be summarized as providing support to EU member states against irregular immigration. Both the budget and human resources of the agency also show a rapid growth since its foundation. FRONTEX 2017 budget has increased by 26% compared to the previous year and it is now 302 million €.[194] The operations carried out on land and sea correspond to 40% of the total budget with 119 million €. Ironically, however, it is also true that the budget of the Agency has increased in relation to the number of deaths at the borders as just this year up to November 2017 more than 3000 refugees died.[195]

The study focuses on activities that are closely related to the securitized biopolitical border policy in general, joint and return operations with practices as well as risk analyses of the operations. Joint operations to prevent irregular migration are planned, coordinated, alleged and evaluated with member countries by FRONTEX. In this context, FRONTEX uses its own budget and the relevant program budgets of the Union as well as the staff and equipment (including land, sea and air) of the member countries. In addition, militarist actions by armies and Special Forces take place together with civic structures at joint operations with third countries and member states. The first joint maritime operation of FRONTEX is the Hera Operations, which was conducted in 2006 and 2007 by the request of Spain, whose main aim was to tackle irregular migration flows coming from African countries heading to the Canary Islands.[196] These operations were joint operation with the Senegalese and Mauritian governments.
According to the NGO organization, State Watch report:

> "Effectively, the operations aim to intercept any detected vessel within the area of operation and divert it back to the port of departure...Moreover, individuals who

[193] FRONTEX – Mission and Tasks. Available at: http://frontex.europa.eu/about-frontex/mission-and-tasks/.
[194] FRONTEX – Amended Budget 2017. Available at: http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Budget/Budget_2017_N2.pdf
[195] International Migration Organization. Available at: http://migration.iom.int/europe/
[196] Papastavridis, Efthymios (2010): "Fortress Europe' and Frontex: Within or Without International Law?", Nordic Journal of International Law, Vol. 79 no. 1: 2010, 75–111.

arrive at the Canary Islands are screened and regularly returned to the place they tried to leave.".[197]

FRONTEX claims also the main aim of this joint operation as a joint effort to detect vessels setting off towards the Canary Islands and to divert them back to their point of departure.[198] In the progression of the operation, 3887 migrants were stopped and diverted by Senegalese forces cooperating with FRONTEX.[199]

Therefore, the operation can be interpreted in the light of FRONTEX claim and report of State Watch as the categorization of biopower, which creates two group; citizens and the others that one group can be left to die for the benefit of the other one. Carrera highlights this fact that if intercepted outside the 24 sea mile zone of these countries' shores there was a possibility to lodge an asylum claim for immigrants.[200] In this regard, governments do not only violate the rights, but also leave the refugees to the risk of dying. Because of this risk, 1637 refugees lost their lives in 2007.[201] Nevertheless, according to FRONTEX, it was "the most successful joint operation coordinated by FRONTEX has been HERA. The success was possible mainly thanks to close co-operation with West African countries.".[202] Operations on Western Mediterranean route decreased irregular migration to Spain due to the return of vessels to their ports and the bilateral agreements with the result of over 1500 deaths in two years at the operation area. However, irregular migration increased during this time on East and Central Mediterranean routes heading to Greece and Italy.[203]

FRONTEX coordinated biopolitical border practices lead also direct dying of irregular migrants. In 2011, The Poseidon Seafood Joint Operation was launched in order to respond to the migration flow from Libya on the Central Mediterranean route. In May 2011, 63 refugees died in the Poseidon operation area because of thirst in the Mediterranean Sea

[197] Statewatch (2017): Opaque and unaccountable: Frontex Operation Hera. Available at: http://www.statewatch.org/analyses/no-307-frontex-operation-hera.pdf

[198] FRONTEX (2006): Longest FRONTEX Coordinated Operation – Hera, the Canary Islands. Available at: http://frontex.europa.eu/news/longest-frontex-coordinated-operation-hera-the-canary-islands-WpQlsc

[199] Carrera, Sergio (2007): "The EU Border Management Strategy, Frontex and the Challenges of Irregular Immigration in the Canary Islands", Centre for European Policy Studies (CEPS). Available at: http://aei.pitt.edu/7385/1/1482.pdf.

[200] Ibid.

[201] United Against Racism (2017): List of Deaths. Available at: http://www.unitedagainstracism.org/wp-content/uploads/2017/06/UNITEDListOfDeathsActual.pdf.

[202] European Parliament (2009): Frontex General Report 2009, p. 9. Available at: http://www.europarl.europa.eu/document/activities/cont/201008/20100805ATT79751/20100805ATT79751EN.pdf.

[203] FRONTEX (2010): Frontex Annual Risk Analysis 2010, p. 12. Available at: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2010.pdf.

after surviving 15 days. Although both FRONTEX and NATO warships involved in the war against Libya were very close, they did not want to notice the refugee boat.[204]
The area of operation has become an important route with the highest number of migrant deaths – more than 1500 have died in one year alone.[205] In a new published document of FRONTEX, the agency claims that FRONTEX is a strong political response to the migration and the security crisis faced by the EU and its external borders.[206] As it is visible, the main goal is not to search and rescue, but to secure the EU's external borders and ensure "societal security" through decreasing the "risk" namely the entry of refugees to the EU.

The founding Executive Director of FRONTEX, Laitinen presents this aim also as follows:

> ‘‘We assess what is the likely threat that threatens the external borders, border security, and EU citizens from outside. In other words, criminal pressure, in terms of illegal migration, human trafficking, and so on, not disregarding other types of organized crime and fighting international terrorism."[207]

Here, the incident on 10. May in 2017 on the Central Mediterranean route is important to mention to highlight the indirect risk of dying that irregular migrants face in administrative detention centers. In short, the incident can be explained as the refugees and migrants pushed back to Libya from international waters by Libyan Coast Guards.[208] Italian authorities responded to the call from refugees for help by calling Libyan Authorities to intercept the boat. The irregular migrants were sent to detention center in Libya and the situation was solved temporary for FRONTEX. However, what does happen to forced migrants and refugees in detention center in Libya? Are they offered to apply for asylum?

The Amnesty International public statement report on Refugees and migrants in the central Mediterranean reveals what happens there:

[204] The Guardian (2013): "African migrants 'left to die' in dinghy sue Spanish and French military". Available at: https://www.theguardian.com/world/2013/jun/18/boat-tragedy-migrants-sue-france-spain
[205] UNHCR (2011): Mediterranean takes record as most deadly stretch of water for refugees and migrants in 2011. Available at: http://www.unhcr.org/news/briefing/2012/1/4f27e01f9/mediterranean-takes-record-deadly-stretch-water-refugees-migrants-2011.html.
[206] FRONTEX (2017): "A year in Review - First 12 months of the European Border and Coast Guard Agency". Available at: http://frontex.europa.eu/assets/Publications/General/A_Year_in_Review.pdf
[207] Laitinen, I. (2006): Keynote Speech, Ilkka Laitinen, Executive Director for the European Agency for the Management of the External Borders. Speech at the conference ‘Security, Technology, Borders: EU Responses to New Challenges’, Centre for European Policy Studies (CEPS), Brussels, 6 October. In: Neal, Andrew W. (2009): "Securitization and Risk at the EU Border: The Origins of FRONTEX", JCMS Volume 47. Number 2. pp. 333–356, p.348-349.
[208] Amnesty International (2017): Amnesty International Public Statement, Italy: Refugees and migrants in the central Mediterranean, cutting the lifelines. Available at: https://www.amnesty.org/en/documents/eur30/6319/2017/en/

> "As well documented by UN agencies and several human rights non-governmental organizations, including Amnesty International, grave human rights violations and abuses are systematic in Libyan detention centers. With few exceptions, refugees and migrants returned to Libya are sent to detention centers where they are indefinitely detained and subjected to serious abuses including torture and other ill-treatment, beatings, exploitation and sexual violence by the guards in government-run detention centers or those run by armed groups outside the effective control of the government."[209]

The case can be interpreted as causing indirect death risk and subjecting refugees, asylum seekers and migrants to another biopolitical practices such torture, ill-treatment, beatings, exploitation and sexual violence by other biopower, as it is seen In Libya example.

Another point to be stressed for the study is that FRONTEX can have its own European Border Guard Teams (the European Border Guard Teams – EBGT).[210] These teams are supported through accessing to human resources, equipment and databases of Member States. In 2007, amendments were made to Regulation No. 863/207 in the Constituent Council Regulation in order to strengthen the operational, responsive, analytical and managerial capacity of FRONTEX. The changes made refer to the role of FRONTEX in "crisis" situations and expand the Agency's intervention area in relation to the "exceptional situations" expressed in the theoretical part of the study. Within this framework, FRONTEX can establish Rapid Border Protection Teams (RABIT-S)[211] which are allowed to carry weapons and use force with the approval and supervision of the host member country where operations are carried out for emergency operational support when necessary. RABIT-S were established on July 11, 2007 by Regulation of the EU Council No. 863/2007. RABIT-S can be located on the border of the requesting member country within five working days upon request by the FRONTEX Executive Director. RABIT-S consist of a team of 500 to 600 people in total. Unlike the joint operations conducted by FRONTEX, RABIT-S do not have to plan according to risk analysis but have their own operational authority against sudden migrant movements. With the introduction of the RABIT-S, FRONTEX militarization has become even stronger. The first RABIT training exercise took place on the Slovenian/Croatian border on 10 April 2008, bringing together border guards from 20

[209] Amnesty International (2017): Amnesty International Public Statement, Italy: Refugees and migrants in the central Mediterranean, cutting the lifelines, available at: https://www.amnesty.org/en/documents/eur30/6319/2017/en/

[210] FRONTEX 'Rapid Intervention'. Available at: http://frontex.europa.eu/operations/rapid-intervention/.

