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MIGRATION

A Project of the Migration Policy Institute

THE EVOLVING RESPONSE TO REFUGEE PROTECTION IN TURKEY: ASSESSING THE PRACTICAL AND POLITICAL NEEDS

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THE EVOLVING APPROACH TO REFUGEE PROTECTION IN TURKEY

Assessing the Practical and Political Needs

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September 2016

Acknowledgments

The author is indebted to the Transatlantic Council on Migration for the trust placed in him to write this research. He also deeply thanks the Migration Policy Institute (MPI) for research support, comments, and editing in particular by Paul Clewett, as well as Susan Fratzke, Justyna Sienkiewicz, Lauren Shaw, and Michelle Mittelstadt.

This research was commissioned by the Transatlantic Council on Migration, an MPI initiative, for its fifteenth plenary meeting, held in Berlin in January 2016. The meeting's theme was "Development, Mobility, Protection: Building Opportunity into Refugee Solutions," and this report was among those that informed the Council's discussions.

The Council is a unique deliberative body that examines vital policy issues and informs migration policymaking processes in North America and Europe. The Council's work is generously supported by the following foundations and governments: Open Society Foundations, Carnegie Corporation of New York, the Barrow Cadbury Trust, the Luso-American Development Foundation, the Calouste Gulbenkian Foundation, and the governments of Germany, the Netherlands, Norway, and Sweden. The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) also provided generous support to the Council for the January 2016 meeting and this series of reports.

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Cover Design: Danielle Tinker, MPI
Typesetting: Marissa Esthimer, MPI

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Suggested citation: Çorabatır, Metin. 2016. *The Evolving Approach to Refugee Protection in Turkey: Assessing Practical and Political Needs*. Washington, DC: Migration Policy Institute.



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Executive Summary

In the summer of 2015, the Syrian refugee crisis became a European humanitarian crisis, forcing the European Union (EU) to seek an unprecedented level of cooperation from Turkey to help manage flows. The summit between EU leaders and the Turkish Prime Minister in late November 2015 opened a window of opportunity for closer collaboration on migration and asylum policy and other issues—but neither this nor subsequent summits in 2016 have resulted in a convincing solution to the chaos at EU external borders.

For the European Union to reduce and prevent irregular arrivals in Greece via the Aegean Sea, it must persuade Turkey to close the gap between the variable rights afforded to different refugee groups and, in doing so, move away from the current camp-centered model of aid provision, in favor of more permanent solutions for the geographically dispersed refugee population. Turkey does not extend full rights under the 1951 Convention on the Status of Refugees to Syrian, Iraqi, and Afghani refugees due to its imposition of a “geographical limitation” that grants settlement status only to refugee fleeing events in Council of Europe Member States.

Moreover, non-European refugees—or “guests” as they were referred to by Turkish government officials after the first mass influx of refugees fleeing the Syrian civil war in March 2011—are subject to two parallel regimes, one for individual arrivals and the other specifically for situations of mass influx. Turkey’s 2014 *Law on Foreigners and International Protection* precludes those arriving as part of a mass influx from permanent settlement inside Turkey or United Nations High Commissioner for Refugees (UNHCR) resettlement schemes. Approximately 2.7 million Syrian refugees, according to government estimates, are thus left with a bleak choice between difficult conditions as urban refugees, the restricted freedom of refugee camps, or irregular onward travel to the European Union.

International responsibility sharing needs to extend beyond the financial dimension if EU policymakers are to persuade Turkey to create credible and durable in-country solutions.

In a November 2015 agreement, the European Union pledged 3 billion euros in emergency funding to help Turkey cope with the needs and pressures of the sizable refugee population. In March 2016 this funding was doubled as part of a three-year plan of support. However, international responsibility sharing needs to extend beyond the financial dimension if EU policymakers are to persuade Turkey to create credible and durable in-country solutions. Specifically, this reflects the sentiment among Turkish government officials that the one-for-one resettlement deal reached in March 2016, which is capped at 72,000 refugees and is to be succeeded by a voluntary humanitarian admissions scheme, is welcome as an emergency response, but does not conform to their idea of equitable responsibility sharing.

The future of the EU-Turkey deal, which has proven fragile since its inception, was further clouded by the failed coup attempt in Turkey on July 15, 2016 and the international reaction to events that Turks perceived in the same way that Americans reacted to 9/11 or the French to the November 2015 terrorist attacks in Paris. “The Turks felt that they did not receive anything like the international support they had a right to expect,” one observer said.¹

EU politicians initially appeared less concerned for victims of the coup than about the possibility that Turkish President Recep Tayyip Erdoğan would try to impose dictatorship in the name of national security.

¹ Christopher de Bellaigue, “A Murderous Turning Point in Turkey,” *The New York Review of Books*, September 29, 2016, www.nybooks.com/articles/2016/09/29/murderous-turning-point-in-turkey.



Jean-Claude Juncker, the President of the European Commission, observed that after the recent events Turkey was “not in a position to become a member [of the European Union] any time soon.”² But EU foreign policy chief Federica Mogherini later visited Ankara, and a new channel of dialogue between Turkey and the Union opened after high-level talks in China during the G-20 Summit.

Improved communication could enhance collaboration with national and international civil-society groups that often operate at the margins of the crisis. Local NGOs have proven reluctant or unable to involve themselves, some suspicious that geopolitical rather than humanitarian concerns are behind national refugee policy, while others find their access to national and international grants blocked as the Turkish government—conscious of the delicate balance between humanitarian and security concerns—has sought to maintain close control of donor funds.

But the scale of the refugee crisis has galvanized domestic civil society and put pressure on the government to ease restrictions on international NGOs and agencies. Although previously reluctant to engage with politically sensitive issues around long-term rights for Syrian refugees, President Erdoğan and his Justice and Development Party (AKP) might have the confidence to take a bolder approach and extend rights to Syrians, now that they have re-established a ruling majority after the November 2015 snap elections.

The scale of the refugee crisis has galvanized domestic civil society and put pressure on the government to ease restrictions on international NGOs and agencies.

Opening pathways to permanent settlement, namely through legal changes that would bring Syrians in Turkey under the purview of the Refugee Convention, will be key to creating more viable options to remain in the country. The government took some substantial steps in this direction in 2016. An August 2016 law introduced the possibility for workers with legal residency in Turkey to become permanent residents, and President Erdoğan has suggested that Syrian refugees could in the future be given the option to naturalize. Other measures promise to improve authorities’ capacity to process and register refugee arrivals: in September 2016, the government signed a Memorandum of Understanding formalizing its relationship with UNHCR and began implementation of an EU-funded project to improve its refugee registration system.

If legal solutions are pursued in combination with the rising demand to increase the capacity of integration programs and bring them into line with international standards, more Syrians and other refugees might be able to envision a secure and stable future in Turkey.

I. Introduction

Turkey, which shares a common land border of more than 900 kilometers with Syria, is host to around 2.7 million Syrian refugees—a refugee population described by the United Nations High Commissioner for

² Geert de Clercq, “Turkey in No Position to Become EU Member Any Time Soon: Juncker,” Reuters, July 25, 2016, www.reuters.com/article/us-turkey-security-eu-juncker-idUSKCN1050L9.



Refugees (UNHCR) as the largest in the world.³ In 2015, Turkey continued, at least as a political principle, to maintain an open-door policy and to abide by the nonrefoulement principle of international refugee law.^{4 5}

Despite this generous humanitarian approach, formal rights and the prospect of long-term settlement and integration remain limited for Syrians living within Turkish borders. With the Syrian conflict into its sixth year, more refugees have begun to look across the Mediterranean for real opportunities to rebuild their lives. Refugee flows from Turkey to Greece surged in 2015 and early 2016 amid mounting evidence from UNHCR and other observers that the deterioration of conditions in countries of first asylum—especially where refugees are not allowed to work and risk falling into poverty, even as their children are out of education—may be an important factor causing onward movement.⁶

Formal rights and the prospect of long-term settlement and integration remain limited for Syrians living within Turkish borders.

But many more will stay in Turkey, due either to a lack of resources to migrate elsewhere or a desire to remain closer to home, making the legal, social, and economic integration of this population critical.⁷

The mass influx of Syrian refugees from Turkey to Europe by sea beginning in the summer of 2015

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- 3 This statement was made in mid-2015, when Turkey was already host to 1.84 million Syrian refugees. See United Nations High Commissioner for Refugees (UNHCR), *Mid-Year Trends 2015* (Geneva: UNHCR, 2015), 6, www.unhcr.org/56701b969.html#_ga=1.174565858.1520559407.1439307980.
 - 4 The commitment to nonrefoulement is stipulated in Article 33 of the 1951 United Nations Convention Relating to the Status of Refugees. “No Contracting State shall expel or return (*refouler*) a refugee... to where his life or freedom might be threatened on account of his race, religion, nationality, membership of a political social group, or political opinion.” See UN General Assembly, *Convention Relating to the Status of Refugees*, UN Treaty Series vol. 189 (New York: UN General Assembly, 1951), 176, www.refworld.org/docid/3be01b964.html. It should be noted, however, that pushbacks have and continue to be alleged. See Human Rights Watch (HRW), “Turkey: Syrians Pushed Back at the Border,” November 23, 2015, www.hrw.org/news/2015/11/23/turkey-syrians-pushed-back-border; HRW, “Turkey: Open Border to Displaced Syrians Shelled by Government,” web posting, April 20, 2016, www.hrw.org/news/2016/04/20/turkey-open-border-displaced-syrians-shelled-government.
 - 5 Growing tensions along sections of the Turkish-Syrian border resulted in a near-closure of the border, with the exception of a 10-kilometer section controlled by the Free Syrian Army. In that narrow part inside Syria, Turkey established ten camps for internally displaced persons. There have been reports of several incidents in which the Turkish military has fired on refugees seeking to cross into Turkey without prior authorization. In one recent incident, Syrian human-rights monitors claimed, based on eyewitness accounts, that eight Syrians were killed when Turkish border guards opened fire. See Patrick Kingsley, “Turkish Border Guards Kill Eight Syrian Refugees – Reports,” *The Guardian*, June 19, 2016, www.theguardian.com/world/2016/jun/19/turkish-border-guards-kill-eight-syrian-refugees-reports. Human-rights observers have suggested the frequency of these incidents increased after the European Union pressured Turkey to curb irregular border crossings. Turkey also took another restrictive action, under strong EU pressure, to lift visa-free travel for Syrians, because of the assumption that a sizeable share of Syrians heading to Europe in 2015 had transited Turkey from other countries.
 - 6 There is no comprehensive research that definitively explains why there was a sharp increase in people travelling through Turkey to Europe during the summer of 2015; however accumulated evidence suggests that deteriorating conditions the Syria region are a major contributing factor. See Melissa Fleming, “Six Reasons Why Syrians Are Fleeing to Europe in Increasing Numbers,” *The Guardian*, October 25, 2015, www.theguardian.com/global-development-professionals-network/2015/oct/25/six-reasons-why-syrians-are-fleeing-to-europe-in-increasing-numbers; Natalia Banulescu-Bogdan and Susan Fratzke, “Europe’s Migration Crisis in Context: Why Now and What Next?” *Migration Information Source*, September 24, 2015, www.migrationpolicy.org/article/europe-migration-crisis-context-why-now-and-what-next; Elizabeth Collett, “The Asylum Crisis in Europe: Designed Dysfunction” (commentary, Migration Policy Institute Europe, Brussels, September 2015), www.migrationpolicy.org/news/asylum-crisis-europe-designed-dysfunction.
 - 7 For a discussion of the likely permanence of at least a portion of the Syrian population and the need for integration measures, see M. Murat Erdoğan, *Syrians in Turkey: Social Acceptance and Integration Research* (Ankara: Hacettepe University, Migration and Politics Research Center, 2014), <https://files.acrobat.com/a/preview/bbbf7e11-77fc-43c6-bfc1-0165b2fd51e2>.



