

TURKEY’S REFUGEE POLICIES TOWARDS MASS
DISPLACEMENTS:
THE CASE OF MASS DISPLACEMENT FROM SYRIA

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ABSTRACT

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This study aims to analyze Turkey’s refugee policies in mass displacement from Syria in the period from 2011 to 2019. Turkey exposed to one of the biggest refugee inflows due to the civil war in Syria and it initially implemented an open-door policy for the Syrian refugees. There are a few important underlying factors for this policy, which are determinative in Turkey’s refugee policy towards refugees. These are basically; requirements stemming from the international law and Turkey’s accession process to European Union, the broad civilizational approach of the government of Turkey, the expectancy on crisis’s temporariness, and undeniable humanitarian imperatives of the crisis. Even though it was initially implemented, the open-door policy was also imposed to several limitations originating from the changing political atmosphere of Turkey, transformation of public opinion, demise of temporariness expectancy, security concerns and increasing burden on resources of Turkey. Therefore, the initial policy exposed to an evolution whereby it was replaced by security based policies.

Keywords: Migration, Syria crisis, Syria, Civil war in Syria, Refugees, Asylum Seekers

ÖZ

TÜRKİYE’NİN KİTLESEL YERİNDEN EDİLMELERDEKİ MÜLTECİ POLİTİKALARI: SURİYE'DEN KİTLESEL YERİNDEN EDİLME OLGUSU

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Tezli Yüksek Lisans, Orta Doğu Araştırmaları Bölümü

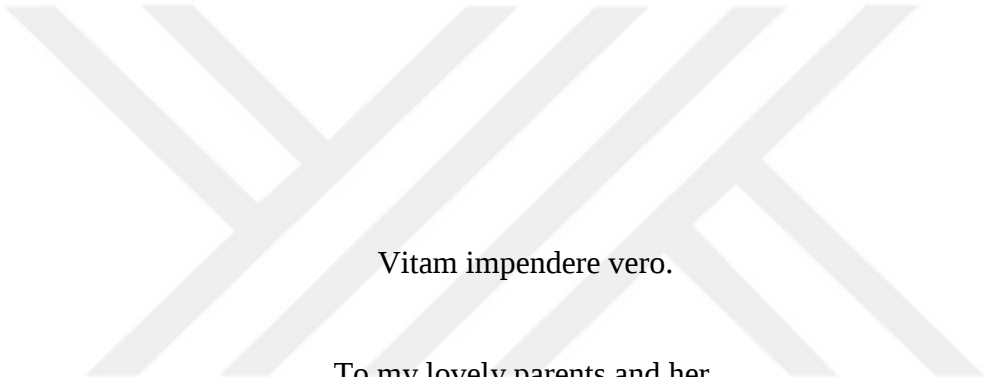
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Bu çalışma, 2011-2019 yılları arasında Türkiye’nin Suriye’den toplu göç hareketine karşı mülteci politikasını araştırmayı amaçlamaktadır. Türkiye, Suriye’deki iç savaş nedeniyle en büyük mülteci hareketlerinden birine maruz kalmış ve bu harekete karşı açık kapı politikası uygulamıştır. Türkiye’nin mülteci politikasında belirleyici birkaç temel unsur bulunmaktadır. Bunlar; uluslararası hukuk ve Avrupa Birliği’ne üyelik sürecinden doğan gereklilikler, Türkiye hükümetinin geniş medeniyet yaklaşımı, krizin geçici süreli olacağı beklentisi ve insani durumdan kaynaklanan zorunluluklardır. Her ne kadar başlangıçta açık kapı politikası uygulandıysa da, bu politika Türkiye’deki siyasi atmosferin ve kamuoyu düşüncesinin değişmesi, geçicilik beklentisinin gerçekleşmemesi, güvenlik kaygıları ve Türkiye’nin kaynakları üzerinde oluşan yük nedeniyle bazı sınırlamalara maruz kalmıştır. Bu nedenle başlangıçtaki politika dönüşüme uğrayarak yerini daha güvenlik odaklı politikalara bırakmıştır.

Anahtar kelimeler: Göç, Suriye krizi, Suriye iç savaşı, Mülteciler, Sığınmacılar, İnsani yardım





Vitam impendere vero.

To my lovely parents and her.