[211] FRONTEX 'Legal Bases'. Available at: http://frontex.europa.eu/about-frontex/legal-basis/.

Member States who manage surveillance and border checks as part of an imaginary scenario on the 'Balkan route' of 'illegal migration'.[212] The first RABIT-S were assigned to areas in and around Orestiada in October of 2010, due to the increase in migrants trying to reach Greece from Turkey via the land border.[213] At this point, FRONTEX appears to use RABIT-S troops on the basis of "exceptional" circumstances.

There are also allegations that the operations cooperated not only with military but also with paramilitary structures, so that Greek Special Forces with paramilitary status can also take part in deportation operations.[214] In this regard, according to the Human Rights Watch homepage/news, nine witnesses spoke about eight masked assailants – often armed – intercepted and disabled boats carrying asylum seekers and migrants from Turkey toward the Greek islands on October 7 and 9, 2015.[215] These masked men disabled the boats by damaging or removing the engines or their fuel tanks, or making holes in the boats[216] and in some cases, the boats were towed to Turkish waters. Thus, the masked men risked the lives of the irregular migrants. According to the Copenhagen school theory, this is the last step of securitization. The violations of refugee rights and the increase of death risk for refugees are not the topic of government agendas; priority is given to "societal security" and to the highly politicized "migration" topic.

Furthermore, it is necessary to emphasize the consensus that was reached at the NATO summit on February 11, 2016.[217] The failure of FRONTEX to combat smuggling of migrants and irregular transit migration in the Aegean Sea resulting in the access of irregular migrants to the Union was expressed at the summit, and NATO agreed that in the future, it would support FRONTEX in the prevention of irregular migrants. The structure of FRONTEX has been transformed into a more militarized one through the support of the North Atlantic Treaty Organization (NATO) warships and Turkish Coastguard boats. The trilateral cooperation, including NATO, was also noted in the outcome document of the EU-Turkey summit dated 18 March 2016.[218]

[212] FRONTEX 'Rapid Border Intervention Teams (Rabits) Exercise in Slovenia'. Available at: http://frontex.europa.eu/news/rapid-border-intervention-teams-rabits-exercise-in-slovenia-S40V3u

[213] Migeurop (2013): Frontex between Greece and Turkey: The Border of Denial, Migeurop Document. Available at: http://www.migreurop.org/IMG/pdf/rapport_en_web-3.pdf

[214] Ibid.

[215] Human Rights Watch (2015): Greece: Attacks to boats risk migrant lives, Available at: https://www.hrw.org/news/2015/10/22/greece-attacks-boats-risk-migrant-lives.

[216] Ibid.

[217] NATO (2016): NATO Defence Ministers Agree on NATO support to assist with the Refugee and Migrant Crisis. Available at: http://www.nato.int/cps/en/natohq/news_127981.htm.

[218] EU Council, EU - Turkey Statement. Available at: http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/.

Two important maritime operations within the scope of these operations, Mare Nostrum and Triton, need to be specifically addressed in terms of putting forward biopolitics. Mare Nostrum can be described as a military and humanitarian operation by the Italian Naval Forces aimed at ensuring life at sea and struggling against human trafficking. The operation was launched as a response to the Lampedusa tragedy, which ended with the death of 366 migrants near Lampedusa in October 2013.[219] The operation, which had a budget of approximately 9 million EUR per month with a staff of 920, saved more than 40.000 immigrants during its tenure, according to Amnesty International (AI) report.[220] The Mare Nostrum operation was canceled due to Italy's failure to raise its high operational budget.

As a result of a request, emphasizing Italy‘s burden, for EU support, Mare Nostrum was replaced by an EU operation, Triton. Triton was launched by FRONTEX and had only a 30 square mile area of operations and only one-tenth of the Mare Nostrum budget. Mare Nostrum had 30 thousand miles as operation area. Triton did not have its own vessels and was dependent on the resources of the member states. Therefore Triton did not truly replace Mare Nostrum. The Triton Operation of FRONTEX was criticized by UNHCR for failing to prevent immigrant deaths in the Mediterranean. The EU was even requested to take a more human-focused approach for protecting borders.

The United Nations High Commissioner for Refugees Antonio Guterres assessed the difference between the two operations:

> "There can be no doubt left after this week's events (referring to the high mortal tragedy in April 2015) that Europe's Operation Triton is a woefully inadequate replacement for Italy's Mare Nostrum.".[221]

While UNHCR invites people to work together to solve the problems that are posed by this dangerous path, there was criticism from EU members like the UK and Germany that search and rescue operations like Mare Nostrum will encourage irregular migration. The British Minister of Foreign Office – Baroness Anelay explained this in the House of Lords like that:

[219] The Guardian (2014): "Lampedusa Tragedy". Available at: https://www.theguardian.com/world/2014/mar/22/lampedusa-boat-tragedy-migrants-africa.

[220] Amnesty International (2014): The Human Cost of Fortress Europe – Human Rights Violations against Migrants and Refugees at Europe's Borders. P. 24-25. Available at: http://www.amnesty.eu/content/assets/Reports/EUR_050012014__Fortress_Europe_complete_web_EN.pdf.

[221] UNHCR (2015): UNHCR calls for more robust search-and-rescue operation on Mediterranean. Available at: http://www.unhcr.org/news/latest/2015/2/54dc8dc59/unhcr-calls-robust-search-and-rescue-operation-mediterranean.html

> "We believe that they create an unintended 'pull factor', encouraging more migrants to attempt the dangerous sea crossing and thereby leading to more tragic and unnecessary deaths."[222]

The EU leaders tried to respond to the criticism by raising the Triton budget to threefold at its April 23, 2015 summit. FRONTEX' Executive Director Fabrice Leggeri expressed the mission of Triton in an interview, which was made in April 2015 by The Guardian.

> "Triton cannot be a search and rescue operation. I mean, in our operational plan, we cannot have provisions for proactive search and rescue action. This is not in Frontex's mandate and this is, in my understanding, not in mandate of the European Union."[223]

In the context of operations, the sentences of the Amnesty International Refugee coordinator, which is presented below and conducted within the scope of the study provides a critical summary of the framework of FRONTEX' general purpose, functioning and consequences:

> *They have built a wall around the European Fortress, and they need to be protected by troops or border guards, warships that means FRONTEX. Furthermore, Turkey is building walls too on its outer borders. States close their doors to refugees. The period we are going through is quite interesting, as these partners are making agreements on refugees not related to the refugees, but related to their own interests. They are building walls, investing so much money to stop the refugees as they think they are enemies. In the end, the refugees always die in their country or on the way to seek international protection. FRONTEX is proud of decreasing irregular entrances and we are watching deaths across the border. Every year we are setting records on migrant deaths on different routes. Borders and operations are changing but still refugees are dying. If this is what they call success, yes FRONTEX is extremely successful. If that means fighting or tackling against irregular migrants, there are many ways to do that. Not FRONTEX, but national armies can do the same thing. Why do they need to invest on these agencies? If illegal immigrants need to be dead, you will*

[222] Washington Post (2014): "Why Britain won't save drowning migrants in the Mediterranean". Available at: https://www.washingtonpost.com/news/worldviews/wp/2014/10/28/why-britain-wont-save-drowning-migrants-in-the-mediterranean/?utm_term=.f0fddbf315e1

[223] The Guardian (2015): ‘‘Most Migrants Crossing Mediterranean will be sent back‘‘. Available at: https://www.theguardian.com/world/2015/apr/22/most-migrants-crossing-mediterranean-will-be-sent-back-eu-leaders-to-agree

sink the ships; allow them to starve to death… Maritime operations do exactly this; there is no need for FRONTEX at all. States already have their own coast guards, planes, helicopters and armies. This is a human tragedy, a crime against humanity! (Interview with the Amnesty International Refugee Coordinator, Ankara, 27.08.2017).

The second area of activity of FRONTEX that is related to securitization, which is stated in Article 4 of the Founding Regulation of FRONTEX, is "risk analysis and crisis management related to irregular migration that targets member states".[224] Here the risk for biopower means entrance probability of mixed migrant flows to the target member states. FRONTEX demonstrates the threat element through risk reports and securitizes migration in the process of the speech act, which is defined as securitization, as pointed out by the Copenhagen school. In this context, FRONTEX uses "risk" and "management" expressions instead of "threat", "security" and "migration" and publishes "Annual Risk Analysis" reports. The issue is presented as a technical issue with risk analysis and reports, and the desire of the EU to deal with this technical problem presents the second phase of securitization, which is the authority request. The speech act is transformed into practice through the operations.

Another important activity of FRONTEX that needs to be stressed within the framework of securitization and biopolitics is the return operations according to existing Readmission Agreements and they can be operated in case of joint operation failures as well. The return operations are described as follows: “the Agency provides the support needed for the organization of the return operations of the Member States as a part of the Union return policy, " according to Article 9 of the Constitutional Charter.[225] In this framework, not only the prevention of mixed migration flows at external borders, but also the return of migrants to the source state is managed under the responsibility of the agency and member states in case of joint operation failures. FRONTEX can also use the union budget for the finance of return operations, which is reserved for the readmission – return policy. In general, the legal framework involved is the Return Directive, which came into force in 2008.[226] The basic principle of the operations carried out in this context is the exclusion of immigrants, who enter irregularly into the territory of the Union through the EU borders. Immigrants are easily

[224] FRONTEX – Legal Basis. P.9. Available at: http://frontex.europa.eu/assets/Legal_basis/frontex_amended_regulation_2011.pdf
[225] Ibid.
[226] EUR-Lex – Access to European Union law. Directive 2008/115/EC. Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do? uri=OJ:L:2008:348:0098:0107:EN:PDF.

returned to the countries if there are readmission agreements between the countries and the EU. The countries can be the country of immigrants' origin or any transit country.