added new dynamics to the ongoing responsibility-sharing debate. Renewed calls by both the Turkish government and international civil society for greater international support have seen an increase in funds channeled towards Turkey, encouraged by the partial relaxation of restrictive government rules on the operations and spending of UN agencies and international NGOs in the country. The initial constraints on international agencies and civil society, as well as expectations in the international community that Turkey—a middle-income country—would be able to handle the burden alone, kept international donations to Turkey low in the first years of the Syria crisis. The emergence of coordinated plans at bilateral and EU levels is a sign of progress in the area, but as the crisis worsens there is no clear international solution in sight.

This report examines the current policy approach to managing the influx of Syrians in Turkey, the leading country of first asylum for Syrians, and asks what is needed to ensure the long-term stability and success of both refugees and their host communities. What does Turkey require practically and politically to continue to provide protection—and livelihood opportunities—to Syrians, now and in the long term? How should interested countries in Europe and elsewhere target their political and financial investments to maximize impact on Turkish capacity and willingness to provide meaningful protection? Do the November 2015 joint action plan and the March 2016 EU-Turkey deal promise a satisfactory basis for cooperation?

The report first outlines the development of the protection framework in Turkey and the emergence of “parallel” protection regimes for Syrians and other groups seeking protection. It then compares the responses of governmental and nongovernmental actors and international institutions to evolving needs in refugee camps along the country’s southeastern border and in urban centers. Next, it puts these responses into political context, paying particular attention to cooperation between Turkey and the European Union. The report concludes with an evaluation of policy approaches and key priorities for further action.

II. The Legal Framework for Protection

According to the Directorate General of Migration Management (DGMM), there were 2,742,055 Syrian refugees registered in Turkey as of June 9, 2016, of whom more than 2,481,864 lived outside established camps.⁸ Another 260,191 Syrian refugees were reported to be living in 26 camps in ten provinces either neighboring Syria or very close to the border.⁹ Meanwhile, 856,723 irregular migrants made the sea crossing from Turkey to Greece in 2015.¹⁰ The impact of recent flows to Europe on the number remaining in Turkey, however, is difficult to assess as refugees generally make the journey to Greece irregularly and do not deregister with Turkish authorities. For this reason, the actual number of Syrian refugees in Turkey may be lower than the official figure of 2.7 million.

This section will examine the development of a domestic legal framework for international protection, both before and since the arrival of an unprecedented number of Syrian refugees. It will then analyze the development of divergent legal and political approaches towards Syrian refugees and other national

8 For the government estimate, see Directorate General of Migration Management (DGMM), “Geçici Koruma Yönetmeliği Kapsamında Koruma Altına Alınan Suriye Vatandaşlarına Ait Genel Bilgiler,” updated June 9, 2016, www.goc.gov.tr/icerik6/gecici-koruma_363_378_4713_icerik. Similarly, as of March 3, 2016, UNHCR reported that 2,715,789 Syrian refugees were registered in Turkey by the government; UNHCR, “Syria Regional Refugee Response: Inter-Agency Information Sharing Portal—Turkey,” accessed March 9, 2016, <http://data.unhcr.org/syrianrefugees/country.php?id=224>.

9 Republic of Turkey, Prime Ministry, Disaster and Emergency Management Authority (AFAD), “Barınma Merkezlerinde Son Durum,” updated March 7, 2016.

10 UNHCR, “Refugees/Migrants Emergency Response—Mediterranean,” updated April 27, 2016, <http://data.unhcr.org/mediterranean/regional.php>.



Box 1. Legislation on International Protection in Turkey

The following information outlines the legal basis on which protection is granted to Syrian refugees in Turkey, namely the articles of the *Law on Foreigners and International Protection* prohibiting refoulement and permitting the creation of a Temporary Protection Regulation, and the articles governing its application.

Law on Foreigners and International Protection

Adopted: April 4, 2013

Entry into Force: April 11, 2014

Key Actors: Government of Turkey, UNHCR

Key Articles

- Article 4.1 (nonrefoulement) “No one within the scope of this Law shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment...”
- Article 91 (1) “Temporary protection may be provided for foreigners forced to leave their country... and have arrived at... the borders of Turkey in a mass influx situation” and (2) “the actions to be carried out... shall be stipulated in a Directive by the Council of Ministers.”

Temporary Protection Regulation

Adopted: October 22, 2014

Key Articles

- Article 2 (1) “This Regulation is prepared on the basis of Article 91 of the *Law no. 6458 on Foreigners and International Protection on 4/4/2013*.”
- Article 9 “Temporary protection decision shall be taken by the Council of Ministers upon Ministry’s proposal.”
- Article 11 (1) “Temporary protection shall be terminated by a Council of Ministers decision.”
- Article 16 (1) “Individual international protection applications filed by foreigners under this regulation shall not be processed in order to ensure the effective implementation of temporary protection measures.”

Sources: Republic of Turkey, Ministry of Interior, Directorate General of Migration Management (DGMM), *Law on Foreigners and International Protection*, April 2014, www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf; DGMM, “Changes Provided by the Temporary Protection Regulation” (Government communication, October 22, 2014), www.goc.gov.tr/files/_dokuman38.pdf.

groups in need of protection, and the parallel systems of protection that have become entrenched during the Syria crisis.

A. The Refugee Convention and Turkey’s Geographical Limitation

Current government policies toward Syrian refugees have created both legal protection gaps and practical needs. Turkey is a signatory to the 1951 Refugee Convention Relating to the Status of Refugees, which it signed in 1954¹¹ and ratified in 1962.¹² It is also a state party to the 1967 protocol which, together with

¹¹ UN General Assembly, *Convention Relating to the Status of Refugees*.

¹² UNHCR, *States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol* (Geneva: UNHCR, 2015), www.unhcr.org/3b73b0d63.pdf.



the Refugee Convention, is the basis for international protection in Turkey.¹³ Turkey has been nominally committed to the principle of nonrefoulement since it signed the Refugee Convention, though this was not translated into national law until the entry into force of the *Law on Foreigners and International Protection* in April 2014 (see Box 1).¹⁴

The most significant legal protection gap that refugees face in Turkey arises from the fact that the country ratified the Refugee Convention with a geographical limitation.

The most significant legal protection gap that refugees face in Turkey arises from the fact that the country ratified the Refugee Convention with a geographical limitation¹⁵ and, as a result, only officially assumes full legal responsibility for refugees originating in European countries.¹⁶ Asylum seekers fleeing events outside of Council of Europe countries—such as Syrians—can only receive temporary protection; they do not qualify for full refugee status and are expected to find a lasting solution outside of Turkey. Yet the majority of asylum seekers in Turkey are from non-European countries, including Iran, Iraq, Afghanistan, and Somalia.¹⁷ For such refugees—who hold the legal status of “conditional refugee”—the only practical durable solution has been resettlement to a third country by UNHCR.¹⁸ Because of this, UNHCR has mandate to conduct individual refugee status determination (RSD) interviews with asylum seekers originating in non-European countries. If the RSD process finds an individual asylum claim credible, UNHCR usually begins procedures to resettle the refugee to a third country. UNHCR has thus become an

13 The Turkish Constitution states that in case of a conflict between laws, the international agreements to which Turkey is a state party shall apply. Act No. 5170 of May 7, 2004 adds a sentence to Article 90 of the Constitution of the Republic of Turkey, “In the case of a conflict between international agreements... the provisions of international agreements shall prevail.” See Government of Turkey, “Constitution of the Republic of Turkey, as amended July 23, 1995,” Part 3, Section 2(D), Article 90 (English translation), https://global.tbmm.gov.tr/docs/constitution_en.pdf.

14 Although the principle of nonrefoulement has been applied consistently to Syrian refugees under temporary protection, the 1994 Regulation on Asylum “fell short of providing the open-door policy, nonrefoulement assurance, and optimal humanitarian assistance required by the current crisis.” See Ahmet İçduygu, *Syrian Refugees in Turkey: The Long Road Ahead* (Washington, DC: Migration Policy Institute, 2015), www.migrationpolicy.org/research/syrian-refugees-turkey-long-road-ahead. See also DGMM, *Law on Foreigners and International Protection*, Article 4.1, *Official Gazette* no. 28615, 17, www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf.

15 Article 1A(2) of the Convention on Refugees describes a refugee as a person who, “...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” as a result of “events occurring before 1 January 1951,” for which Article B (1) provides two possible interpretations: 1) “events occurring in Europe before 1 January 1951” or 2) “events occurring in Europe or elsewhere before 1 January 1951.” Turkey opted for the former and thus became a state party to the Convention with geographical limitation.

16 “European countries” is defined in the *Law on Foreigners and International Protection* as “Member States of the Council of Europe, as well as other countries to be determined by the Council of Ministers.” See DGMM, *Law on Foreigners and International Protection*, Article 3.1(b).