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LIST OF ABBREVIATIONS

AFAD	Disaster and Emergency Management Agency
CCTE	Conditional Cash Transfer for Education Program
DGMM	Directorate General of Migration Management
DGSM	Directorate General of Security Management
ESSN	Emergency Social Safety Net
EU	European Union
FSA	Free Syrian Army
IDP	Internally Displaced People
IOM	International Organization on Migration
ISIS	Islamic State in Iraq and Syria
JDP	Justice and Development Party
LFIP	Law on Foreigners and International Protection
MENA	Middle East and North Africa
MoFLSS	Ministry of Family, Labor and Social Services
MoNE	Ministry of National Education
NGO	Non-governmental Organization
PYD	Democratic Union Party
SASF	Social Assistance and Solidarity Foundation
TRCS	Turkish Red Crescent Society
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Fund
UNRRA	United Nations Relief and Rehabilitation Administration
USA	United States of America
USD	United States Dollar
YPG	People's Protection Units

CHAPTER 1

INTRODUCTION

The civil war in Syria induced massive displacement of millions. Almost 6 million people took refuge in neighboring countries such as Turkey, Lebanon, Jordan, Iraq and Egypt¹ while 6.2 million people were internally displaced, which is constituting the biggest internally displaced people (IDP) population in the world.² Turkey is one of the most influenced countries because of the mentioned mass displacement. There are more than 3.6 million Syrian refugees³ in Turkey according to the figures of Directorate General of Migration Management (DGMM) of Turkey.⁴ The crisis induced to boom Turkey's refugee population whereby it is labeled as the world's biggest refugee hosting country. Turkey initially followed an "open-door policy" for Syrian refugees, which is in time replaced with a comparatively strict border policy.

Turkey's policy towards the mass displacement from Syria can be attributed to several important determinants. To start with the underlying factors of the open-door policy, first of all, Turkey's commitments stemming from international legal agreements formed an irrefutable obligation for Turkey. Asylum is considered as a fundamental human right by the Universal Declaration of Human Rights dated 1948. Moreover, 1951 Convention Relating to the Status of Refugees requires Turkey as a signatory state to accept refugees fleeing from persecution and not to return them to a place where they would face persecution. Turkey ratified both of

¹ UNHCR, 5 Nov. 2019, <https://data2.unhcr.org/en/situations/syria>.

² "Internally Displaced People - UNHCR Syria." UNHCR, <https://www.unhcr.org/sy/internally-displaced-people>.

³ Syrian refugees are officially considered as the "Syrians unders temporary protection" by Turkey's Temporary Protection Legislation under the Law on Foreigners and International Protection.

⁴ *Yıllara Göre Geçici Koruma Kapsamındaki Suriyeliler*. Göç İdaresi Genel Müdürlüğü, 31 Oct. 2019, <https://www.goc.gov.tr/gecici-koruma5638>.

these international legal documents, which are also recapitulated in Turkey's own legislation. Turkey's Law on Foreigners and International Protection (LFIP) has also accepted the non-refoulment as a principle. Therefore, open-door policy was both a requirement arising from international agreements and domestic law.

Second, Turkey's policy towards migration was corollary of its political tendencies. In this manner, the broad civilizational understanding of JDP, which is also closely identified with Turkey's former Foreign Affairs and Prime Minister Ahmet Davutoğlu, is an important underlying cause of the open-door policy. Former PM Ahmet Davutoğlu has been one of the pivotal figures among theoreticians of the Justice and Development Party (JDP) whose ideas have considerably been effective in shaping foreign policy of Turkey for a long period of time. Davutoğlu opted to pursue a broad civilizational understanding on foreign policy in line with his *strategic depth* rhetoric, which basically draws a framework utilizing the civilizational, historical and geographical aspects as the main pillars of the foreign policy.⁵ Davutoğlu alleges that Turkey has a unique position thanks to its location and being the heir to the Ottoman legacy.⁶ In the same vein, even though it was not officially declared or accepted, the rise of JDP also symbolized a noticeable increase in the intensity of *Ummah* bonds⁷, whereby Turkey was often called as the leader of the Islamic world and positioned itself as the heart of *Ummah*.⁸ Accordingly, *Ummah* bonds were

⁵ Davutoğlu Ahmet. *Stratejik Derinlik: Türkiye'nin Uluslararası Konumu*. Küre Yayınları, 2009.