Another important point related to FRONTEX is the intelligence-based structure that includes the principle of privacy. In an interview, Javier Quesada, Head of Risk Analysis Unit claims that:

> ‘‘We started creating intelligence communities in Third Countries in the Western Balkans, at the eastern borders of the EU Member States and now in Africa. And we intend to continue developing those communities.’’[227]

Leonard stresses that agency uses "Intelligence" word at its structure too and instead of using this word, they could use more neutral words like data or information.[228] She thinks that their current position shows that they are securitizing migration. On the other hand, confidentiality – privacy is crucial for the success of the operations, just as it is for the structure of intelligence agencies.[229] For this reason, the official web page of FRONTEX does not contain information on where and how the operations are carried out in risk analysis reports or statements of FRONTEX representatives. The main aim of these kinds of agencies is to ensure the national security and FRONTEX aims to secure societal security. The documents of the European Parliament, Council and Commission should be publicly available to its citizens according to the EU regulation[230] but access to files related to FRONTEX operation plans is restricted. Therefore, it is not possible to know which operation starts, when, where and who is responsible for it etc.[231] On the other hand, in order to justify restrictions on access to information, FRONTEX understands the topic refugees in the concept of public benefit in the fields of public security, defense, military, security and international relations.[232]

[227] FRONTEX (2010): Beyond the Frontiers. Available at: http://frontex.europa.eu/assets/Publications/General/Beyond_the_Frontiers.pdf

[228] Leonard, Sara (2010): "EU Border Security and Migration into the European Union: FRONTEX and Securitization through Practices" European Security, 19/2, 231-254.

[229] Carrera, Sergio (2007): "The EU Border Management Strategy, Frontex and the Challenges of Irregular Immigration in the Canary Islands", Centre for European Policy Studies (CEPS). Available at: http://aei.pitt.edu/7385/1/1482.pdf

[230] EUR-Lex – Access to European Union law. Regulation (EC) No 1049/2001of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l14546

[231] Carrera, Sergio (2007): "The EU Border Management Strategy, Frontex and the Challenges of Irregular Immigration in the Canary Islands", Centre for European Policy Studies (CEPS). Available at: http://aei.pitt.edu/7385/1/1482.pdf

[232] Migeurop (2014): Frontex between Greece and Turkey: The Border of Denial. Available at: http://www.migreurop.org/IMG/pdf/rapport_en_web-3.pdf

However, it is possible to obtain information on practices and outcomes from different sources and actors. Civil society reports by Amnesty International and Pro Asyl giving the testimonies of hundreds of immigrants reveal that the pushbacks made by Greek coast guard in the Aegean Sea have been common since 2012. The reports[233] indicate that the immigrant boats were pushed back from Greek territorial waters or from Greek territory to Turkey, an important breach of the principle of non-refoulement and violation of collective deportation law that can cause deaths. The reports also draw attention to arbitrary arrest, detention, violence and ill-treatment. The interview conducted for the study also stressed these facts.

> *EU policy does not prevent the forced migration or displacement of people; only walls are being built. At the same time, authorities are struggling with the smuggling of migrants, trying to prevent illegal immigration. Instead of approaching refugees as fragile people with a soul, they are approaching them as metas (refugees). They offer a life that is unbearable for illegal immigrants. Based on reports by immigrants: Immigrants are arrested, detained and placed in repatriation centers for days. They are given food they cannot eat and only plastic plates to eat on. Officers practice psychological violence. Either you will go or your life will end. That is the message they give. They keep them in custody for 3 to 6 months and then dismiss them. Then they get arrested again and everything starts anew… It is always a psychological thing. If they come to Europe, they will experience these things. (Interview with the senior officer of the Security Smuggling and Organized Crimes Unit from Izmir Police Department, 29.08.2017, Izmir)*

[233] Amnesty International Organization (2014): "The Human Cost of Fortress Europe – Human Rights Violations against Migrants and Refugees at Europe's Borders", Available at: http://www.amnesty.eu/content/assets/Reports/EUR_050012014__Fortress_Europe_complete_web_EN.pdf.
Amnesty International Organization (2015): "Europe's Gatekeeper Unlawful Detention and Deportation of Refugees from Turkey". Available at: https://www.amnesty.org/download/Documents/EUR4440222015ENGLISH.pdf
Amnesty International Organization (2015): "Fear and Fences – Europe's Approach to Keeping Refugees at Bay", Available at: http://www.amnesty.eu/content/assets/Doc2015/2015_Documents/Report_Fear_and_Fences-EMBARGO.pdf.
International Amnesty Organization (2013): "Frontier Europe: Human rights abuses on Greece's border with Turkey". Available at: https://www.amnesty.org/download/Documents/12000/eur250082013en.pdf.
Pro Asyl (2013): "Pushed Back: Systematic Human Right Violations against Refugees in the Aegean Sea and at the Greek-Turkish Land Border, Available at: https://www.proasyl.de/wpcontent/uploads/2015/12/PRO_ASYL_Report_Pushed_Back_english_November_2013.pdf

The senior police officer is not anti-EU but in his eyes, the practices of Greece are not in line with European standards and their practices are not being well controlled by European authorities. He claims also that the capability of Greece can't respond to this challenge.

In 2011, FRONTEX adopted the Fundamental Rights Strategy and in the following year, the Fundamental Rights Officer was appointed.[234] In addition, the Fundamental Rights Consultative Forum was established; but there is no mechanism to investigate violations of rights. Although academic and non-governmental organizations are providing studies and reports related to the rights violations of operations, FRONTEX does not provide any information and is not obliged to publish information on decisions and measures are taken against human rights violations. Furthermore, the asylum seekers and refugees who are not merely irregular migrants at the border, as they must benefit from international protection, are trapped by irregularity and become subjected to the same procedures as other migrants. There are also reports[235] of violations of the "non-refoulement" principle, which has the duty of not returning migrants to a third country where they would be at risk of persecution, torture and other inhuman treatment or punishment or death. This has become part of customary international law. There are no direct charges against FRONTEX in pushback statements. In this respect, as stated in the Amnesty International report[236] for example, within the framework of Operation Poseidon Sea Partners, FRONTEX' has been confirmed to support to Greece. The authorities had confirmed cases. However, authorities claim that the symbol of FRONTEX on sea vehicles is important. In this respect, it is important to note that, as stated in the relevant report of the Amnesty International, Greek marine vehicles are financed under the Poseidon Maritime Operation, but ships are not authorized to carry the FRONTEX symbol. For this reason, it is not possible for refugees and immigrants to

[234] FRONTEX, Frontex Fundamental Rights Strategy. Available at: http://frontex.europa.eu/assets/Publications/General/Frontex_Fundamental_Rights_Strategy.pdf

[235] International Organization for Migration (2016): Dangerous Journeys; International Migration increasingly Unsafe – The Central Mediterranean Route; Deadlier than ever, Available at: https://publications.iom.int/system/files/gmdac_data_briefing_series_issue4.pdf
Amnesty International (2017): A Perfect Storm – The Failure of European Policies in the Central Mediterranean. Available at: https://www.amnesty.org/en/documents/eur03/6655/2017/en/
Amnesty International (2015): Europe's Sinking Shame – The Failure to Save Refugees and Migrants at Sea, Available at: https://www.amnesty.org/en/documents/eur03/1434/2015/en/
Amnesty International (2015): S.O.S. Europe – Human Rights and Migration Control. Available at: http://www.amnesty.eu/content/assets/S_O_S_Europe_Report_Web_02.pdf
Amnesty International (2016): Forced Back to Danger – Asylum-Seekers Returned From Europe to Afghanistan. Available at: https://www.amnesty.at/de/view/files/download/showDownload/?tool=12&feld=download&sprach_connect=635

[236] Amnesty International (2014): The Human Cost of Fortress Europe – Human Rights Violations against Migrants and Refugees at Europe's Borders. P. 17. Available at: http://www.amnesty.eu/content/assets/Reports/EUR_050012014__Fortress_Europe_complete_web_EN.pdf.

distinguish FRONTEX boats from Greek coast guard vessels. In addition, joint operations are highly diverse and often carried out by several countries/agents, thus making it difficult to place responsibility for the rights violations. Moreover, violations of rights through pushbacks have been carried out on both sides between Turkey and Greece.

The news article of Hurriyet[237] illustrates the violence against a refugee that can be interpreted as racist practice of state. A person in a military forbidden zone along the Meric/Evros River, which constitutes the border of Greece and Turkey, was half-unconscious. At the hospital, Mattai, who was being treated, was found to have two broken legs and a scar on his face. The 34-year-old Algerian Ammer Mattai expressed following allegations:

> "I was at refugee camp in Greece for a year. I applied for asylum. I was waiting for an answer. Shortly after I started to walk out of the camp, a car came along and seven people came down. They asked me for identity, and then they started to beat me. These were Greek police. They tied my hands and my feet. They stole my 50 million Algerian dinars and two mobile phones. Then, they brought me to the border, put on the boat, and threw in the middle of the river. I do not remember how I came to the shore. Turkish soldiers found me, gave me water and took me to the hospital to be treated. I owe my life to them."