17 UNHCR, “2015 UNHCR Country Operations Profile—Turkey,” accessed December 5, 2015, www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48e0fa7f&submit=GO.

18 The description of nationals of non-European countries who seek asylum in Turkey was a difficult task for the drafters of the *Law on Foreigners and International Protection* who created the category “conditional refugee,” a concept that does not exist in international refugee law. Article 62 states that those individuals who, according to the definition of the Refugee Convention, qualify for refugee status owing to events occurring outside of Europe will be allowed to reside in Turkey temporarily until their resettlement in a third country. In anticipation of persons not falling under these definitions but still in need international protection, Article 63 creates the category of “subsidiary protection” for those who “neither could be qualified as a refugee nor as a conditional refugee” but would nevertheless face threats to person and life. See DGMM, *Law on Foreigners and International Protection*.



integral part of the Turkish asylum system.¹⁹

B. Developing a National Approach

Turkey's efforts to progress its longstanding application for EU membership have driven recent reforms to its asylum system,²⁰ including the introduction of the *Law on Foreigners and International Protection* in 2014 and the establishment of a new Directorate General of Migration Management under the Interior Ministry in 2015.²¹ The law aims to streamline the asylum process and to establish new procedures that bring the Turkish asylum system closer to the EU asylum acquis.²² UNHCR provided considerable support during the drafting process.

Although the law was welcomed both by the European Union and UNHCR—which declared it a “paradigmatic change”²³—it is still not in full conformity with international standards due to Turkish insistence on maintaining the geographical limitation.²⁴ Though based on EU asylum procedures and qualifications directives and focused on individual asylum processes, the law lacks the scope that ensures equal access to protection for all groups. In contrast, for situations involving a mass influx of refugees, the law borrows from the 2001 EU directive on temporary protection (but lacks the same level of detail).²⁵ Article 91 of the Turkish law simply states that in cases of mass displacement, refugees may be admitted to Turkish territory at which point the Council of Ministers will set up a temporary protection regime.

The law grants asylum seekers, conditional refugees, and persons under subsidiary protection²⁶ access to some social services. But it generally does not recognize the right to work, instead providing the

19 By 2007, refugees from nearly 60 countries, including those mentioned above, had been resettled, while the average number on the waiting list—though gradually increasing—remained around 10,000. While the average waiting periods were also increasing to three to four years, all refugees were able to enter the UNHCR-led system. In 2015, the number of refugees reached 270,000 and UNHCR was no longer able to conduct individual refugee status determinations (RSD) for all. Persons who approach the Association for Solidarity with Asylum Seekers and Migrants, a nongovernmental partner of UNHCR Turkey responsible for preregistering and registering non-Syrian asylum seekers, are now given a first interview date in 2024. As a result of this backlog, resettlement from Turkey has been suspended with the exception of vulnerable cases.

20 *Resmi Gazete (Official Gazette)*, “Yabancılar ve Uluslararası Koruma Kanunu,” April 4, 2013, www.resmigazete.gov.tr/eskiler/2013/04/20130411-2.htm.

21 The law shifted responsibility for many protection and migration management tasks from the Security General Directorate to the DGMM.

22 Some of the measures incorporating the EU approach include accelerated processing of certain types of claims, administrative detention under certain circumstances, “safe third-country” and “first-country of asylum” principles, among others. See Asylum Information Database, “Introduction to the Asylum Context in Turkey,” accessed April 23, 2016, www.asylumineurope.org/reports/country/turkey/introduction-asylum-context-turkey.

23 UNHCR, “UNHCR Welcomes Turkey’s New Law on Asylum” (briefing notes, April 12, 2013), www.unhcr.org/5167e7d09.html. See also European Commission, *Report from the Commission to the European Parliament and the Council: On Progress by Turkey in Fulfilling the Requirements of its Visa Liberalization Roadmap* (Brussels: European Commission, 2014), http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/international-affairs/general/docs/turkey_first_progress_report_en.pdf.

24 Council of the European Union, “Council Decision 2008/157/EC of 18 February 2008 on the Principles, Priorities and Conditions Contained in the Accession Partnership with the Republic of Turkey and Repealing Decision 2006/35/EC,” *Official Journal* 51/4, February 26, 2008, <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1449339217690&uri=CELEX:32008D0157>.

25 Council of the European Union, “Council Directive 2001/55/EC of 20 July, 2001 on Minimum Standards for Giving Temporary Protection in the Event of a Mass Influx of Displaced Persons and on Measures Promoting a Balance of Efforts between Member States in Receiving such Persons and Bearing the Consequences Thereof,” *Official Journal* 212/12, August 7, 2001, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32001L0055>.

26 Conditional refugee status applies to those who have been deemed to have a well-founded fear of persecution based on the Convention, but are nationals of non-European countries. In practice, until now, these asylum seekers have been recognized as refugees by UNHCR but are excluded by Turkey under the geographical limitation. As a consequence, they cannot benefit from the Convention rights, and for them the only durable solution is to be resettled to a third country. Subsidiary protection status applies to those who do not qualify for refugee or conditional refugee status but are recognized as being in need of protection.



opportunity to apply for a work permit,²⁷ as part of the aim to improve standards of living in Turkey while applicants work through RSD and resettlement procedures.²⁸ As a result, while the law potentially improves refugees' immediate material conditions, it does not aim to provide a long-term solution, and basic rights such as work, health care, and education remain at the discretion of the government. As long as Turkish law maintains the geographical limitation, local integration as a durable solution for non-European refugees in Turkey is unlikely to have a firm legal basis. The government acknowledges this paradox: the Prime Minister's chief advisor on asylum issues, Murtaza Yetiş, described the situation of non-European refugees as a "permanent temporary crisis." Despite this, the government is still far from lifting the geographical limitation.²⁹

C. Parallel Systems of Protection

When the first group of 250 Syrian refugees entered Turkey on April 29, 2011, the *Law on Foreigners and International Protection* had not yet been adopted. The government declared an open-door policy for Syrians and confirmed its adherence to the principle of nonrefoulement. It also committed itself to meeting all the basic needs of Syrian refugees. In lieu of an adequate legal definition and accompanying rights, Turkey referred to the Syrian refugees as "guests." By the time the national law on asylum was passed in April 2014 and Syrians officially became "persons under temporary protection," the number of Syrian refugees in Turkey had reached 1.7 million.

In order not to jeopardize the government's open-door policy, which originally envisaged containing refugees in camps near the Syrian border, UNHCR made a tactical decision immediately after the first arrival of Syrian refugees in April 2011 not to register the individual asylum applications of Syrians, allaying government fears that access to the UNHCR resettlement regime would undermine the government's encampment policy by drawing large numbers hopeful of resettlement to the processing center in Ankara. In October 2014 the Temporary Protection Regulation—issued based on Article 91 of the *Law on Foreigners and International Protection*—formalized the decision to refrain from registering individual Syrian asylum applications and ascribed to them a specific set of rules, rights, and obligations (see Box 1).³⁰

Together, Article 91 of the law and the Temporary Protection Regulation create an alternative asylum system for large groups arriving in Turkey that runs parallel to the asylum system for individual applicants. Though both are temporary in nature, one is a system of individual protection and UNHCR-coordinated resettlement and is largely inaccessible to Syrians, while the other is a system of collective temporary protection within the country, for which Turkey is seeking international financial support.

The first system of individualized international protection is based on the logic that any asylum seeker granted conditional refugee status will be resettled to a third country by UNHCR. The law thus maintains Turkey's traditional position that resettlement is an obligation of the international community to be

27 As a rule, applicants and beneficiaries of international protection have no right to access the labor market under provisions of the *Law on Foreigners and International Protection*. Although the law does allow an "applicant or a conditional refugee" to apply "for a work permit after six months following... an international protection claim," access may be restricted by the government "for a given period... where the situation of the labor market... necessitate[s]." Refugees and subsidiary protection beneficiaries who have been resident in Turkey for three years, are married to Turkish citizens, or have children with Turkish citizenship are not subject to the labor market restrictions. See DGMM, *Law on Foreigners and International Protection*, Article 89 (4) c. As people "under temporary protection," Syrians are outside of the scope of Article 89; their right to work is elaborated in the next section.

28 In fact, from the Turkish perspective, ongoing resettlement has been a condition for allowing non-European refugees access to Turkish territory.

29 Author interview with Murtaza Yetiş, Chief Advisor to Prime Minister Ahmet Davutoğlu of Turkey, Ankara, November 9, 2015.

30 Article 16 of the Temporary Protection Regulation states that "individual asylum applications of foreigners who fall under temporary protection shall not be processed, in order to ensure the effective implementation of the temporary protection measures." See DGMM, "Changes Provided by the Temporary Protection Regulation" (Government communication, October 22, 2014), www.goc.gov.tr/files/_dokuman38.pdf.



provided unconditionally, rather than an exceptional act of responsibility sharing, as resettlement countries might perceive it to be.

The second, parallel system of international protection for people who flee to Turkey in large numbers is based on the assumption that these individuals will return to their countries of origin as soon as conditions allow. Syrian refugees do not, therefore, have the right to apply for individual asylum and, as a consequence, are excluded from the UNHCR resettlement program. The Temporary Protection Regulation reaffirms the Turkish commitment to the principle of nonrefoulement, but at the same time provides no timeframe for the duration of temporary protection or any alternative long-term solutions, thereby leaving the futures of those subject to it uncertain.

Following persistent calls from UN agencies for the opening of special resettlement channels, resettlement of the most vulnerable Syrian refugees began in 2014.