⁶ Davutoğlu, Ahmet. "Turkey's Foreign Policy Vision: An Assessment of 2007." *Insight Turkey*, vol. 10, no. 1, 2008, pp. 77–96., <http://file.setav.org/Files/Pdf/ahmet-davutoglu-turkeys-foreign-policy-vision-an-assessment-of-2007.pdf>. p.78.

⁷ *Ummah* is an Arabic word commonly used to refer the Islamic community in the world.

⁸ Tabak, Hüsrev, et al., editors. *Domestic and Regional Uncertainties in the New Turkey: 1st Unabridged*. Cambridge Scholars Publishing, 2017. p. 89.

reinvented and Islamic discourse was widely utilized as a vital instrument to legalize JDP policies. To illustrate, the refugee inflow to Turkey due to the massive displacement in Syria was explained through a powerful Islamic tone and *Ansar-Muhajir*⁹ analogy from the initial periods of Islam was widely applied.¹⁰ Thus, Syrian refugees were ascribed the role of *Muhajir* while host Turkish community befits the *Ansar* concept by the government.¹¹

Third, Turkey as country of accession to the European Union (EU) has been in the process of accession negotiations since 2005. During the accession process Turkey has been adopting its domestic legislation with the EU *acquis communautaire* (EU *acquis*). The legal harmonization process also includes the harmonization of the migration and asylum legislation. As Turkey did not have a specific migration and international protection legislation prior to the EU accession process, the European Court of Human Rights (ECHR) was harshly criticizing Turkey. As a result, it was argued that refugees in Turkey were deprived of a holistic refugee legislation providing sufficient protection. Law on Foreigners and International Protection (LFIP), which can be evaluated as the corollary of Turkey's EU accession process, regulated the non-refoulement of refugees to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion.¹² Therefore, Turkey's open-

⁹ *Muhajeer* is an Arabic word corresponding to the initial Muslims forced to leave Mecca by unbelievers. They were welcomed by *Ansar* who are the Muslim residents of Medina city.

¹⁰ ““Onlar Ensar, Muhacir Ne Demek Bilmezler.” *TRT*, TRT Haber, 18 Feb. 2015, www.trthaber.com/haber/gundem/onlar-ensar-muhacir-ne-demek-bilmezler-168651.html.

¹¹ Devran, Yusuf, and Ömer Faruk Özcan. “Söylemlerin Dilinden Suriye Sorunu.” *Marmara Journal of Communication*, no. 25, 2016, pp. 35–52., <https://dergipark.org.tr/en/download/article-file/219489>.

¹² Law on Foreigners and International Protection No. 6458, 4th article.

door policy towards Syrian refugees was a requirement originating from its internal regulations in addition to the international law and agreements.

Fourth, there were humanitarian imperatives due to the cruel actions of Assad regime such as indiscriminate bombing, torture and inhumane treatment. This did not leave any other option apart from an open-door policy, which saved lives of numerous people. Subsequently, the radical terror groups such as Islamic State in Iraq and Syria (ISIS) precluded a strict border policy towards the refugees since there was a harsh humanitarian plight. Humanitarian motive remained in the forefront among the reasons behind the open-door policy. In this manner, President Recep Tayyip Erdoğan often emphasized on humanitarian priorities of Turkey in terms of refugee issue.¹³ Likewise, Ahmet Davutoğlu states that Turkish humanitarian understanding of diplomacy stem from Turkey's determination to evolve into an active actor in a period of rapid historical change.¹⁴ From this point of view humanitarianism can be seen as a practical tool in the hands of Turkish government in order to promote Turkey as a proactive actor. In this manner, Turkey established a governmental agency in the name of Office of Public Diplomacy, which is considered to create a platform for the implementation of soft power¹⁵ of Turkey.¹⁶ Doubtlessly, the relative growth in Turkish economy had an important role on the ascendancy of humanitarianism as key concept for

¹³ Poyraz, Fatih, et al. "Cumhurbaşkanı Erdoğan: Biz Suriye'de Petrolü Değil Sadece İnsanı Gördük - Politika." *Doğan Haber Ajansı*, dha.com.tr, 29 Oct. 2019, <https://www.dha.com.tr/politika/cumhurbaskani-erdogan-biz-suriyede-petrolu-degil-sadece-insani-gorduk/haber-1734461>.