Turkish senior officer claims that Greece is sending refugees back to Turkey without their situations are examined he points out violations:

> *Greece is also deporting illegal immigrants to Turkey, sometimes fifty immigrants in a truck or sometimes on the river in inflatable boat. Then they are pushed towards Turkey through the Meric (Evros) river. For this reason, these numbers are not in the statistics. They blow up the boat and push it to our side, sometimes it is sinking on this side. Greece has repeatedly violated the readmission agreement that was signed between the EU and us. In the last four months, more than three thousand asylum seekers have been pushed back to us by boat over the Meric (Evros) River. FRONTEX or Greece, both of them are the same, always trying to give us the responsibility. (Interview with senior officer of Security Smuggling and Organized Crimes Unit, 29.08.2017, Izmir)*

[237] Hurriyet (2017): Meric'te yarali halde bulunan Cezayirli: Beni Yunan polisi dovdu. Available at: http://www.hurriyet.com.tr/mericte-yarali-bulunan-cezayirli-beni-yunan-p-40517860

As it is seen in the light of Turkish authorities, it seems that the readmission agreement cannot last long as Greece continues to send immigrants illegally. However, it is also not known if these illegal pushbacks come from Greece, FRONTEX, or both. In addition, FRONTEX does not seem to accept any responsibility because of its role as coordinator in accordance with legislation. Nevertheless, FRONTEX' responsibility for repatriation operations was expressed at the “Hirsi and others against Italy” trial at the European Court of Human Rights[238], which can be seen as a positive development in combating rights violations. Interviewed Expert judged this court decision in a critical way:

> *These court willings are the consequences of the courts. If this was, it was not the case we would not have a migrate crisis in Italy and Greece because people could simply send back without into the election but the reason why we have so many people, migrants tended of. The court decisions have huge impact and they are definitely important. (Interview with Head of Border Trafficking; Residence, Asylum and Migration Department from Austrian Foreign Affairs Ministry, 29.12.2017, Vienna).*

The numbers on immigrant deaths mentioned in introduction above are far from reflecting the true picture. Because systematic statistics at the national or EU level are not collected or accessible. With the appearance of major fatal accidents after 2013, a report was first prepared by the UN migration agency, International Organization for Migration in 2014. However, in general, systematic data on mortality still do not exist at the EU or FRONTEX. Information gathered by non-governmental organizations, platforms, or the media has become news that has become invisible next to massive tragedies and has begun to become ordinary.

All allegations of human rights violations and pushing back widely argued by NGOs and academics have even specifically been left aside, to ease repatriation of immigrants across the border in spite of oversight and control mechanisms. Migrants were forced to choose routes that are more dangerous. The limitations create new and non-state actors such as migrant smugglers; the birth of a profitable new industry can also be assessed within the context of immigrant political economy. However, the most important point for this study is that, as Foucault claims, biopower, here it is EU that puts their lives under the indirect risk of death. In this regard, the Refugee Coordinator expressed the indirect death risk in detail:

[238] European Database of Asylum Law (2012): EctHR – Hirsi Jamaa and Others v Italy [GC], Application No. 27765/09. Available at: http://www.asylumlawdatabase.eu/en/content/ecthr-hirsi-jamaa-and-others-v-italy-gc-application-no-2776509

Refugees are attempting to pass through the sea with the help of smugglers as long as the land roads from Turkey to the European Union are not very accessible. Generally, boats used during the journey are in very bad condition and are risky sea vessels. For this journey, smugglers do not accompany the migrants. The smuggler only describes how to use it to one of the refugees. To entrust hundreds of lives to someone who has never before used a marine vessel is already putting migrants at a very serious risk of death. After a certain period of time, there are many accidents due to troubles in the sea vessels and the inexperience of the migrants. Those who are left in the middle of the sea are dying in the Mediterranean through hunger and thirst, right in front of the eyes of the world. Usually FRONTEX or coastguard vessels do not want to enter rescue work because they do not want to take responsibility. (Interview with Amnesty International Refugee Coordinator, 27.08.2017, Ankara).

The coordinator stressed the role of smugglers, who risks the lives of migrants. Probable incidents that may cause deaths can be prevented by not only catching smugglers and preventing human trafficking, but also by organizing timely maritime operations in the framework of international conventions, which respects to non-refoulement principle and asylum right. However, the EU acts as a biopower and tries to stop irregular migrants before they leave the transit or source countries through the intelligence based structured institutions such as FRONTEX – EUROSUR and bilateral agreements.

Another interviewed Expert also attracted attention to smugglers' share at deaths and underlined intensely the responsibility of smugglers and transit countries.

I am not seeing responsibility of FRONTEX but the responsibility of the people who sent migrants out or help people to go out to leave the shore without paper, equipment and for example that or this report of hundreds of migrants on tiny boat. So, I see the problem not so much of FRONTEX but for those people who are working trafficking, who organize these operations. I would see also responsibility as far as the states of existing but state of existing who do not care of people leaving their shores without proper registration. (Interview with Head of Border Trafficking; Residence, Asylum and Migration Department from Austrian Foreign Affairs Ministry, 29.12.2017, Vienna).

The Expert reflected frequently on smugglers and transit states. It is interesting that the similar perspective regarding to smugglers was shared by FRONTEX. In the Annual Risk report of FRONTEX, smugglers were blamed for refugee deaths and report voiced that they should be captured ''through the information collected during the interviews, it was possible to detain several facilitators mainly in Senegal and to avoid the departure of more than one thousand people.''[239]

[239] FRONTEX (2006): Annual Risk Report, Available at: http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Annual_report/2006/annual_report_20061.pdf

8. 2. Panopticon of the Biopolitical Border Policy: EUROSUR

EUROSUR, according to the EU discourse the institution was established as an information-exchange platform in the control of the external borders of Europe with the aim of increasing the capacities of the member states to respond to situational awareness and transnational crimes, to prevent irregular migration and to prevent maritime deaths.[240] Moreover, the EU Commission has declined EUROSUR as a new instrument to protect external borders and save migrants' lives: ''EUROSUR will make an important contribution in protecting our external borders and in saving lives of those who put themselves in danger to reach Europe's shores. It will equip the EU and its Member States with better tools to prevent cross-border crimes, such as drug trafficking or trafficking in human beings, but also to detect and provide assistance to small migrant boats in distress.''[241] Nevertheless, it is stressed also in the regulation that "the Council recalls that search and rescue at sea is a competence of the Member States which they exercise in the framework of international conventions".[242] It is assumed that the responsibility of search and rescue activities, and exercises for search and rescue at sea is given/left to the competence of the member states. However, there is no mechanism or a legal regulation to measure the competence of the member state and increase their competences. In addition, control of exercises, if they are in the framework of international conventions, is another gap to be worked on. These missing gaps can be interpreted as the institution is established primarily not to save lives, but to protect external borders and reinforce FRONTEX.

The intelligence-based structure is also seen in EUROSUR's legal basis. Constructed on the National Intelligence Points under the coordination of FRONTEX, EUROSUR serves as an intelligence center to gather information at local and national levels on "irregular border crossings and activities related to crime issues" as stated in the legislation.[243] In the source, serving as an intelligence center and the word of intelligence is stressed more than saving lives. The area of control is the Schengen borders and beyond on for EUROSUR. It shares information on events on land and sea outer borders and the position of the border patrols with member states through analytical reports, intelligence and national status

[240] FRONTEX, EUROSUR Regulation. Available at: http://frontex.europa.eu/intelligence/eurosur/, http://frontex.europa.eu/assets/Legal_basis/Eurosur_Regulation_2013.pdf.

[241] European Commission, News: 'EUROSUR ready to better protect the Schengen borders and save migrants' lives'. Available at: https://ec.europa.eu/home-affairs/what-is-new/news/news/2013/20131129_01_en

[242] FRONTEX, EUROSUR Regulation. Available at: http://frontex.europa.eu/assets/Legal_basis/Eurosur_Regulation_2013.pdf

[243] FRONTEX, EUROSUR. Available at: http://frontex.europa.eu/intelligence/eurosur/.

photographs.[244] Satellites, unmanned aerial vehicles, radar, motion sensors and thermal cameras are used to observe land and sea boundaries.[245] The logic of this system is to strength FRONTEX' operations. The cost of these technologies is covered by the € 340 million budget allocated to EUROSUR until 2020.

In theory, EUROSUR undertakes the determination of the circumstances of suspected cases during checks and the coordinates of vehicles carrying irregular migrants with appropriate technology. It is aimed at preventing immigrant deaths in the seas as well as catching migrant smugglers. However, the EUSOUR records only border crossing practices that are labeled as ‘’illegal’’ are translated into events of concern on its map.[246] The EU also states that EUROSUR will play an important role in the protection of illegal immigrants and the rescue of their lives. However, there is no legal regulation, evaluation report, scientific study or research and development report in this regard and it does not include any explanatory information on this subject, nor is there any procedure for rescued immigrants. For this reason, it seems that EUROSUR is actually aimed only at border security and that it is a measure against the Arab Spring and against migrants in general. The European Monitoring System (EUROSUR), which is based on the assumption that it is a moral responsibility of the EU to prevent deaths in the seas, can be regarded as support for securitization of borders and biopolitical management in order to legitimize some irregularities in exceptional cases.

When legal provisions relating to EUROSUR are examined, the regulation constitutes mainly the responsibility of the Member States to enforce international law, notably the United Nations Maritime Law, the Geneva Convention, and the European Convention on Human Rights. Regulations[247] show respect for the collection of personal data and the principle of "non-refoulement". It states that it is not allowed to return of migrants in cases, in which there is a risk of persecution. In this framework, “case“ is defined under Article 2 and Article 3 of the General Provisions of the Charter Constitution as "the case of an immigrant" in "an illegal immigration situation", "a transnational crime", or "when the lives of immigrants are endangered at or near the border".[248]

[244] Rijma, Jorrit and Vermeulen, Mathias (2015): EUROSUR: saving lives or Building Borders?. European Securirty, 24:3, 454-472.

[245] EUR-Lex – Access to European Union law. EUROSUR, Available at: http://eur- lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:l14579.