When Turkey initially proposed treating Syrian arrivals according to the second system, outside the individual asylum procedures foreseen in the Refugee Convention, UNHCR supported the government's approach. As noted above, the alternative would have been to allow Syrians to initiate individual asylum procedures through registration with UNHCR. Given the likelihood that many of their claims would be deemed legitimate, this would have obligated the refugee agency to find willing third countries and organize the resettlement of an overwhelming number of refugees who, as non-Europeans, were ineligible for permanent settlement in Turkey. The exclusion of Syrians from individual procedures thus came as a reprieve for the UN agency, which was already overwhelmed by the unprecedented number of other non-European asylum seekers and (conditional) refugees in Turkey, who were already on RSD waiting lists stretching several years into the future.³¹

The fear that opening access to the UNHCR RSD process would encourage many Syrians living in camps along the border to rush to Ankara to register their individual asylum meant that resettlement for Syrians only became possible once additional resettlement quotas were established. Following persistent calls from UN agencies for the opening of special resettlement channels, resettlement of the most vulnerable Syrian refugees began in 2014. This resettlement program is not based on a full RSD process, but instead on United Nations vulnerability criteria. According to DGMM, the United Nations allocated quotas of 4,923 and 8,040 vulnerable Syrian refugees for 2014 and 2015 respectively for resettlement in countries including the United States, Norway, Australia, the United Kingdom, and Sweden. Actual resettlements were considerably lower, at just 883 in 2014 and 253 in 2015.^{32 33}

31 According to the *Law on Foreigners and International Protection*, "A person who as a result of events occurring outside European countries (author's emphasis) 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, owing to such fear, is unable or unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted conditional refugee status upon completion of the refugee status determination process. Conditional refugees shall be allowed to reside in Turkey temporarily until they are resettled to a third country" (author's emphasis). See DGMM, *Law on Foreigners and International Protection*.

32 DGMM, "Geçici Koruma." In 2015, UNHCR submitted 134,044 individuals for resettlement globally, and 81,893 were resettled. Yet UNHCR estimates global resettlement needs at 1,150,300 places, meaning less than 1 percent of those in need are ultimately likely to benefit from resettlement. See UNHCR, *Resettlement Fact Sheet 2015* (Geneva: UNHCR, 2015), www.unhcr.org/524c31a09.html; and UNHCR, *UNHCR Projected Resettlement Needs 2016*.

33 The reallocation of quotas from EU resettlement and relocation schemes to Turkey as a result of the March 2016 EU-Turkey deal is likely to see these numbers modestly climb. See European Commission, "Commission makes immediate proposal to implement EU-Turkey agreement: 54,000 places allocated for resettlement of Syrians from Turkey" (press release, March 21, 2016), http://europa.eu/rapid/press-release_IP-16-981_en.htm.



Despite the differences between the two parallel legal protection frameworks, the majority of individuals in both groups—including many Syrians who might qualify for resettlement under UN vulnerability criteria—remain in Turkey. This is due to a combination of factors: the low level of resettlement pledges from traditional (and nontraditional) resettlement countries that falls far short of UNHCR requests, the ongoing violence in Syria that makes returns impossible, and—even if conditions were to improve—the difficulties of administering a large-scale returns program.

III. Crisis Governance and Response

The initial response by the Turkish government to the refugee crisis evolved in a legal limbo, hitting before legislators had a chance to finalize the *Law on Foreigners and International Protection*. Though policymakers used some practical aspects and principles from the draft legislation as policy guidelines, innovation and redistribution of responsibilities beyond what were envisioned in the proposed law were required in many areas. The Temporary Protection Regulation leaves the Disaster and Emergency Management Authority (AFAD) in charge of camp management but gives new competences to DGMM. While the national framework is still evolving, the legislative and administrative changes introduced by the *Law on Foreigners* and the Temporary Protection Regulation have begun to increase the overall capacity to protect refugees.

From the beginning of the Syrian refugee crisis until after the November 1, 2015 elections, the government coordinated its refugee policies under the supervision of a deputy prime minister. In addition to overseeing the work of the AFAD and the governorates,³⁴ the deputy prime minister was also in charge of coordination between the Ministry of Foreign Affairs (MFA) and other ministries. Following the November 2015 elections, a new government was formed in which none of the five deputy prime ministers were made responsible for this coordination work. Instead, the chief advisor to the prime minister—who is not a member of the Council of Ministers—assumed the coordinator role, taking on the title “Chief Advisor to the Prime Minister on Migration and Humanitarian Assistance.” This injected new life into government leadership of the Syria crisis, which until then had suffered from a lack of decisive planning. The chief advisor chaired the sector-based working group meetings that convene all relevant ministries, including DGMM. After six months of more systematic and strategic planning, the chief advisor was removed from his post. This was soon followed by an unexpected reshuffling of the Cabinet of Ministers and a new Prime Minister. These changes at the top of political structure have led administrative changes and at the time of this writing, it is not clear yet how the new political environment will influence the refugee policies.

This section will look at how the government response to the humanitarian crisis has shaped the prospects of refugees, Syrians in particular, and government interactions with domestic and international civil-society groups. Both AFAD and DGMM work closely with UN agencies, and DGMM has assumed the task of registering all Syrian refugees in Turkey. As of June 9, 2016, DGMM had biometrically registered 2,742,055 Syrian refugees,³⁵ though its early efforts have yet to reach capacity and have been beset by problems of coordination and lack of interinstitutional cooperation. Other important national government actors include the Ministries of Education, Labor and Social Security, Health, and Family Affairs and Social Policies, as well as the provincial governors. The former Prime Minister, Ahmet Davutoğlu, championed the efforts of the interministerial working groups to develop refugee projects, which was seen as a successful crossdepartmental collaboration to improve prospects and living standards.

Most recently, the Turkish response has also been shaped by its ongoing dialogue with the European Union. On March 18, 2016, the European Union and Turkey reached agreement to limit refugee and

³⁴ 31 The governorate is the provincial governing body, with its seat in the central district of each of Turkey’s 81 provinces.

³⁵ DGMM, “Geçici Koruma.”



migration flows.³⁶ The readmission-resettlement component of the deal has been strongly criticized for the lack of human-rights guarantees for would-be returnees. In its first progress report on implementation of the agreement, the European Union expressed satisfaction that the number of irregular crossings via the Aegean had radically declined.³⁷ By contrast, the readmission and resettlement components of the deal have progressed at a very slow pace, partly due to the lack of processing of capacity in the Greek islands to conduct admissibility assessments of refugee claims. Moreover, the recent reshufflings of ministerial positions in the Turkish government have practically frozen implementation of the plans to improve the living conditions of Syrians, using the pledged EU financial support of 6 billion euros.

A. Humanitarian Response

Turkey's initial response focused on setting up refugee camps. Before the creation of DGMM in 2015, the camps were under the control of AFAD, which is directly accountable to the prime minister's office. As the numbers of Syrian arrivals increased, Turkey set up one camp after another in the border provinces to meet basic refugee needs. The quality of life in the camps has been a matter of national pride.³⁸ Education facilities, health centers, public phone booths, playgrounds, and social areas have been set up, and food is provided for all camp residents. The Turkish government has estimated it spends around 450 million euros of its own resources every month to cover the refugees' basic needs, with the total amount exceeding 6.5 billion euros by October 2015.³⁹ Initially, the government supported efforts by the Turkish Red Crescent Society to provide three hot meals daily, before a voucher card system was launched by the World Food Program (WFP) with international funding. As the crisis progressed, the WFP was forced to implement deeper cuts in food assistance for vulnerable Syrian refugees in Lebanon, Jordan, and Turkey because of a severe lack of funding.⁴⁰

Immediately after the first groups of Syrian refugees fled to Turkey in late April 2011, and the Turkish government announced an open-border policy, UNHCR offered assistance to Turkey on behalf of all UN agencies and the international community—an offer the government initially refused. Denying UNHCR and other international agencies access to the newly established camps created a gap in independent monitoring. This issue was partially resolved in mid-2012 when the number of refugees exceeded 100,000, and the volume of the flows prompted Turkey to change course and request that UNHCR mobilize international assistance.⁴¹ UNHCR—and later other UN agencies—were then allowed regular

36 European Commission, "Implementing the EU-Turkey Statement: Questions and Answers" (fact sheet, European Commission, Brussels, June 15, 2016), [http://europa.eu/rapid/press-release MEMO-16-1664_en.htm](http://europa.eu/rapid/press-release_MEMO-16-1664_en.htm).

37 European Commission, *First Report on the Progress Made in the Implementation of the EU-Turkey Statement* (Brussels: European Commission, 2016), http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160420/report_implementation_eu-turkey_agreement_nr_01_en.pdf.

38 Officially, Turkey prefers to refer to the camps as temporary accommodation centers as in the case of past refugee influxes. See *Daily Sabah*, "Turkey to Educate Europe How to Treat Refugees," *Daily Sabah*, November 11, 2015, www.dailysabah.com/nation/2015/11/12/turkey-to-educate-europe-how-to-treat-refugees.

39 Mehmet Cetingulec (translated by Sibel Utku Bila), "At a Cost of \$500 Million Each Month, Turkey Staggers under Growing Refugee Burden," *Al Monitor*, October 20, 2015, www.al-monitor.com/pulse/originals/2015/10/turkey-syria-refugees-spent-billion-in-three-months.html.

40 The UN World Food Program (WFP) is funded entirely by contributions from governments, companies, and private individuals. Its regional refugee operation was 81 percent underfunded in 2015, and required an infusion of US \$139 million to continue helping desperate refugees in Jordan, Lebanon, Egypt, Turkey, and Iraq for the last quarter of 2015. See WFP, "WFP Forced to Make Deeper Cuts in Food Assistance for Syrian Refugees Due to Lack of Funding" (video, WFP, June 20, 2016), www.wfp.org/videos/wfp-forced-make-deeper-cuts-food-assistance-syrian-refugees-due-lack-funding-media.

41 "Owing to the size of the influx, in April 2012, the government of Turkey signalled its willingness to accept support from international organizations in the form of core relief items for Syrian refugees. A few months later, the Government chose to join the Regional Refugee and Resilience Plan process and made a formal request for further support, which was renewed during the September 2012 revision of the RRP through the financial requirements made by the international agencies involved in supporting its efforts for Syrian refugees, namely UNICEF, World Health Organisation (WHO), World Food Programme (WFP), United Nations Population Fund (UNFPA), and the International Organization for Migration (IOM), with UNHCR acting as the lead coordinating agency." See UNHCR, *Syrian Response Plan—January-December 2013: Turkey Response Plan*, (Geneva: UNHCR, 2013), 213, <http://unhcr.org/51b0a56d6.html>.



access to the camps and given a limited mandate to provide technical assistance.

However, while the Turkish government and UN agencies have been focused on establishing and maintaining camps during the past four years, the Syrian population living outside the camps has increased dramatically.⁴² This growth can be attributed to several factors, including a lack of space in the camps and some refugees' preference for staying with Turkish relatives or friends. However, strict camp discipline and restrictions on movement may be the principle reason; many refugees want the mobility to seek work opportunities. As the refugee populations in cities increased, living conditions became tougher, rents rose, and competition for job opportunities increased, in some cases leading to open tension with host communities.⁴³ This has led to secondary population movements from border cities to, primarily, big cities such as Istanbul, Ankara, and Izmir,⁴⁴ but also cities where there are more job opportunities in the informal labor market, such as Mersin, Antalya, and Konya.