¹⁴ Davutoğlu, Ahmet. "Turkey's Humanitarian Diplomacy: Objectives, Challenges and Prospects." *Nationalities Papers*, vol. 41, no. 6, 01 Nov. 2013, p. 865-870. EBSCOhost, doi:10.1080/00905992.2013.857299.

¹⁵ Soft power is the ability of changing attitudes of other states for the good of its own benefits through instruments apart from coercion.

¹⁶ Kalın, İbrahim. 'Soft Power and Public Diplomacy in Turkey', *Perceptions*, vol. 16, 2011. no. 3, p. 5-8.

Turkish foreign policy. Considering the devout bourgeoisie¹⁷ as the one of the pivotal underpinning factors that put JDP into power¹⁸, humanitarian aid whose moral grounds based in Islam is the byproduct of political party alleging itself to be fueled by Islamic tradition.

Last but not least, Turkey's plans regarding the Syria crisis was based on its temporariness. Therefore, symptoms of the crisis such as the mass displacement and refugee inflow were also considered as a transient phenomenon.

Even though Turkey initially followed an open-door policy, there were some limitations faced in the subsequent period. These limitations were largely associated with the compelling conditions of the subsequent period and Turkey gradually revised its open-door policy towards the newcomers. First, the security problems and growing safety concerns induced the turnabout of the open-door policy. Second, the domestic changes such as replacement of Ahmet Davutoğlu government in 2016 brought along some radical changes in Turkey's foreign policies. Third, demise of *Ansar* and *Muhajeer* analogy and backlash of the host community compelled the policy revision regarding the open-door approach. Fourth, pressure on Turkey's financial sources due to the growing numbers rendered the initial refugee policy unsustainable. Last but not least, Turkey's open-door policy was based on the temporariness expectancy of the crisis. In other words, Turkey built its policy on a rapid overturn of the Assad regime. Assad regime is expected to be overthrown by the opposition groups while this did not occur.

This thesis aims to study Turkey's refugee policies towards Syrian refugees in the period from 2011 to 2019. It argues that Turkey's initial open-door policy transformed to more security based approach. In this

¹⁷ Devout bourgeoisie is used to refer the devout capital owner Muslims of Turkey compromising with the principles of the free market economy.

¹⁸ ¹⁸ Gümüşçü, Şebnem, "Class, Status, and Party: The Changing Face of Political Islam in Turkey and Egypt" *Comparative Political Studies*; Vol 43/ No.835,(2010), p. 841-843.

manner, the newspapers, literature, web sites of the international organizations focusing on the crisis were utilized to prepare this study. This study has few limitations. First, it does not cover the whole transformation of Turkish refugee system due to the time period of the thesis. Second, it is avoided to reflect self-reported data in the research in order to abstain from any kind of prejudice even though it might make a valuable contribution to this study.

Turkey's refugee policy and Syrian refugees have been one of the commonly studied topics. Professor Murat Erdoğan conducted several empirical researches revealing the findings on the tendencies of host community and Syrian refugees.¹⁹ Likewise, Professor Ahmet İçduygu and Damla B. Aksel revealed Turkey's migration policies from a critical perspective whereby the remarkable milestones of last few decades were reflected.²⁰ In the same vein, Professor Başak Kale carried out a few studies focusing on the impact of Europeanization to Turkey's refugee policy.²¹ Last but not least, Professor Kemal Kirişçi disclosed the failure of the international refugee protection system in Syria crisis.²²

The second chapter titled Refugees and Asylum Seekers is dedicated to understand global tendencies and notions where the conceptual debates on refugees and asylum seekers are reflected. In this manner, conceptual debates are significant to understand refugee issue as a notion, general statistics and tendencies in the global level. Hence, the macro view will

¹⁹ Erdoğan M. Murat. *Suriyeliler Barometresi: Suriyelilerle Uyum içinde yaşamın çerçevesi: SB 2017*. Vol. 1, İstanbul Bilgi Üniversitesi Yayınları, 2018.

²⁰ İçduygu, Ahmet, and Damla B. Aksel. "Turkish Migration Policies: A Critical Historical Retrospective." *Perceptions*, XVIII, no. 3, 2013, pp. 167–190., <http://sam.gov.tr/wp-content/uploads/2014/02/Ahmet-Icduygu-and-Damla-B.-Aksel.pdf>.