[246] Tazzioli, Martina (2016): Eurosur, Humanitarian Visibility and (nearly) Real-Time Mapping in the Mediterranean. ACME: An International Journal for Critical Geographies, v. 15, p. 561-579, Sept. 2016. Available at: https://acme-journal.org/index.php/acme/article/view/1223/1201

[247] FRONTEX, 'EUROSUR Regulation. Available at: http://frontex.europa.eu/assets/Legal_basis/Eurosur_Regulation_2013.pdf

[248] EUR-Lex – Access to European Union law. EUROSUR Regulation. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1052&from=EN

EUROSUR regulation draws attention to the difficulty of detecting small boats carrying immigrants and discusses that the reaction capacity of member states will increase with EUROSUR. However the difficulty of detecting small boats carrying by the member states would be overcome through EUROSUR, Frontex Deputy Executive Director Gil Arias Fernandez self-confessed the deficiency of EUROSUR's technological capacity to detect small boats carrying migrants and as such did not subsidize to saving lives at sea.[249]

EUROSUR's one of the main purposes is to prevent migrant deaths and to undertake search and rescue activities; but it is understood that this mechanism is one of the most important components of biopolitics. In 2013, a DVD titled "Liquid Traces -The Left-to-Die Boat Case", recorded by Charles Heller and Lorenzo Pezzani, about the tragic ending of 73 immigrants has clearly shown that the boats, which were carrying irregular migrants drifted for days on the Libyan coasts and the migrants died of thirst and starvation.[250] Therefore, the main problem is not that the boats are not detectable, but they are invisible. Thus, EUROSUR is not a search and rescue operation but an instrument to detect a risk that is defined as the possibility of migrants crossing the border in risk reports of FRONTEX. Over the years, immigrant deaths have gradually increased on certain routes, and EUROSUR discourses about the protection of immigrant life are becoming controversial.
In this regard, Foucault describes the prisoner of a Panopticon as:

> "He is seen, but he does not see; he is an object of information, never a subject in communication."[251]

This sentence is exactly suitable to exploring the situation of immigrants, which are being seen by EUROSUR. I mean EUROSUR watches not only irregular entries but also the illegal practices of FRONTEX and the death of refugees as Charles Heller and Lorenzo Pezzani recorded it. Furthermore, EUROSUR observes all borders through advanced technological tracing mechanisms and reports irregular movements for FRONTEX.

[249] Nielsen, Nikolaj (2014): EU Border Surveillance System not Helping to Save Lives. In: Rijma, Jorrit, Vermeulen Mathias, EUROSUR: saving lives or Building Borders? European Securirty, 24:3, p.467.

[250] Heller, Charles and Pezzani, Lorenzo (2014): Liquid Traces: Investigating the Death of Migrants at the EU's Maritime Frontier. In: Eyal Weizman und Anselm Franke (Hg.): Forensis. The architecture of public truth. Berlin: Sternberg Press, S. 657–684.
Heller, Charles and Pezzani, Lorenzo; SITU Research (2014): Left-to-Die-Boat. In: Eyal Weizman und Anselm Franke (Hg.): Forensis. The architecture of public truth. Berlin: Sternberg Press, S. 638–655.
Liquid Traces - The Left-to-Die Boat Case directed by Charles Heller and Lorenzo Pezzani Video. Available at: https://vimeo.com/89790770, http://www.artcentersf.org/fall2016/parallaxdrift/wp-content/uploads/2017/01/Liquid-Traces-The-Left-to-Die-Boat-Case.pdf.

[251] Foucault, Michel (1977): "Discipline and Punish: The birth of Prison", p. 98. Penguin Books Ltd, London, United Kingdom.

Here conducted interviews with EUROSUR officers by Tazzioli clears out the mission of EUROSUR. It aims to detect presence in order to determine that there is a migratory event to tackle or possible future migration risks could occur.[252] According to the interview conducted EUROSUR officer, after the event is detected, the following step is the establishment of its level of impact. The level of impact is the determination of the financial assistance that member state could ask from the EU Commission. International Amnesty Coordinator also mentioned this progress as the member states prefer to be blind rather than execution of a long-term bureaucracy, which would take extra time and work for the regarding states. He articulates it more like that:

> *Not only FRONTEX, but also member states do not want to take action at rescue and search activities because of its long-term works such as financial costs to operate these activities, demand of these costs and the examination of each migrants' cases. These procedures really take time but it is worthy and crucial as they can prevent loss of lives at the sea. (Interview with Amnesty International Refugee Coordinator, 27.08.2017, Ankara)*

In summary, the EU is seeing everything as Panopticon model through modern instruments of panopticism – EUROSUR to detect irregular migrants before reaching European territory, prevent them through FRONTEX from doing so, and make them return to their lands through repatriation agreements.

[252] Tazzioli, Martina (2016): Eurosur, Humanitarian Visibility and (nearly) Real-Time Mapping in the Mediterranean. ACME: An International Journal for Critical Geographies, v. 15, p. 565. Available at: https://acme-journal.org/index.php/acme/article/view/1223/1201

9. Conclusion

The study firstly explored how the European border came into existence through the historical processes of the establishment of the European Union. Throughout these processes, the developments of border, asylum and migrant policies were analyzed briefly. These analyses have pointed out that European border and asylum policies have been securitized. After the securitization process, these policies were externalized through new regulations and agreements. Lately, they have been totally extraterritorialized through readmission and bilateral agreements between the source countries and transit countries with EU. The analysis of the EU policies related to asylum, immigrant and borders was limited until the establishment of FRONTEX as the study focused on the practices of border control and surveillance agencies, FRONTEX and EUROSUR. The analysis of policies and a summary related to the establishment of EU were crucial for the study as policies show how the securitization steps were implied and FRONTEX and EUROSUR occurred. The study analyzed FRONTEX and EUROSUR through its legal functions and structures as well as practices.

In the structure of FRONTEX, it is important to mention the creation of European Border Guard Teams & Rapid Border Protection Teams, which are allowed to carry weapons and their usage in exceptional situations. These teams can increase the dying risk of irregular migrants and another factor that can risk the lives of migrants is the usage of Special Forces. There are allegations that Greek Special Forces take place at maritime operations and disable the boats by damaging or removing the engines or their fuel tanks, or making holes in the boats. Furthermore, the agreement between Turkey, NATO and EU in 2016 to support FRONTEX in the prevention of irregular migrants in the Mediterranean Sea demonstrates that the nature of maritime operations is not humanitarian, but military one.

Another important point is that the intelligence-based structure of FRONTEX shows itself also at its operations that include the principle of privacy. The documents of the European Parliament, Council and Commission should be publicly available to its citizens according to the EU regulation[253] but access to files related to FRONTEX operation plans is restricted. Therefore, it is not possible to know which operation starts, when, where and who is

[253] EUR-Lex – Access to European Union law. Regulation (EC) No 1049/2001of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l14546

responsible for it.[254] On the other hand, in order to justify restrictions on access to information, FRONTEX interprets the topic of refugees in the concept of public benefit in the fields of public security, defense, military, security and international relations.[255] However, it is possible to obtain information on practices and outcomes of operations from academic staffs and different non-governmental organizations that are providing studies and reports related to the rights' violations of operations which causes direct or indirect deaths. FRONTEX does not provide any information and is not obliged to publish information on decisions and measures are taken against rights' violations. In 2011, FRONTEX implemented the Fundamental Rights Strategy and in the following year, the Fundamental Rights Officer was appointed.[256] In addition, the Fundamental Rights Consultative Forum was established; but there is no mechanism to investigate violations of rights'.

Furthermore, the Art. 4 of the Founding Regulation of FRONTEX that "risk analysis and crisis management related to irregular migration that targets member states"[257] is another important point to discuss. FRONTEX describes the risk as entrance probability of mixed migrant flows to the target member states and it demonstrates the threat element through risk reports and securitizes migration in the process of the speech act. In this context, FRONTEX uses "risk" and "management" expressions instead of "threat", "security", "migration" and publishes "Annual Risk Analysis" reports yearly. The issue is presented as a technical issue with risk analyses and reports, and the desire of the EU to deal with this technical problem presents the second phase of securitization, which is the authority request. The speech act is transformed into practice through the maritime operations.

The maritime operations result in direct or indirect deaths in the Mediterranean Sea for refugees, asylum seekers, immigrants, transit migrants. Operations based on FRONTEX' militarized and exceptional nature do not reduce irregular migration and the operations result in deaths on the borders. The main aim of maritime operations is to intercept migrant boats and divert them to the shores where they had left. Latter the irregular migrants are detained and transferred to detention centers in Turkey or in Libya but there is no mechanism to control or check these centers and the migrants cannot reach to asylum right there. In addition, several reports including UN demonstrate that grave human rights violations and

[254] Carrera, Sergio (2007): "The EU Border Management Strategy, Frontex and the Challenges of Irregular Immigration in the Canary Islands", Centre for European Policy Studies (CEPS). Available at: http://aei.pitt.edu/7385/1/1482.pdf

[255] Migeurop (2014): Frontex between Greece and Turkey: The Border of Denial. Available at: http://www.migreurop.org/IMG/pdf/rapport_en_web-3.pdf

[256] FRONTEX, Frontex Fundamental Rights Strategy. Available at: http://frontex.europa.eu/assets/Publications/General/Frontex_Fundamental_Rights_Strategy.pdf

[257] FRONTEX – Legal Basis. P.9. Available at: http://frontex.europa.eu/assets/Legal_basis/frontex_amended_regulation_2011.pdf

abuses are systematic in Libyan detention centers. In this regard, intercepting and diverting boats cause the violation of the non-refoulement principle, which does not always end with death, but increases the risk of dying.