The Syrian population living outside the camps has increased dramatically.

Most Syrians living in cities benefit from free health care in public and private hospitals, as long as they are registered and have an identification number. (Those who are not registered are entitled to emergency care only).⁴⁵ Initially, Syrian urban refugees also enjoyed freedom of movement in the absence of any regulatory rule, until August 2015, when the Ministry of Interior ordered governorates to control the internal movement of Syrians, possibly with the aim of slowing their flow westwards towards the European Union.⁴⁶ The instruction issued has legal basis in the *Law on Foreigners and International Protection*⁴⁷ and the 2014 Temporary Protection Regulation, which empowers the government to oblige Syrians to reside in the “assigned province, temporary accommodation center or other location” and attempts to enforce this by linking Syrians’ right to education and health care to the province in which they are resident.⁴⁸ Until these rules came into force, Syrians widely exercised the right to move freely and now live in all 81 Turkish provinces.⁴⁹

The availability of housing and shelter as well as nonfood items are increasingly becoming a major problem. Two to three refugee families usually share a flat in the poorest city districts. Many families, failing to pay the rent, move to another district or city without informing their landlords or settling

42 Center for Middle Eastern Strategic Studies (ORSAM), *Effects of the Syrian Refugees on Turkey* (Ankara: ORSAM, 2015), www.orsam.org.tr/files/Raporlar/rapor195/195eng.pdf.

43 Yusuf Emre Akgündüz, Marcel van den Berg, and Wolter Hassink, “The Impact of Refugee Crises on Host Labor Markets: The Case of the Syrian Refugee Crisis in Turkey” (discussion paper no. 8841, Institute for the Study of Labor, Bonn, February 2015), www.iza.org/en/webcontent/publications/papers/viewAbstract?dp_id=8841.

44 By November 2014, Istanbul had a registered population of 330,000 Syrian refugees. Ankara and Izmir had populations of 30,000 and 13,000 respectively. Together with nonregistered refugees, the real populations are likely higher. See ORSAM, *Effects of the Syrian Refugees on Turkey*, 17.

45 The exact number of unregistered refugees is difficult to pinpoint. UNHCR estimated that 620,000 Syrians living in Turkey in October 2014 were unregistered, about 39 percent of the refugee population at the time. However, in its 2015 report, UNHCR declined to give an estimate, stating that there is “no reliable estimate of the number of unregistered Syrian refugees.” See UNHCR, *Regional Refugee & Resilience Plan 2015-16* (Geneva: UNCHR, 2014), www.3rpsyriacrisis.org/wp-content/uploads/2015/01/3RP-Report-Overview.pdf; UNHCR, *3RP Regional Refugee & Resilience Plan 2016-2017 in response to the Syria Crisis: Turkey* (Geneva: UNCHR, 2015), 13, www.3rpsyriacrisis.org/wp-content/uploads/2016/02/Turkey-2016-Regional-Refugee-Resilience-Plan.pdf.

46 Oktay Durukan with Öykü Tümer and Veysel Essiz, *Country Report: Turkey* (Brussels: European Council on Refugees and Exiles, 2015), 128, www.asylumineurope.org/sites/default/files/report-download/aida_tr_update.i.pdf.

47 “Administrative obligations may be imposed upon applicants such as to reside in the designated reception and accommodation centers, a specific location or province, as well as to report to authorities in the form and intervals as requested,” see Government of Turkey, *Law on Foreigners and International Protection*, Article 71.

48 Government of Turkey, *Temporary Protection Regulation*, Article 33.

49 DGMM, “Geçici Koruma.”



arrears. This kind of poverty-driven movement from one city to another keeps families from registering and prevents their children from attending school, with enrollment levels as low as 30 percent by some accounts.⁵⁰ These economic problems can also lead to malnutrition and other health issues.

B. Engaging Civil Society

Local and international NGOs—as well as Syrian expatriates already residing in Turkey—play an important role in providing services and filling protection gaps for urban refugees who largely fall outside of the scope of official protection measures. The scale of many projects is limited, however, and the overall number of beneficiaries of NGO activities remains small compared to the need. The persistence of the dominant mentality that sees Syrians as guests rather than permanent refugees continues to hinder mutual understanding between the government and international donors. The donor community expects Turkey to take long-term measures and implement them in transparent ways, whereas governmental responses have focused more on providing for shorter-term refugee needs. Both sides speak the same language of protection, but do not yet share a common understanding.

The role of both domestic and international NGOs therefore remains limited in Turkey as misunderstandings and mistrust abound. The government's open-door policy quickly became the subject of domestic political debate and, initially, the interests of the local NGOs were determined by their ideological stands. Often religiously affiliated NGOs were more actively involved in relief work for Syrians, while many of the more secular national NGOs considered Syrian arrivals as individuals invited to Turkey by the government to undermine the Bashar Al-Assad-led regime in Syria, rather than as genuine refugees. This attitude evolved, and secular NGOs increased their involvement once Syrians became more visible in the metropolitan cities of Western Turkey after 2014.

The role of both domestic and international NGOs remains limited in Turkey as misunderstandings and mistrust abound.

Secondly, many Turkish service NGOs, largely based in Western Turkey, were slow to respond because the early stages of the crisis were relatively contained in the eastern provinces. During this time, financially strong and politically progovernment faith-based NGOs were the primary sources of support within civil society, though this was limited to crossborder relief efforts and aimed to fill the void left by international NGOs and agencies excluded from refugee camp support structures. The government has so far insisted that international funding be channeled to its own projects and that it remain directly responsible for their implementation. The relatively low level of international aid for Turkey has been one result of disagreements between the Turkish government and NGOs, donor countries, and international agencies over fund management and project implementation.⁵¹ As of June 10, 2016, the joint UN/NGO appeal for Turkey had received around US \$294 million, out of total appeal of nearly \$807 million. According to UNHCR, just 36 percent of the total appeal for 2016 was received, leaving a gap of \$512 million.⁵²

Thirdly, there has been a lack of coordination among NGOs, resulting in duplication of services to largely

50 Despite free enrollment, more than two-thirds (70 percent) of all school-age Syrian refugee children were not attending school in 2014. See Selcuk R. Sirin and Lauren Rogers-Sirin, *The Educational and Mental Health Needs of Syrian Refugee Children* (Washington DC: Migration Policy Institute, 2015), 7, www.migrationpolicy.org/research/educational-and-mental-health-needs-syrian-refugee-children.

51 Remarks attributed to European Union officials state that the preference is to extend assistance through UN bodies, rather than write a check for the Turkish government. See Barçın Yinanç, "West, Turkey Split over Aid for Syrians," *Hurriyet Daily News*, April 25, 2016, www.hurriyetdailynews.com/west-turkey-split-over-aid-for-syrians.aspx?page-ID=238&nID=30893&NewsCatID=338.

52 49 UNHCR, "Syria Regional Refugee Response: Inter-Agency Information Sharing Portal—Turkey."



similar groups of beneficiaries even as there are geographic and needs gaps that no one is addressing. Efforts by organizations such as the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), UNHCR, and several international NGOs to create regular platforms for information sharing have not been effective at the desired levels. Only recently an Ankara-based NGO, the Research Center on Asylum and Migration (IGAM), funded by the Open Society Foundations, initiated a Turkish Refugee Council whose aim is to address these cooperation and coordination challenges. As the crisis has increasingly taken on a more urban character and become more visible across the country, more NGOs and local citizen initiatives have appeared. However, factors such as lack of knowledge and experience dealing with asylum issues, financial constraints, and limited staff capacity impede effective work by NGOs and collaboration between them. While government spending in response to the crisis has not been channeled through NGOs, there are signs that the government may be changing its stance towards civil society. The government recently opened a channel of dialogue with NGOs and will hold regular and thematic meetings, hosted by IGAM, with the goal of creating a mechanism for information sharing.⁵³

For the first two years of the crisis, the government's attitude towards international NGOs (INGOs) remained very conservative and the organizations were not officially permitted to work in Turkey. Still, many came and were allowed to work without registering with the Turkish authorities as long as their activities were limited to crossborder relief operations under UNOCHA. Gradually, they also found a way to work with refugees inside Turkey under the guise of partnerships with local NGOs. Catholic Relief Services, Danish Refugee Council, International Medical Corps, International Rescue Committee, Malteser International, Médecins Sans Frontières (Doctors without Borders), Mercy Corps, and Save the Children are now serving refugees living in cities near the Syrian border. If the increase in the number of refugees was one reason of the shift in INGO policy of the government, the pressure by the international donors on Ankara to spend the funds through INGOs was another.

Still, INGOs that are active in other countries, including Jordan and Lebanon, have a lesser presence inside Turkey simply because of the limitations placed on their activities. According to a staff member of International Medical Corps, for example, 800,000 shoes donated by an American company for Syrian refugees in Turkey were diverted to another country after being stuck for months in Turkish customs because of high tariffs.⁵⁴ A Save the Children representative similarly remarked that headquarters often rejects project proposals for Turkey because senior staff anticipate Turkish authorities will create barriers for NGOs seeking to launch operations in locations other than the ones in which they were originally registered. This effectively bars them from many of the nonborder provinces that now host refugees.⁵⁵

The government's attitude towards INGOs began to change as the urban refugee population grew. By the beginning of 2014, the government permitted a limited number of INGOs to operate inside Turkey though many still find it difficult to register with national authorities, obtain work permits for international staff, expand projects beyond the border provinces, and clear customs with relief supplies. These types of ongoing restrictions indicate a lingering lack of trust towards INGOs.

Syrian diaspora groups outside Turkey, as well as refugee communities inside the country, are also involved in the provision of basic services, with a considerable focus on providing educational opportunities. Alongside local authorities, these groups mainly support temporary education centers, such as Syrian schools, and vocational training activities. However, many Syrian schools that operate as temporary education centers reportedly face serious financial difficulties and are struggling to pay teacher salaries or buy educational materials.⁵⁶ As many refugee families face similarly bleak financial situations, some are unable to pay school fees and many children have dropped out.