²¹ Kale, Başak. "Asylum Policy and the Future of Turkey-EU Relations: Between Cooperation and Conflict." *Feuture*, vol. 18, Apr. 2018, https://www.feuture.uni-koeln.de/sites/feuture/pdf/FEUTURE_Online_Paper_No_18_final.pdf.

²² Ferris, Elizabeth G. and Kemal Kirisci. *The Consequences of Chaos: Syria's Humanitarian Crisis and the Failure to Protect*. Washington, D.C.: Brookings Institution Press, 2016. The Marshall papers.

provide a conceptual framework to grasp the current situation. Likewise, this chapter aims to reflect the historical flow of events that are crucial to have a crystal clear understanding on the current status of Syrian refugees and acquire adequate information regarding the regulations on refugee protection regime. This chapter also includes the current discussions on refugee and asylum seeker concepts, which will allow us to understand the context in which the Syrian refugees are exposed.

Third chapter titled Turkey's Legislative Regulations for Refugees will depict the characteristics of Turkey's experience from a historical and legislative perspective. Legislative regulations are the most distinct items whereby the tendencies can be comprehended. Therefore, this chapter aims to reflect the historical evolution of legislative issues in Turkey.

The Fourth chapter titled the Turkey's Migration Policies in the Syrian Crisis is dedicated to understand the Syrian crisis in a comprehensive manner. Therefore, the roots of the crisis as well as the displacement will be revealed. Turkey's response to the crisis and its policy tools such as open-door policy and temporary protection regulation are included in this chapter. Turkey's policies are categorized under the section titled Evolution of Turkish Migration Policies in order to facilitate understanding of the mentioned periods.

CHAPTER 2

REFUGEES AND ASYLUM SEEKERS

The Second World War had been a milestone, as since then a new international order was shaped in order not to experience same cruelty and pains again. One of the cruelest tragedies of the Second World War was the huge number of civilian casualties. 66 per cent of the casualties of the Second World War were civilians while civilian loss was only 5 per cent in the First World War.²³ Post WWII status quo was built on the adverse experience of the former League of Nations practice. Inefficiency of the League of Nations on preventing Second World War engendered the need of establishing a relatively efficient global organization that is considered as a tool to protect the universal peace. In other words, United Nations was mainly based on the derived lessons of the previous experiments of the mankind.²⁴ Therefore, the new organization was designed to hold a Security Council, which is directly responsible for world's peace and security.²⁵ As clearly stated above, the civilian casualties stemming from the state persecution were one of the most distinct peculiarities of the Second World War. 6 million Jews along with the 14-16 million non-Jews were brutally executed by the Nazi regime.²⁶ The unmerciful consequences of the Second World War revealed the need for protection measures to be applied for the individuals or groups fleeing from state persecution. Beyond any doubt, the upheaval of the Second World War was concluded with a high number of displaced people in addition to its terrifying number of casualties. Necessity of an organization focusing on the massive displacement of people revealed

²³ Bourke, Joanna. *The Second World War a People's History*. Oxford University Press, 2001. p.2.

²⁴ Hasgüler, Mehmet, and Mehmet B. Uludağ. *Uluslararası Örgütler*. 4th ed., Alfa Yayınları, 2010. P.90.

²⁵ Hasgüler, Mehmet, and Mehmet B. Uludağ. op.cit. p.113.

²⁶ Bourke, Joanna. op.cit. p.4.

in the period as the war was continuing. The United Nations Relief and Rehabilitation Administration (UNRRA) was founded in 1943 and was later replaced by International Refugee Organization in 1947. These organizations were the direct predecessors of the incumbent organization of the United Nations on refugees, namely the office of the United Nations High Commissioner for Refugees (UNHCR).²⁷ UNHCR was founded in 1950 in order to deal with the problems of displaced people of Europe due to the WWII²⁸ whose population was equivalent to around 40 million.²⁹ The most dominant document relating to the status of refugees came a year after the foundation of the UNHCR. Geneva Convention relating the Status of Refugees was signed in 1951 by nineteen signatories, delegates and several members of the international community such as Non-Governmental Organizations and from twenty-six different countries. This document is considered as the *Magna Carta* document regulating the status of refugees. Since the convention was endorsed following the brutal crimes committed mainly by the Nazi regime in Europe, the protective measures of the convention was limited within Europe and state persecution was one of the main emphasis of the convention.³⁰ From this point of view, the term of Refugee in its modern form was embodied under the considerable impact of the post Second World War mindset.