Despite the fact that immigrant deaths have become visible in the 1990s, the most important turning point for related policies is the migrant tragedy, which resulted in the death of 366 people in October 2013 on the Central Mediterranean route off Lampedusa. The response to the tragedy was the operation of Mare Nostrum that saved more than 30.000 refugees. Due to the lack of financial support by the EU, the Italian government could not let this operation survive and the FRONTEX took over this responsibility with the start of an operation called TRITON. Two important maritime operations within the scope of these operations, Mare Nostrum and Triton, were important for the study to mention, in order to illustrate institutional perspective and goal related to maritime operations. Triton operation helped my study to discover the considerations of international, governmental and institutional authorities regarding to refugee deaths. Routes on which most deaths occur are the irregular transit points and where the FRONTEX operations are most intensive. The increasing number of casualties in the sea increase EU's moral responsibility to prevent deaths in the seas. However, the number and repetition of the tragedy raises the question of whether border operations have truly taken on the obligation to assist people in danger. It also questions the legality of these operations in terms of international obligations to asylum-seekers, who demand and need international protection. It was noticeable for the study that the European external border management is causing direct and indirect risk of death for the refugees through the maritime operations. The first operations of FRONTEX in the western Mediterranean Sea, HERA ended with the death of 1600 immigrants in the operation area. As TRITON operations started in the central Mediterranean Sea, the number of refugee deaths increased in the operation area too. In 2014, 4,271 and the following year 5,337 refugees died. Although the operations manage to decrease irregular migration at certain points, it is increasing at other parts of Mediterranean. As one operation begins at a certain point like TRITON in the central Mediterranean, the number of deaths increases and irregular migration decreases at there. At the same time, the smuggler routes of smugglers and transit immigrants changed to the East Mediterranean and irregular migration went on through this route. The extra militarization of FRONTEX and the agreement between Turkey, NATO and EU in 2016 has caused the loss of life of 6,315 refugees, which is the record number compared to the last years.

Controlling, protecting or bringing the life to its best in a manner similar to the individual as a living being through security mechanisms is the goal of biopower.[258] For the population "bringing life to its best" means also protecting this population from possible external threats. Any group, that is constructed to be a threat to life of population or society, which is regulated by biopower can be removed without facing any punishment such as the legitimation process in the securitization by biopower. In this regard, the study claims that the EU is acting as a control power (biopower over its population) and securing its society, which is defined by the Schengen area against mixed migration, flows especially irregular migrants from outside through securitization of migration. The European society, which is regulated by biopower in the Schengen Area, is being persuaded through the fulfillment of securitization steps. Moreover, through the last step of securitization – legitimization of illegality, biopower is ready to eliminate threats, which are irregular migrants including asylum-seekers and refugees. So disciplining of the other population is being coordinated by FRONTEX practices, with the help of determination of targets through the eyes of power – EUROSUR with its tracing systems and advanced technologies. Today, however, perhaps the most serious of all violations is immigrant deaths, which are violations of the right to life, which can be regarded as the most basic human right. The violation of the non-refoulement principle, which does not always end with death, pushes the forced migrants to take such risks. Allowing death or exposure to death can be considered as the actual situation that the EU has created for migrants today through border management practices. The aim of EU's irregular policy, institutional structure, tracing mechanisms and practices cannot be seen as direct killing but it leads to the violence of states and non-state actors. In this way, the groups in question are undoubtedly at risk of death.

The study states that the solution of EU for the irregular migrants is not compatible with the values of Europe. It contains many violations of international refugee law, even basic human rights and it does not focus on a solution. The strict migrant policies and border controls result in illegality, such as new non-state actors like human trafficking gangs, human smugglers and their violence to irregular migrants as well as violation of rights by them which cause deaths. In addition, the study stresses that FRONTEX operations with the help of EUROSUR through tracing mechanisms increase the risk of death, violence by different state actors and result in refugees simply left to die.

[258] Foucault, Michel (1997). "Society Must Be Defended: Lectures at the Collège de France, 1975-1976", p.245. New York, NY: St. Martin's Press.

In the light of immigrant deaths, some important issues need to be emphasized and questioned in order for their lives to be appreciated, as they deserve to be. Perhaps most important is how long the EU can survive the current humanitarian discourse on death politics. The consequences of these policies for immigrants at the micro level, how the EU's biopolitical border policies must change to a humanitarian one can be topic of another future studies. Furthermore, the similarities and differences between the European, Australian, American and Canadian border policies and the management of irregular migrants can be an interesting topic for the following researches.

10. References

Amnesty International (2017): A Blueprint for Despair – Human Rights Impact of the EU-Turkey Deal. Available at: https://www.amnesty.org/en/documents/eur25/5664/2017/en/

Amnesty International (2017): Amnesty International Public Statement, Italy: Refugees and migrants in the central Mediterranean, cutting the lifelines. Available at: https://www.amnesty.org/en/documents/eur30/6319/2017/en/

Amnesty International (2017): A Perfect Storm – The Failure of European Policies in the Central Mediterranean. Available at: https://www.amnesty.org/en/documents/eur03/6655/2017/en/

Amnesty International (2016): Forced Back to Danger – Asylum-Seekers Returned From Europe to Afghanistan. Available at: https://www.amnesty.at/de/view/files/download/showDownload/?tool=12&feld=download&sprach_connect=635

Amnesty International (2015): Europe's Sinking Shame – The Failure to Save Refugees and Migrants at Sea. Available at: https://www.amnesty.org/en/documents/eur03/1434/2015/en/

Amnesty International (2015): S.O.S. Europe – Human Rights and Migration Control. Available at: http://www.amnesty.eu/content/assets/S_O_S_Europe_Report_Web_02.pdf

Amnesty International (2015): Europe's Gatekeeper – Unlawful Detention and Deportation of Refugees from Turkey. Available at: https://www.amnesty.org/download/Documents/EUR4440222015ENGLISH.pdf

Amnesty International (2015): Fear and Fences – Europe's Approach to Keeping Refugees at Bay. Available at: http://www.amnesty.eu/content/assets/Doc2015/2015_Documents/Report_-_Fear_and_Fences-EMBARGO.pdf

Amnesty International (2014): The Human Cost of Fortress Europe – Human Rights Violations against Migrants and Refugee at European Borders. Available at: https://www.amnesty.at/de/view/files/download/showDownload/?tool=12&feld=download&sprach_connect=135

Amnesty International (2014): Lives Adrift – Refugees and Migrants in Peril in the Central Mediterranean. Available at: https://www.amnesty.org/en/documents/EUR05/006/2014/en/

Amnesty International (2011): Frontier Europe – Human Rights Abuses on Greece's Border with Turkey. Available at: https://www.amnestyusa.org/files/greece_embargoed_until_7am_tomorrow.pdf

Baumann, Mechthild (2011): Frontex und das Grenzregime der EU. Available at: http://www.bpb.de/gesellschaft/migration/kurzdossiers/179671/frontex-und-das-grenzregime-der-eu.

Bunyan, Tony (1993): Trevi, Europol and the European state. In Statewatching the new Europe, 1993/15. Available at: http://www.statewatch.org/news/handbook-trevi.pdf

Buyukcalik, Murvet E. (2015): "Mülteci Hukuku'nun Gelişimi ve Türkiye'de Mültecilerin Sosyal Hakları". On İki Levha Yayincilik. Ankara.

Buzan, Barry and Waever, Ole (2003): "Regions and Powers: The Structure of International Security", Cambridge: Cambridge University Press, 2003.

Carrera, Sergio (2007): "The EU Border Management Strategy, Frontex and the Challenges of Irregular Immigration in the Canary Islands", Centre for European Policy Studies (CEPS). Available at: http://aei.pitt.edu/7385/1/1482.pdf.

Castles, S., Miller, M. (2003): "The Age of Migration: International Population Movements in the Modern World". Palgrave Macmillan; 3rd Revised edition.

De Boer, Katrin (2010): Frontex: Der falsche Adressat für ein wichtiges Anliegen, in: KrimJ 42, 181–195.

Engbersen, Godfried and Broeders, Dennis (2011): "Fortress Europe and the Dutch Donjon: Securitization, Internal Migration Policy and Irregular Migrants' Counter Moves". Springer, Berlin.

EUR-Lex – Access *to European Union law. Council Regulation (EC) No 562/2006 of the European Parliament. Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:105:0001:0032:EN:PDF*

EUR-Lex – Access to European Union law. EURODAC. Available at: http://eur-lex.europa.eu/legal-content/DE/TXT/?uri=LEGISSUM%3Al33081
EUR-Lex – Access to European Union law. EUROSUR. Available at:http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:l14579
EUR-Lex – Access to European Union law. European Council, Hague Programme. Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:053:0001:0014:EN:PDF.

EUR-Lex – Access *to European Union law. Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013. Dublin III. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0604&from=en*

EUR-Lex – Access to European Union law. Treaty of Lisbon. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12007L %2FTXT

European Border and Coast Guard Agency (Frontex). Available at: https://europa.eu/european-union/about-eu/agencies/frontex_en
European Commission, News: 'EUROSUR ready to better protect the Schengen borders and save migrants' lives'. Available at: https://ec.europa.eu/home-affairs/what-is-new/news/news/2013/20131129_01_en
European Commission, Common European Asylum System. Available at: https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en.
European Council, EU - Turkey Statement. Available at: http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/.

European Council, Treaty of Rome. Available at: http://ec.europa.eu/archives/emu_history/documents/treaties/rometreaty2.pdf

European Council, Single European Act. Available at: http://www.consilium.europa.eu/uedocs/cmsUpload/SingleEuropeanAct_Crest.pdf

European Council, EURODAC. Available at: http://eur-lex.europa.eu/legal-content/DE/TXT/?uri=LEGISSUM%3Al33081.

European Council, Tampere. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00200-r1.en9.htm

European Council, Tampere Conclusions. Available at: https://ec.europa.eu/anti-trafficking/eu-policy/tampere-council-conclusions-1999_en.

European Council, SIS (Schengen Information System). Available at: https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system_en.