53 The author is President of the Research Center on Asylum and Migration (IGAM).

54 Author interview with Cihangir Karabıyık, Legal Advisor to International Medical Corps, Ankara, November 7, 2015.

55 Author interview with confidential source at Save the Children, November 10, 2015.

56 Any child able to present a government-issued "foreigner ID" may register under government Circular 2014/12. See HRW, *"When I Picture My Future, I See Nothing: Barriers to Education for Syrian Refugee Children in Turkey"* (New York: HRW, 2015), 18, www.hrw.org/sites/default/files/report_pdf/turkey1115_reportcover_web.pdf.



C. Emergent Integration Policy?

The open-door policy and welcoming approach adopted on a national level following the outbreak of war in Syria has been complicated by a more variable local response that, though mostly warm and welcoming, has been strained in some cases. The economic effects of Syrian arrivals are mixed: They bring savings and investments to Turkey, which has been a boon, and the humanitarian community's sourcing of supplies from Turkish firms has further injected cash into local economies. However, some companies have taken advantage of the situation to hire illegal workers, leading to unfair competition and depressed wages for some Turkish workers. Moreover, the presence of refugees caused a significant rise in the cost of living, especially rent, causing some resentment.

There is little systematic research on the attitudes of the host community towards refugees. The demography of the Turkish provinces is one of the factors that determine public attitudes. In some provinces, such as Şanlıurfa where a Sunni Islam-Arab population dominates, the host community has been more receptive to the Syrian refugees; in others, such as Antakya (Hatay) where a large Alawite/Nusayri local community exists, tensions are high. A research by Hacettepe University on public attitudes illustrates that there is resentment, mostly in Western Turkey, of the presence of Syrians.⁵⁷ Some opposition newspapers focus more on negative cultural impacts of the Syrian presence, such as "Islamization of the culture" and greater incidents of child labor, sex trade, and human trafficking. Still, despite sporadic stories of protest and isolated incidents of violence towards Syrians, especially in border towns, the social situation has largely been stable.⁵⁸

There is little systematic research on the attitudes of the host community towards refugees.

Nevertheless, the Turkish public is still far from supportive of long-term integration and the government response has accordingly been largely humanitarian in nature rather than focused on a comprehensive integration policy, with policymakers preparing a plan of action to improve the living standards of Syrian refugees. Under the coordination of the prime minister's chief advisor on migration and humanitarian aid, seven working groups composed of representatives from relevant ministries drafted a series of needs assessments in early March 2016 addressing the following themes: (1) humanitarian assistance, (2) education, (3) health, (4) municipal infrastructure, (5) social support and harmonization, (6) labor force and economy, and (7) migration management. These sector-based needs analyses cover 2016 to 2018, an initial "first stage" that can be built upon after 2018 depending on developments inside Syria. The budget necessary to meet these needs has been estimated at 21 million euros over the three-year period.⁵⁹

Meanwhile, these working groups have also been developing detailed legislation in special areas. For example, on January 15, 2016, the government passed a regulation granting work permits for Syrians under temporary protection.⁶⁰ The regulation entered into force in late February 2016. It does not grant an automatic, unrestricted right to work. Rather, it links work permits to the province of registration

57 Murat M. Erdoğan, *Syrians in Turkey: Social Acceptance and Integration* (Ankara: Hacettepe University, Migration and Politics Research Center-HUGO, 2014).

58 Oytun Orhan and Sabiha Senyücel Gündoğar, *Effects of the Syrian Refugees on Turkey* (Ankara: ORSAM, 2015), 10, www.orsam.org.tr/files/Raporlar/rapor195/195eng.pdf.

59 Information drawn from briefing notes provided during at the 5th Informal Dialogue between NGOs and the Turkish government on March 3, 2016, hosted by IGAM in Ankara under the Chatham House Rule.

60 *Official Journal*, "Regulation on Work Permit of Refugees under Temporary Protection," no. 2016/8375; see Turkish Labor Law, "Turkey Grants Work Permit for Syrian Refugees," January 19, 2016, <http://turkishlaborlaw.com/news/legal-news/362-turkey-grants-work-permit-for-syrian-refugees>.



and the number of Turkish nationals employed in the same workplace.⁶¹ The work permits also expire after a certain length of time and need to be renewed when changing employers. One specific aim of the regulation is to permit individuals with specific professions to be employed in the refugee health and education sectors, allowing, for instance, Syrian doctors and teachers to serve the refugee population. The Ministry of Labor revealed as of the end of May 2016 that just 3,800 Syrian refugees had been granted work permits.⁶²

The impact of this regulation on the Syrian refugee community in Turkey remains to be seen. Urban refugees in Turkey reflect a cross-section of Syrian society and belong to various social strata. While many Syrian refugees have few personal resources, others arrived with some assets, are already well integrated into life in Turkey, and have started small- or medium-sized businesses. In cities with large refugee populations, Syrian groceries and restaurants have opened, and some are quite successful. However, the lack of official status and legal guarantees stymies the further development of these small business communities. Furthermore, language barriers, lack of trust, difficulties in accessing Turkish financial markets, complex tax issues, and obstacles that prevent refugees from becoming members of local chambers of commerce continue to hinder the full integration of many Syrian refugee businesspersons into the larger Turkish market. Government policies that reduce these barriers—including the recent regulation that grants work permits—have the potential to encourage a level of economic stability and self-sufficiency.⁶³

IV. International Responsibility Sharing and EU-Turkey Cooperation

Despite tacit acceptance of the need to offer long-term protection and integration options for refugees, the commitment by the Turkish government to sustainable solutions depends on assurances of support and meaningful responsibility sharing within the international community. Over the last five years, President Recep Tayyip Erdoğan and then-Prime Minister Ahmet Davutoğlu repeatedly committed to improving the situation of refugees, complained about the “failure of the UN”⁶⁴ to find a solution to the political

61 The number of Syrians employed cannot exceed 10 percent of the employed Turkish citizens in the same company. It should also be noted that the Turkish government reserves the right to apply labor market tests when evaluating applications. The Turkish Labor Agency has begun to identify sectors in need of labor and map Syrian skills and capacities to this effect. See Turkish Labor Law, “Turkey Grants Work Permit for Syrian Refugees,” SaferWorld and Conciliation Resources, *The Syrian Refugee Crisis: Understanding and Responding to Tensions and Conflicts in Jordan, Lebanon and Turkey* (London: Saferworld, 2016), www.saferworld.org.uk/downloads/.../c4p-turkey-briefing-final.pdf.

62 *Daily Sabah*, “3,800 Syrian Refugees in Turkey Given Work Permits,” *Daily Sabah*, May 22, 2016, www.dailysabah.com/economy/2016/05/23/3800-syrian-refugees-in-turkey-given-work-permits.

63 Elizabeth Collett, Paul Clewett, and Susan Fratzke, *No Way Out? Making Additional Migration Channels Work for Refugees* (Brussels: Migration Policy Institute Europe, 2016), www.migrationpolicy.org/research/no-way-out-making-additional-migration-channels-work-refugees.

64 *Daily Sabah*, “EU, Turkey Agree on 3 Billion Euro Aid Deal for Syrian Refugees in Turkey,” *Daily Sabah*, November 29, 2015, www.dailysabah.com/eu-affairs/2015/11/29/euturkey-agree-on-3-bn-aid-deal-for-syrian-refugees-in-turkey. Similar sentiments were also expressed at the United Nations several years earlier by Ahmet Davutoğlu, then Minister of Foreign Affairs. “The failure of the UN on [the Syrian] issue would be irredeemable,” he said; see Davutoğlu, “Speech Delivered by Mr. Ahmet Davutoğlu, Minister of Foreign Affairs of the Republic of Turkey at the UN Security Council” (speech to the UN Security Council, New York, August 30, 2012), www.mfa.gov.tr/speech-delivered-by-mr_-ahmet-davuto%C4%9Flu_-minister-of-foreign-affairs-of-the-republic-of-turkey-at-the-un-security-council_30-august-2012_-new-york.en.mfa.



turmoil inside Syria, and lamented the lack of international burden sharing.⁶⁵ In support of the last point, the government has often cited Turkey's rising spending. Citing the country's nearly 9 billion euros in spending at a February 2016 speech at the Supporting Syria and the Region conference in London, former Prime Minister Davutoğlu⁶⁶ compared this figure with the relatively low level of international aid given to Turkey: around 440 million euros as of September 2015.⁶⁷

The developments caused by the unexpected refugee movements from Turkey to Europe in Turkish-EU relations since summer 2015 should not be analyzed in isolation from the more complex net of political and social linkages between Ankara and Brussels. Other developments inside Syria, such as the formation of a strong alliance between the U.S.-led coalition and the Syrian Kurdish entities, also influence the Syrian refugee policies of Turkey. Such relatively external factors are accountable for ups and downs in the developments related to the implementation of Turkish-EU deal. This section looks at the Turkish government's understanding and desired scope of international responsibility sharing, as well as developments in the ongoing dialogue between the European Union and Turkey in this regard.

The Turkish government considers responsibility sharing to include two primary components: (1) financial support and (2) resettlement or relocation. Since mid-2012 when the government opened itself to international assistance, the United Nations has included Turkey as a beneficiary country in its successive Syrian Regional Refugee Response Plans, a series of joint international funding appeals. However, donor countries have only committed an average of 30 percent of the amount requested in the appeal.⁶⁸ The European Union and some of its Member States, primarily the United Kingdom, have been leading donors. Turkey's early assertions that it could handle the crisis by itself, its initial insistence on maintaining direct control of humanitarian spending, and its status as a middle-income country all contributed to an early reluctance within the international community to contribute significant funding. While the European Union has shifted its stance in response to the opening up of the Aegean Sea route, and other international donors have increased support, perceptions within the Turkish government that they were overlooked by the international community hindered the efficacy of the international response.

International involvement in the second area of responsibility sharing through resettlement has not met with the satisfaction of the Turkish government so far. According to UNHCR, 18,260 resettlement places were offered worldwide for refugees in Turkey in 2015, and only 7,577 departed for resettlement.⁶⁹ The total number of departures under official resettlement schemes between 2011 and 2015 (which includes refugees of all nationalities from Turkey) was just 34,061. The international intake of Syrians from the region as a whole was also low, reaching only 22,229 departures over the same five-year period.⁷⁰ Policy announcements such as the UK pledge to resettle up to 20,000 vulnerable Syrian refugees from camps in the region by 2020⁷¹ have often been met with criticism for their limited scale and wide geographic scope, as they often cover the whole Syria crisis region (and are often weighted towards Lebanon and Jordan).