In addition to geographical limits, Geneva Convention was designed to provide protection for the victims of events occurred before 1951. Therefore, upon the resettlement of refugees of the Second World War, the

²⁷ Floroiu, Mihai. "Evolution of the Refugee Concept." *Administration and Regional Studies*, vol. 16, no. 2, 2015, pp. 4–12., p.2. [http://www.pars.fsjsp.ugal.ro/pdf/2-2015/2\(16\)2015-8.pdf](http://www.pars.fsjsp.ugal.ro/pdf/2-2015/2(16)2015-8.pdf).

²⁸ "History of UNHCR." *UNHCR*, unhcr.org, www.unhcr.org/history-of-unhcr.html.

²⁹ DePillis, Lydia, et al. "75 years of major refugee crises around the world." *The Washington Post*, WP Company, 21 Dec. 2015, www.washingtonpost.com/graphics/world/historical-migrant-crisis/.

³⁰ Koser, Khalid. op.cit. p.71.

convention was going to be abolished.³¹ On the contrary of its initial purpose, the Geneva Convention achieved to be a universal tool of protection of refugees despite its primarily ad hoc nature with geographical and time related limits. Limitations regarding the time and geography of the Geneva Convention was excluded by an additional protocol that was signed in 1967.³² This protocol was an indicator of the universal characteristic of the Geneva Convention whose scope was extended. 1951 Geneva Convention is mainly built on the ethical and moral values identified by the Universal Declaration of Human Rights acknowledging that every human being entitled to basic rights disregarding any discrimination.³³ Basically, Geneva Convention describes refugee as follows:

“As a result of events occurring before 1 January 1951 and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”³⁴

Geneva Convention makes considerable restriction on states' border policies by prohibiting the repatriation of refugees in Article 33 by the principle of non-refoulment.³⁵ This principle vitally contributed to the imperative, protection of refugees, by eliminating the state's initiative on admission of foreigners into the country. In addition, Geneva Convention

³¹ Sharma, Bonita B. "Revisiting the United Nations' 1951 Convention Relating to the Status of Refugees: A Critical Analysis of the International Refugee Law." *Social Development Issues* 37, no. 2 (May 2015): 80-94. *Sociology Source Ultimate*, EBSCOhost (accessed March 1, 2018). P.80.

³² Floroiu, Mihai. op.cit. p.10.

³³ Sharma, Bonita B. op.cit. p.82.

³⁴ "Convention relating to the Status of Refugees." *UNHCR*, Unhcr.org, www.unhcr.org/3b66c2aa10.pdf.

³⁵ Ibid.

does not necessarily postulate explicit state persecution for being identified as Refugee, rather real threat or fear is recognized as sufficient criteria.³⁶ Since its enactment, 1951 Geneva Convention has assisted the resettlement of more than 50 million refugees. Accordingly, the Convention has an undeniable role on the mitigation of several displacements throughout its history. What is more, UNHCR has promoted international endeavors in alleviation of refugee crisis.³⁷ Despite the incontrovertible functions of the Convention and the UNHCR, it is widely criticized, as it is not addressing the current needs. According to the figures of 2016, the number of forcibly displaced people is over 60 million whose more than 20 million befits to the description of refugee.³⁸ The Convention's limitation on the definition of refugee takes a lot of stick since it restricts refugee as someone out of the borders of his homeland. In other words, a person should pass the borders of the state in order to be considered a refugee. Current findings of the humanitarian sector reveals that internally displaced people (IDP) are often exposed to more risks and human rights violations because they are unable to benefit from any other state's protection.³⁹ Geneva Convention does not have any regulations regarding the internal displacement, which is a frequent and notorious issue in the conflicts. Most of the victims of the Srebrenica genocide was internally displaced population of Bosnia who moved to the town designated as safe haven, hence people moved there in the expectation that the United Nations forces may protect them from the Serbian aggression.⁴⁰ In addition, beyond any doubt, Geneva Convention was prepared in a period when the economies of the European countries

³⁶ Floroiu, Mihai. op.cit. Loc. 77.