European Council, Treaty on European Union. Available at: https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf.

European Database of Asylum Law (2012): EctHR – Hirsi Jamaa and Others v Italy [GC], Application No. 27765/09. Available at: http://www.asylumlawdatabase.eu/en/content/ecthr-hirsi-jamaa-and-others-v-italy-gc-application-no-2776509

European Commission, EU Immigration Portal – Short Stay Visa. Available at: http://ec.europa.eu/immigration/do-i-need-a-visa/do-i-need-a-short-stay-visa_en.

European Parliament, Frontex General Report 2009. Available at: http://www.europarl.europa.eu/document/activities/cont/201008/20100805ATT79751/20100805ATT79751EN.pdf.

European Parliament, Schuman Declaration. Available at: https://europa.eu/european-union/about-eu/symbols/europe-day/schuman-declaration_en.

European Parliament, Treaty of Amsterdam. Available at: http://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf.

European Parliament, Official Journal of the European Parliament, European Communities C 364/1 18.12.2000. Available at: http:// www.europarl.europa.eu/charter/pdf/text_en.pdf.

European Parliament, Charter of Fundamental Rights of the European Union. Available at: http://www.europarl.europa.eu/charter/pdf/text_en.pdf.

European Parliament, Official Journal of the European Communities C 364/1 18.12.2000. Available at: http:// www.europarl.europa.eu/charter/pdf/text_en.pdf

European Parliament, Charter of Fundamental Rights of the European Union. Available at: http://www.europarl.europa.eu/charter/pdf/text_en.pdf.

European Union Press Release, European Border Patrols Network to combat illegal immigration along the southern maritime borders of the European Union. Available at: http://europa.eu/rapid/press-release_MEMO-07- 203_en.htm?locale=en,

Ferraro, Francesca and Emilio De Capitani (2016): "The new European Border and Coast Guard: yet another "half way" EU reform?", ERA Forum, Volume 17, Issue 3, pp. 385-398.

Freedman, Jane (2008): The French "Sans-Papiers" Movement: An Unfinished Struggle. In: Pojmann W. (eds) Migration and Activism in Europe Since 1945. Europe in Transition: The NYU European Studies Series. Palgrave Macmillan, New York.

Foucault, Michel (1977): "Discipline and Punish: The birth of Prison". Penguin Books Ltd, London, United Kingdom.
Foucault, Michel (1998): "The History of Sexuality". Volume 1, New York: Random House.
Foucault, Michel (1997): "Society Must Be Defended: Lectures at the Collège de France, 1975-1976". New York, NY: St. Martin's Press.
FRONTEX 'Rapid Intervention'. Available at: http://frontex.europa.eu/operations/rapid-intervention/.
FRONTEX 'Rapid Border Intervention Teams (Rabits) Exercise in Slovenia'. Available at: http://frontex.europa.eu/news/rapid-border-intervention-teams-rabits-exercise-in-slovenia-S40V3u.

FRONTEX, Mission and Tasks. Available at: http://frontex.europa.eu/about-frontex/mission-and-tasks/

FRONTEX, Board of Directors. Available at: http://frontex.europa.eu/about-frontex/organisation/management-board/

FRONTEX, Executive Director. Available at: http://frontex.europa.eu/about- frontex/organisation/executive-director/

FRONTEX; EUROSUR. Available at: http://frontex.europa.eu/intelligence/eurosur/.
FRONTEX, Risk Analysis Reports. Available at: http://frontex.europa.eu/publications/?c=risk-analysis.
FRONTEX (2017): "A year in Review - First 12 months of the European Border and Coast Guard Agency". Available at: http://frontex.europa.eu/assets/Publications/General/A_Year_in_Review.pdf
FRONTEX (2017): "Annual Risk Analysis 2017". Available at: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf.
FRONTEX (2017): "Frontex Amended Budget 2017". Available at: http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Budget/Budget_2017_N2.pdf
FRONTEX (2015): "Mission and Tasks". Available at: http://Frontex.europa.eu/about-Frontex/mission-and-tasks/
FRONTEX (2015): "Annual Risk Analysis Report 2015". Available at: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf
FRONTEX (2013): "EUROSUR Regulation". Available at: http://frontex.europa.eu/assets/Legal_basis/Eurosur_Regulation_2013.pdf

FRONTEX (2011): "Fundamental Rights Strategy". Available at: http://frontex.europa.eu/assets/Publications/General/Frontex_Fundamental_Rights_Strategy.pdf
FRONTEX (2011): 'Legal Basis'. Available at:http://frontex.europa.eu/assets/Legal_basis/frontex_amended_regulation_2011.pdf.
FRONTEX (2010): "Beyond the Frontiers". Available at: http://frontex.europa.eu/assets/Publications/General/Beyond_the_Frontiers.pdf
FRONTEX (2010): "Annual Risk Analysis 2010". Available at: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2010.pdf.
FRONTEX (2009): "General Report 2009". Available at: http://www.europarl.europa.eu/document/activities/cont/201008/20100805ATT79751/20100805ATT79751EN.pdf.
FRONTEX (2006): Longest FRONTEX Coordinated Operation – Hera, The Canary Islands. Available at: http://frontex.europa.eu/news/longest-frontex-coordinated-operation-hera-the-canary-islands-WpQlsc

FRONTEX (2006): FRONTEX Annual Risk Report, Available at: http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Annual_report/2006/annual_report_20061.pdf

Hall, Stuart (1997): ''Representation: Cultural Representations and Signifying Practices''. P.44. The Open University/Sage Publications, London.

Heller, Charles; Pezzani, Lorenzo (2014): Liquid Traces: Investigating the Death of Migrants at the EU's Maritime Frontier. In: Eyal Weizman und Anselm Franke (Hg.): Forensis. The architecture of public truth. Berlin: Sternberg Press, S. 657–684.

Heller, Charles; Pezzani, Lorenzo; SITU Research (2014): Left-to-Die-Boat. In: Eyal Weizman und Anselm Franke (Hg.): Forensis. The architecture of public truth. Berlin: Sternberg Press, S. 638–655.

Liquid Traces - The Left-to-Die Boat Case directed by Charles Heller and Lorenzo Pezzani Video. Available at: https://vimeo.com/89790770, http://www.artcentersf.org/fall2016/parallaxdrift/wp-content/uploads/2017/01/Liquid-Traces-The-Left-to-Die-Boat-Case.pdf

Hess, Sabine (2016): „Citizens on the road". Migration, Grenze und die Rekonstitution von Citizenship in Europa. In: Zeitachrift für Volkskunde, Vol.1, p.3-18.

Hess, Sabine/Tsianos, Vassilis (2007): "Europeanizing Transnatioalism! Provincializing Europe! - Konturen eines neuen Grenzregimes". In: Transit Migration Forschungsgruppe (Hg.): Turbulente Ränder. Neue Perspektiven auf Migration an den Grenzen Europas. Transcript Verlag, Biefeld.

Human Rights Watch (2015): "Greece: Attacks to boats risk migrant lives". Available at: https://www.hrw.org/news/2015/10/22/greece-attacks-boats-risk-migrant-lives.

Hurriyet (2017): "Yunanistan göçmenleri zorla bota bindirip geri gönderdi". Available at: http://www.hurriyet.com.tr/yunanistan-gocmenleri-zorla-bota-bindirip-geri-40354704

International Organization for Migration: Key Migration Terms. Available at: https://www.iom.int/key-migration-terms#Migration

International Organization for Migration: Glossary on Migration. Available at: http://www.iomvienna.at/sites/default/files/IML_1_EN.pdf

International Organization for Migration: Migration Terms. Available at: https://www.iom.int/key-migration-terms#Migrant.

International Organization for Migration: Missing Migrant Project. Available at: https://missingmigrants.iom.int/region/mediterranean

International Organization for Migration: "Facts & Figures". Available at: https://www.iom.int/infographics/migration-facts-and-figures

International Organization for Migration (2016): Global Migration Trends 2015. Available at: https://publications.iom.int/system/files/global_migration_trends_2015_factsheet.pdf

International Organization for Migration (2016): Dangerous Journeys; International Migration increasingly Unsafe in 2016 – The Central Mediterranean Route; Deadlier than ever. Available at: https://publications.iom.int/system/files/gmdac_data_briefing_series_issue4.pdf

International Organization for Migration (2016): Migrant Deaths, Disappearances Worldwide: 2016 Analysis. Available at: https://publications.iom.int/system/files/pdf/gmdac_data_briefing_series_issue_8.pdf

International Organization for Migration (2014): Fatal Journeys – Trading Lives Lost during Migration. Available at: https://publications.iom.int/system/files/pdf/fataljourneys_countingtheuncounted.pdf

International Organization for Migration (2014): Fatal Journeys Volume 2 – Identification and Tracing of Dead and Missing Migrants. Available at: https://publications.iom.int/system/files/fataljourneys_vol2.pdf

International Organization for Migration (2014): "International Organization for Migration" (20Fatal Journeys Volume 3 – Improving Data on Missing Migrants. Available at: https://publications.iom.int/system/files/pdf/fatal_journeys_volume_3_part_1.pdf, https://publications.iom.int/system/files/pdf/fatal_journeys_3_part2.pdf,

Kasparek, Bernd (2016): "Complementing Schengen: The Dublin System and the European Border and Migration Regime". In: Bauder H., Matheis C. (eds) Migration Policy and Practice. Migration, Diasporas and Citizenship. Palgrave Macmillan, New York.