65 Agence-France Presse, "UN Fails on Syria Like Bosnia and Rwanda, Says Turkish FM Davutoğlu," *Hurriyet Daily News*, February 2, 2014, www.hurriyetdailynews.com/un-fails-on-syria-like-bosnia-and-rwanda-says-turkish-fm-davutoglu.aspx?pageID=238&nID=61878&NewsCatID=359; Associated Press, "United Nations Failed to Solve Crisis in Syria Says Turkey's Prime Minister," Associated Press, November 30, 2015, www.nydailynews.com/news/world/united-nations-failed-fix-crisis-syria-turkey-article-1.2450070.

66 Prime Minister Davutoğlu announced at the conference on February 4, 2016 that US \$10 billion (8.8 million euros) had been spent on Syrian refugees inside the camps, and estimated that up to \$20 billion more (17.5 million euros) could be needed to care for those outside of the camps. See *Hurriyet Daily News*, "Turkish PM Warns of New Wave of Refugees from Syria," *Hurriyet Daily News*, February 4, 2016, www.hurriyetdailynews.com/turkish-pm-warns-of-new-wave-of-refugees-from-syria.aspx?pageID=238&nID=94776&NewsCatID=352.

67 *Milliyet*, "Yük paylaşımında ivedi adım atın; Cumhurbaşkanı Recep Tayyip Erdoğan Almanya Başbakanı Angela Merkel ile dün bir telefon görüşmesi yaptı," *Milliyet*, September 17, 2015, www.milliyet.com.tr/yuk-paylasiminda-ivedi-adim-atin-gun-dem-2118681.

68 UNHCR, *3RP Regional Refuge and Resilience Plan 2016-2017*.

69 UNHCR, "Resettlement Statistical Database Panel," accessed April 28, 2016, www.unhcrwashington.org/rststat.

70 Ibid.

71 Statement by British Prime Minister David Cameron to Parliament, "Syria: Refugees and Counter-Terrorism—Prime Minister's Statement," September 7, 2015, www.gov.uk/government/speeches/syria-refugees-and-counter-terrorism-prime-ministers-statement.



The Canadian offer to resettle 25,000 refugees over three months from the Syria region was received more positively. As of April 24, 2016, 17,984 resettlement cases were being processed, of which around 20 percent were based in Turkey.⁷²

The proliferation of administrative arrangements and new regulations, as well as the needs analyses described in the previous section, can be explained by the rapid Europeanization of the Syrian refugee crisis from mid-2015 onward. The irregular movement of tens of thousands of refugees transiting Turkey to reach the Greek islands, the resulting pushbacks and building of fences by some EU Member States, and the circulation of tragic pictures of drowned children led the European Union—under Germany’s leadership—to cooperate more closely with Turkey in order to regulate the huge secondary movements of refugees.

The EU-Turkey joint action plan has opened a new chapter in cooperation between Turkey and the European Union.

Turkey welcomed this EU initiative. In November 2015, an EU-Turkey joint action plan promised a 3 billion euro refugee facility—a mechanism for coordinating EU- and Member State-funded humanitarian efforts—to support Turkey in managing the crisis.⁷³ This commitment will significantly increase EU assistance to the country over the next two years. The plan also included many components not directly linked to the refugee crisis but to broader EU-Turkey relations.

The EU-Turkey joint action plan has opened a new chapter in cooperation between Turkey and the European Union⁷⁴ in which European policymakers recognize the key role Turkey has to play in solving the European refugee crisis.⁷⁵ The plan seeks to address the current crisis in two ways, by (1) supporting the refugees and their host communities in Turkey; and (2) strengthening cooperation to prevent irregular migration flows to the European Union.⁷⁶ The second part of the plan, elaborated in March 2016, foresees resettlement of Syrian refugees from Turkey to EU Member States, visa liberalization for Turkish citizens visiting the European Union, and progress in Turkey’s negotiations to accede to the European Union. In return, Turkey has committed to readmitting migrants and refugees moving irregularly from Turkey to Greece—on the legal basis of the “safe third-country” concept, which posits that adequate protection is available in Turkey—and to stemming the flow of migrants and asylum seekers towards the European Union.⁷⁷

The October 2015 visit by German Chancellor Angela Merkel to Istanbul also indicates an evolution

72 Government of Canada, “#WelcomeRefugees: Key figures,” accessed April 28, 2016, www.cic.gc.ca/english/refugees/welcome/milestones.asp.

73 According to the European Commission, as of March 2016, the European Union had given Turkey 350 million euros since the outbreak of the Syrian crisis. See European Commission, “EU Activates ‘Refugee Facility’ to Help More than 800,000 Syrians in Turkey” (news release, March 4, 2016), http://ec.europa.eu/echo/news/eu-activates-refugee-facility-help-over-800-000-syrians-turkey_en.

74 European Commission, “EU-Turkey Joint Action Plan” (press release, October 15, 2015), http://europa.eu/rapid/press-release_MEMO-15-5860_en.htm.

75 Paul Carrel and Michael Nienaber, “Merkel Says Turkey Key to Solving Europe’s Refugee Crisis,” Reuters, October 15, 2015, www.reuters.com/article/2015/10/15/us-europe-migrants-germany-turkey-idUSKCN0S90N520151015.

76 European Commission, “EU-Turkey Joint Action Plan.”

77 European Commission, “EU-Turkey Agreement: Questions and Answers,” press release, March 19, 2016, http://europa.eu/rapid/press-release_MEMO-16-963_en.htm



in German policy towards Turkey.⁷⁸ The visit, followed by German leadership in meetings of European leaders in Brussels has changed, at least rhetorically, the EU outlook on Turkey: from privileged partner to indispensable member of the European community. The deal put forward at the November 2015 summit notably included efforts to revive the visa liberalization dialogue, the EU-Turkey readmission agreement,⁷⁹ and EU instruments for the provision of financial assistance to Turkey.⁸⁰ Since October 2015, Turkish-German relations and Turkish-EU relations have experienced sharp ups and downs. Among them: The German Parliament voted to recognize the 1915 killings of Armenians by Ottoman Turks as a genocide, and Turkey retaliated by not allowing German parliamentarians to visit German troops deployed at Incirlik airbase. Other irritants in the relationship: an EU demand that Turkey change its antiterrorism law as a precondition for visa liberalization, and statements of concern by European officials about post-coup purges in Turkey. Despite these tensions, however, the EU-Turkey deal remained in force at this writing in its broad terms. And the number of irregular crossings across the Aegean diminished sharply in 2016.

Looking back on developments since the signing of the EU-Turkey joint action plan in November 2015, one may detect the following steps: Brussels and Ankara have engaged in intensive negotiations to identify next steps since then. The fact that both Turkey and the European Union have demonstrated movement toward greater cooperation heralded optimism at the end of the EU-Turkey summit meeting in Brussels on March 7, 2016. Before the summit, Turkey showed its willingness to apply the readmission agreement starting in June 2016 by readmitting about 300 irregular migrants from Greece (under the pre-existing Greece-Turkey Readmission Protocol) in early March 2016.⁸¹ The work permit regulation is another indicator of Ankara's determination to follow through on its commitment to improve living conditions for Syrian refugees. The Turkish government's development of needs analyses in several sectors will also lead to concrete proposals for spending the initial 3 billion euros committed under the EU refugee facility. For its part, the European Union announced the first planned projects on the eve of the March 2016 summit in Brussels, pledging 55 million euros to the immediate formal education needs of Syrian schoolchildren in Turkey and 40 million euros to humanitarian aid through the World Food Program (WFP), working in close cooperation with the Turkish Red Crescent.⁸² As of April 2016, EU support under the plan amounted to 187 million euros.⁸³

One key outstanding barrier to more effective international responsibility sharing was to get more countries—beyond Turkey and Germany—actively involved in supporting resettlement out of Turkey and investing in Turkey's capacity to host Syrians in the longer term, a task that would require significant diplomatic effort⁸⁴ and depend on domestic political dynamics in would-be partner states. The re-

78 The negotiations between the European Union and Turkey continued until November 29, 2015 when EU leaders met with the Turkish Prime Minister in Brussels. This EU-Turkey summit ended with an agreement based on the draft action plan and the issues discussed during German Chancellor Angela Merkel's visit. See Francesco Guarascio and Robin Emmott, "Declaring 'New Beginning,' EU and Turkey Seal Migrant Deal," Reuters, November 30, 2015, www.reuters.com/article/2015/11/30/us-europe-migrants-turkey-idUSKBN0T100520151130.

79 The readmission agreement was completed in October 2013 and entered into force one year later, in October 2014. It originally foresaw a three-year waiting period before Turkey was expected to readmit third-country nationals from states with which it did not already share a bilateral agreement. See European Commission, "Statement of Commissioner Malmström on the Entry into Force of the Readmissions Agreement between Turkey and the EU" (news release, October 1, 2014), http://europa.eu/rapid/press-release_STATEMENT-14-285_en.htm.

80 Council of the European Union, "Meeting of heads of state or government with Turkey – EU-Turkey statement," November 29, 2015, www.consilium.europa.eu/en/press/press-releases/2015/11/29-eu-turkey-meeting-statement.

81 European Commission, *Managing the Refugee Crisis: EU-Turkey Joint Action Plan: Implementation Report* (Brussels: European Commission, 2016), http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/eu_turkey_joint_action_plan_implementation_report_20160304_en.pdf.

82 European Commission, "EU Activates 'Refugee Facility'."

83 European Commission, "Facility for refugees in Turkey: Commission delivers an additional €110 million under the implementation of EU-Turkey agreement" (press release, April 19, 2016), http://europa.eu/rapid/press-release_IP-16-1464_fr.htm.

84 Franck Düvell from Oxford University commented at the Brussels summit that the European Union could, but does not want to, admit refugees, adding that Turkey and Germany as main receiving countries have both been abandoned by the other Member States and are, in this sense, almost natural allies, and that they need to develop diplomatic strategies to get more countries on board. See Franck Düvell, interview with TRT World, March 3, 2016, www.youtube.com/watch?v=VU5oyLH-hyVQ.



election of President Erdoğan's Justice and Development Party (AKP)⁸⁵ with a comfortable majority in the November 2015 election guarantees the continuation of the current dialogue between Turkey and the European Union over asylum issues, European concerns over growing authoritarianism in Turkey notwithstanding. The fact that there will not be another election in the next four years may also encourage the government to take decisive action on politically sensitive issues.⁸⁶ However, while a smooth and improved implementation of the EU-Turkey deal might hold the potential for better relations between Ankara and Brussels, many factors could play a destabilizing role. Among them: the increased violence in Southeast Turkey between security forces and the separatist Kurdish armed group, PKK, and the increasingly authoritarian nature of the Erdoğan government, which alienates Turkey further from the European Union.