Kasparek, Bernd (2015): Was war Mare Nostrum? Dokumentation einer Debatte um die italienische Marineoperation. In: movements. Journal für kritische Migrations- und Grenzregimeforschung 1 (1). Available at: http://movements-journal.org/issues/01.grenzregime/11.kasparek--mare-nostrum-debatte.html

Kasparek, B. / Tsianos, V. (2015): "Back to the Future. Blair-Schily reloaded". In: Movements. Journal für kritische Migrations- und Grenzregimeforschung 1, (1). Available at: http://movements-ournal.org/issues/01.grenzregime/03.kasparek,tsianos—back-to-the-future-blair-schily-reloaded.html.

Kasparek, Bernd (2010): "Laboratorium, Think Tank, Doing Border: Die Grundschutzagentur Frontex". In: Hess, Sabine / Kasparek, Bernd: Grenzregime. Diskurse, Praktiken, Institutionen in Europa. Berlin, Hamburg.

Kasparek, Bernd (2008): "Struktur und Aufgaben der Frontex-Agentur". In: Materialen gegen Krieg, Repression und für andere Verhältnisse. 4. Available at: http://www.todesnacht.com/raf/Frontex/Was%20ist %20Frontex.pdf.

Klepp, Silja (2011): "Europa zwischen Grenzkontrolle und Flüchtlingsschutz. Eine Ethnographie der Seegrenze auf dem Mittelmeer". Bielefeld.

Koser, Khalid (2007): "International Migration: A Very Short Introduction". Oxford: Oxford University Press.

Laitinen, I. (2006): Keynote Speech, Ilkka Laitinen, Executive Director for the European Agency for the Management of the External Borders. Speech at the conference 'Security, Technology, Borders: EU Responses to New Challenges', Centre for European Policy Studies (CEPS), Brussels, 6 October. In: Neal, Andrew W. (2009): "Securitization and Risk at the EU Border: The Origins of FRONTEX", JCMS Volume 47. Number 2. pp. 333–356, p.348-349.

Leonard, Sara (2010): "EU Border Security and Migration into the European Union: FRONTEX and Securitization through Practices" European Security, 19/2, 231-254.

McDonald, Matt (2008): "Securitization and the Construction of Security", European Journal of International Relations, Vol. 14 (4), p.567.

Mbembe, Achille (2008): "Necropolitics". In: Morton S., Bygrave S. (eds) "Foucault in an Age of Terror". P. 152-182. Palgrave Macmillan, London.

Migeurop (2014): "Frontex between Greece and Turkey: The Border of Denial". Available at: http://www.migreurop.org/IMG/pdf/rapport_en_web-3.pdf

Moellers, Rosalie (2010): "Wirksamkeit und Effektivität der Europäischen Agentur FRONTEX: eine politikwissenschaftliche Analyse der Entwicklung eines integrierten Grenzschutzsystems an den Außengrenzen der EU". Verl. für Polizeiwiss. Frankfurt am Main

NATO (2016): "NATO Defense Ministers Agree on NATO support to assist with the Refugee and Migrant Crisis". Available at: http://www.nato.int/cps/en/natohq/news_127981.htm.

Neal, Andrew W. (2009): "Securitization and Risk at the EU Border: The Origins of FRONTEX", JCMS Volume 47. Number 2. pp. 333–356.

Nielsen, Nikolaj (2014): EU Border Surveillance System not helping to Save Lives. In: Rijma, Jorrit, Vermeulen Mathias, EUROSUR: saving lives or Building Borders..European Security. 24:3, p.467.

Papastavridis, Efthymios (2010): "Fortress Europe' and Frontex: Within or Without International Law?", Nordic Journal of International Law, Vol. 79 no. 1, p. 75-110.

Pro Asyl (2013): "Pushed Back: Systematic Human Right Violations against Refugees in the Aegean Sea and at the Greek – Turkish Land Border". Available at: https://www.proasyl.de/wpcontent/uploads/2015/12/PRO_ASYL_Report_Pushed_Back_english_November_2013.pdf

Pugliese, Joseph (2013): 'Technologies of extraterritorialisation, statist visuality and irregular migrants and refugees', Griffith Law Review, vol. 22, no. 3, p. 571-597.
Ralser, Michaela (2016): Die Illegitimen. Grenz- und Migrationsregime in biopolitischer Perspektive. In Österreich Z. Soziol 41(Suppl 3):63-77.

Rijma, Jorrit and Vermeulen Mathias (2015): "EUROSUR: saving lives or Building Borders? ". European Security, 24:3, 454-472.

Rohländer, Jonas (2017): EU-Türkei-Erklärung – Saubere Lösung oder schmutziger Deal? In: KJ Kritische Justiz. P. 81-93.

Rome Treaties. Available at: https://rometreaties.eu/.

Rozakou, Katerina (2012): The Biopolitics of Hospitality in Greece: Humanitarianism and the Management of Refugees. In American Ethnologist 39(3). P. 562-577.
Statewatch (2017): "Opaque and unaccountable: Frontex Operation Hera". Available at: http://www.statewatch.org/analyses/no-307-frontex-operation-hera.pdf

Scheibelhofer, Paul (2017): 'It won't work without ugly pictures': images of othered masculinities and the legitimisation of restrictive refugee-politics in Austria, NORMA, 12:2, 96-111.

Schindel, Estela (2015): "'Blowing Off the Boat'. The Sea Border Crossing to Europe, a Navigation on the Nature/Culture Divide". Mobile Culture Studies. The Journal (1): 199-216.

Simmonds, Liam A. (2017): "Problematizing Europe's Borders in the Context of the Recent Refugee Crisis," Butler Journal of Undergraduate Research: Vol. 3 , Article 8. Available at: http://digitalcommons.butler.edu/bjur/vol3/iss1/8

Tazzioli, Martina (2016): Border displacements. Challenging the politics of rescue between Mare Nostrum and Triton, Migration Studies*, Volume 4, Issue 1. P. 1-19.*

Tazzioli, Martina (2016): "Eurosur, Humanitarian Visibility and (nearly) Real-Time Mapping in the Mediterranean". ACME: An International Journal for Critical Geographies, v. 15, p. 561-579, Sept. 2016. Available at: https://acme-journal.org/index.php/acme/article/view/1223/1201

The Guardian (2015): "Most Migrants Crossing Mediterranean will be sent back". Available at: https://www.theguardian.com/world/2015/apr/22/most-migrants-crossing-mediterranean-will-be-sent-back-eu-leaders-to-agree

The Guardian (2014): "Lampedusa Tragedy". Available at: https://www.theguardian.com/world/2014/mar/22/lampedusa-boat-tragedy-migrants-africa.

The Guardian (2013): "African migrants 'left to die' in dinghy sue Spanish and French military". Available at: https://www.theguardian.com/world/2013/jun/18/boat-tragedy-migrants-sue-france-spain

United against Racism (2017): "List of Deaths". Available at: http://www.unitedagainstracism.org/wp-content/uploads/2017/06/UNITEDListOfDeathsActual.pdf.

United Nations, "Universal Human Rights Declaration". Available at: http://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf.

UNHCR, "Convention and the Protocol relating to the Status of Refugees". Available at: http://www.unhcr.org/3b66c2aa10.pdf p.10.

UNHCR, "Convention and Protocol relating to the Status of Refugees, Geneva Convention on Refugees". Available at: http://www.unhcr.org/3b66c2aa10.pdf

UNHCR (2017): "Europe Monthly Report – September 2017". Available at: https://data2.unhcr.org/es/documents/download/60384

UNHCR, "Figures at a Glance". Available at: http://www.unhcr.org/figures-at-a-glance.html

UNHCR (2017): "Global Trends – Forced Displacement 2016". Available at: http://www.unhcr.org/5943e8a34.pdf.

UNHCR, "Guidelines on International Protection". Available at: http://www.unhcr.org/publications/legal/58359afe7/unhcr-guidelines-international-protection-12-claims-refugee-status-related.html?query=refugee

UNHCR, (2011): "Mediterranean takes record as most deadly stretch of water for refugees and migrants in 2011". Available at: http://www.unhcr.org/news/briefing/2012/1/4f27e01f9/mediterranean-takes-record-deadly-stretch-water-refugees-migrants-2011.html.

UNHCR, "Mediterranean Situation". Available at: http://data2.unhcr.org/en/situations/mediterranean

UNHCR, "Note on International Solidarity and Refugee Protection EC/SCP/50". Available at: http://www.unhcr.org/afr/excom/scip/3ae68cd4c/note-international-solidarity-refugee-protection.html#_ftn6.

UNHCR, "The 1951 Convention relating to the Status of Refugees and its 1967 Protocol". Available at: http://www.unhcr.org/about-us/background/4ec262df9/1951-convention-relating-status-refugees-its-1967-protocol.html.

Waever, Ole et al. (1993): "Identity Migration and the New Security Agenda in Europe". New York: St. Martin's Press.

Waever, Ole (1995): "Securitization and Desecuritization". In On Security. Edited by Ronnie Lipschutz, 46–86. New York: Columbia University Press, 1995.

Washington Post (2012): "An interview with Antonis Samaras, Greek prime minister, on austerity and unrest". Available at: https://www.washingtonpost.com/opinions/an-interview-with-antonis-samaras-greek-prime-minister-on-austerity-and-unrest/2012/09/14/f80887dc-fdb4-11e1-a31e-804fccb658f9_story.html?utm_term=.39356c174e8c

Washington Post (2014): "Why Britain Won't save drowning migrants in the Mediterranean". Available at: https://www.washingtonpost.com/news/worldviews/wp/2014/10/28/why-britain-wont-save-drowning-migrants-in-the-mediterranean/?utm_term=.f0fddbf315e1

Yildirim, Ali and Simsek, Hasan (2013): "Sosyal Bilimlerde Nitel Araştırma Yöntemleri", Ankara: Seckin Yayincilik.

Yıldız, Burc (2008): "Avrupa Birligi ve Türkiye", İzmir Ticaret odasi, Izmir.