The heightened tensions between Russia and Turkey after the latter shot down a Russian fighter jet in November 2015 forced Turkey to be more cooperative with the European Union on refugee matters although recently the two countries appear to be working to mend their differences,⁸⁷ while Turkey has long-held concerns over a possible appearance of a Kurdish political entity at its borders as a result of collaboration between the Syrian Kurdish Democratic Union Party (PYD) and Turkey-based Kurdistan Workers' Party (PKK). An insurgency could potentially undermine political stability or deepen political fault lines in debates around a new constitution, both of which the European Union has a key role in supporting.

As many diplomatic maneuvers take place, the Turkish-EU deal has seemingly lost its top priority position in Turkey and the European Union.

After the nadir of the Russian jet downing, Turkey worked to mend fences and Russia took steps to lift the embargoes it had imposed. Russian President Vladimir Putin was one of the first leaders to call President Erdoğan after the aborted coup. Turkey has indicated greater willingness to allow for Syria's Assad regime, backed by Russia, to remain in power during a transitional period. And Turkey has suggested it may open its Incirlik airbase, jointly used by U.S. and Turkish commands for decades as a NATO base, to Russians in the joint fight against ISIS.

As many diplomatic maneuvers take place, the Turkish-EU deal has seemingly lost its top priority position in Turkey and the European Union. This may open a new door of opportunity. Finding a way forward may require the European Union and Turkey to view the problem not only from the charitable, humanitarian perspective, but also from a rights-based position that demands real solutions that empower refugees to rebuild their lives in the long term.⁸⁸

85 The Adalet ve Kalkınma Partisi (Justice and Development Party) has been in power since 2002, losing its majority in June 2015 before regaining it in the November 2015 snap elections. See Ercan Gurses and Orhan Coskun, "Turkey Returns to Single-Party Rule in Boost for Erdogan," Reuters, November 2, 2015, www.reuters.com/article/us-turkey-election-idUSKCN0SP17Y20151102#uEBRgQ0VFej0ywU4.97.

86 The granting of limited work rights to some Syrians might be seen as a bold step, given the political sensitivity over allowing refugees access to the labor market. See Soner Cagaptay with Bilge Menekse, "The Impact of Syria's Refugees on Southern Turkey" (Policy Brief 130, The Washington Institute for Near East Policy, Washington, DC, July 2014), 10, www.washingtoninstitute.org/uploads/Documents/pubs/PolicyFocus130_Cagaptay_Revised3s.pdf.

87 BBC News, "Putin Mends Broken Relations with Turkey's Erdogan," BBC News, August 9, 2016, www.bbc.com/news/world-europe-37018562.

88 This point was made by Alexander Betts of the Refugee Studies Centre at the University of Oxford, who suggested that the more creative thinking around the longer-term prospects of refugees is necessary, as is a focus beyond the emergency response. See Alexander Betts, "Our Refugee System Is Failing. Here's How We Can Fix It," TED Talk, February 2016, www.ted.com/talks/alexander_betts_our_refugee_system_is_failing_here_s_how_we_can_fix_it.



V. Conclusions and Policy Evaluation

The now six-year-old Syrian refugee crisis and the highly complex international nature of the civil war in Syria, as well as the tensions in Iraq, increasingly threaten Turkey's political and social stability. These huge problems force Turkey away from developing more consistent policies and strategic planning. Government responses to the refugee crisis turn out to be more of an ad hoc, patchwork nature.

Although Turkey has been officially consistent in maintaining an open door to Syrian refugees, its policy responses to the crisis have been implemented unevenly and within the context of a legal framework in transition.

In the early days of the crisis, Turkey turned down international assistance and closed its doors to international cooperation—an approach it has taken in past crises. Camps were established to accommodate new arrivals, but remained inaccessible to the international community. Consequently, Turkish demands for international assistance came into conflict with the government's reluctance to engage with the international community.

As the refugee population in Turkey grew and an increasing number of refugees crossed into EU Member States, both the Turkish government and the European Union increasingly recognized the need for closer cooperation. The crisis has thus opened a new window of opportunity in relations between Turkey and the European Union. The November 2015 and March 2016 EU-Turkey deals raise the possibility of enhanced cooperation as a part of a wider set of agreements: the opening of additional “chapters” in accession negotiations and possible resolution of the Cyprus issue⁸⁹ are two prominent and connected examples.

Yet much remains to be done to create durable solutions for refugees in Turkey. Decision makers might consider the following steps to improve international cooperation and expedite the creation of durable solutions for non-European, and particularly Syrian, refugees in Turkey:

Lift the geographical limits on protection. Recognizing the full Refugee Convention rights of all refugees, regardless of country of origin, would benefit refugees, Turkey, and the European Union. UNHCR may have missed an opportunity to achieve this aim by withdrawing the geographical limitation from the agenda when working with Turkey to draft the *Law on Foreigners and International Protection*. But today, with nearly 3 million refugees in Turkey and international resettlement pledges fairly stagnant, any asylum system based largely on the assumption that all non-Europeans granted refugee status must be resettled to third countries cannot operate effectively.

Is the government ready to move in this direction? The answer is not yet affirmative, partly because the issue has slipped from the agenda. However, significant EU leverage—not least the conditionality of Turkey's EU membership—could help make it a priority again. The fact that Turkey signed a Host Country Agreement with UNHCR 56 years after the latter first began operations in Turkey has important symbolic value. It shows Turkey is willing to further align with the international refugee regime.

Limit the duration of temporary protection and offer a path to settlement. Article 91 of the *Law on*

⁸⁹ Cyprus and Turkey have disputed territory in the north of the island since 1974. A previous, UN-brokered attempt at reunification in 2004 was rejected by the Greek portion of the population in the south of the island. Cyprus has systematically vetoed the expansion of accession talks over Turkey's refusal to recognize the island. A resolution in Cyprus is therefore an essential component of a successful deal. See Peter Foster, “Cyprus Close to Reunification Deal as Greek-Turkish Talks Enter Key Phase,” *The Telegraph*, November 18, 2015, www.telegraph.co.uk/news/worldnews/europe/cyprus/12003639/Cyprus-close-to-reunification-deal-as-Greek-Turkish-talks-enter-key-phase.html; Duncan Robinson and Alex Barker, “EU and Turkey Close to Groundbreaking Migrant Deal,” *Financial Times*, March 8, 2016, www.ft.com/intl/cms/s/0/f4247e08-e44e-11e5-a09b-1f8b0d268c39.html.



Foreigners and International Protection and the Temporary Protection Regulation put refugees at risk of indefinite “temporary” status. Temporary protection should be limited to three years, after which refugees should have a path to a more stable status, either by applying for full asylum or another form of residence. This should be accompanied by adequate support for integration *outside* of the camps in order to facilitate refugees’ entry into the labor market or to promote alternative livelihoods. As part of this process, the number of the camps may gradually be reduced. The camps should function as temporary reception centers and, after a certain period there, refugees should be encouraged to move to cities with adequate support and training should be introduced for local service providers.

Develop a meaningful strategy for local integration. Although meeting the basic needs of refugees is neither easy nor cheap, the most important issue now for establishing Turkey’s viability as a place of durable protection is official acceptance that a comprehensive integration plan is needed. For Syrian refugees, rights and long-term guarantees based on a clear legal status are essential when making decisions about the future. It is important therefore to develop and implement robust programs for integration, as well as legal pathways to settlement. There are social and cultural reasons why many Syrian refugees would want to stay in Turkey, and opportunities should be created so that establishing a stable life there is a viable alternative to irregular and often dangerous onward migration to Europe. Especially after the terrorist attacks in Paris and Brussels, life in Europe even for recognized Syrian refugees will be more difficult. Full government recognition of refugees’ fundamental rights is key to convincing Syrian refugees to stay in Turkey and to developing durable local integration solutions. Systematic monitoring and measurement of integration schemes would need to be developed alongside this. The Migrant Integration Policy Index (MIPEX)⁹⁰ or other indicators of refugee integration might be utilized to this end.

Create new channels for international dialogue and trust-building. The conclusions of the EU-Turkey summit raise questions about the practical implementation of the agreement.⁹¹ The success of the accord rests on mechanisms that would bring responsible Turkish officials into almost daily contact with their EU counterparts. Joint decisionmaking mechanisms, study tours, and planning sessions could help facilitate productive relationships. Collaborative projects that allow interaction between EU and Turkish policymakers would be the best way to move away from the traditional Turkish style of developing policy behind closed doors, and could help create mutual understanding and build trust. The involvement of civil society might further boost the sustainability and effectiveness of such actions. This could prepare Turkish authorities to include all stakeholders—including refugee representatives, UN agencies, and NGOs—in the process.

Develop responsibility sharing beyond the financial dimension. While Turkey has the administrative and financial capacity to manage the initial humanitarian response to the refugee crisis, it will certainly need international financial support to implement new policies in the education, health, and other sectors. However, while it is essential to create and finance durable in-country solutions, the resettlement of refugees (Syrian or otherwise) should continue for the duration of the crisis and beyond. In addition, Turkey and countries such as Germany and Sweden should coordinate and support each other’s efforts around issues including integration. Although economic and social differences exist, Turkish policymakers can draw valuable parallels and lessons learned from the experiences of refugee-hosting EU countries.

90 The Migrant Integration Policy Index (MIPEX) is a tool that measures immigrant-integration policies in all EU Member States, Australia, Canada, Iceland, Japan, South Korea, New Zealand, Norway, Switzerland, the United States, and Turkey. In 2014, Turkey performed “favorably” in the family reunion category but “unfavorably” in education and labor market mobility. For more information, see MIPEX, “Migrant Integration Policy Index 2015—Turkey,” accessed November 27, 2015, www.mipex.eu/turkey.

91 For a discussion of the legal and practical challenges in implementing the EU-Turkey agreement of March 2016, see Elizabeth Collett, “The Paradox of the EU-Turkey Refugee Deal” (Migration Policy Institute Europe commentary, Brussels, March 2016), www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal.



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