³⁷ Sharma, Bonita B. op.cit. p.82.

³⁸ "UN refugee agency: Record 65.6 million people displaced worldwide." *BBC News*, BBC, 19 June 2017, www.bbc.com/news/world-40321287.

³⁹ Koser, Khalid. op.cit. p. 72

⁴⁰ Kyle, Rapp. "Protection from Tragedy: Developing Effective and Legitimate Safe Zones after the Tragedy of Srebrenica." *International Social Science Review*, vol. 91, no. 2, Apr. 2016.

were booming whereupon resettlement was perceived as a tool to support the lacking labor force of the industrialized West. As the refugee crisis maintained and even escalated in the next decades, an apparent and substantial fatigue in the absorption capacity transpired.⁴¹ Correspondingly, the number of resettled refugees is only 189.300 out of 22 million, equaled to less than 1 per cent of the total refugee population in 2016.⁴² Besides, even though the Geneva Convention prohibits the repatriation of a person having specified risks, involuntary and premature repatriation have never been an exceptional issue in the conflicts. The convention gives permission to states on making a decision about the situation and stability of the origin country of refugee.⁴³ In other words, states can take a resolution declaring the homeland of refugee as a safe zone where the displaced people can be repatriated. Beyond any dispute, the freedom of states on making these decisions precipitates a defenseless situation for refugees and increase vulnerabilities. With the present arrangements, the convention overlooks the liberty of *individuals* and sacrifices it for the sake of sovereign rights of states.⁴⁴ In addition, notwithstanding its efforts to provide a universal definition for refugee term, the Convention has the apparent characteristics of the Cold War era, during that time the refugees are expected to mostly arrive from the eastern bloc countries. Some researchers claim that this was one of the principal rationale behind the geographical limitation whereby it is aimed to give signatory states the option to accept individuals fleeing from the communist regimes.⁴⁵

⁴¹ Sharma, Bonita B. op.cit. p.84.

⁴² United Nations High Commissioner for Refugees. "Figures at a Glance." *UNHCR*, www.unhcr.org/figures-at-a-glance.html.

⁴³ Sharma, Bonita B. op.cit. p.85.

⁴⁴ Ibid.

⁴⁵ Kale, Başak. "The Limits of an International Burden-Sharing Approach: The Syrian Refugee Protection Crisis and Its Consequences on Turkey's Refugee Policy." *Perceptions*, XXII, no. 4, Sept. 2017, pp. 55–84., sam.gov.tr/wp-content/uploads/2018/06/55-84.pdf.

Last but not least, another important critics to the current refugee system is intended to its Eurocentric nature. As it was mentioned above, the Geneva Convention was basically based on European war experience and was devised according to the refugee crisis faced after the Second World War.⁴⁶ Considering more than 70 years passed since the refugee crisis of the Second World War, the Convention now remains the same regulation intended to find solution for the problems of Europe dating back to more than half century. According to 2016 statistics, countries ranked among the wealthiest states of the World such as: the United States of America (USA), United Kingdom, Japan, Germany and France host only 9 per cent of the refugees whereas poorer countries shoulder most of the burden. In other words, countries having limited or no role on preparation of the Convention is now undertaking a great stress causing difficulties that are way beyond of absorption capacity of poorer countries.⁴⁷ In plain English, the poorer societies are the greatest donors on granting safe havens for the displaced people of the world.⁴⁸ According to the 2017 figures of the UNHCR, Turkey, Pakistan, Lebanon, Iran, Uganda and Ethiopia are respectively the top refugee hosting countries. Besides, almost 55 per cent of the world refugees come from three countries namely; Syria, Afghanistan and South Sudan.⁴⁹ These figures clearly indicate that the refugee problem is highly affiliated with the non G-8 countries. Even though Geneva Convention achieved its goals on resettling refugees of the Second World War, it is obvious that it is not able to correspond to the needs of current upheaval.

⁴⁶ Ibid.

⁴⁷ Lyons, Kate. "Six wealthiest countries host less than 9% of world's refugees." *The Guardian*, Guardian News and Media, 17 July 2016, www.theguardian.com/world/2016/jul/18/refugees-us-china-japan-germany-france-uk-host-9-per-cent.

⁴⁸ Poorer countries host most of the forcibly displaced, report shows." *UNHCR*, Unhcr.org, 27 Feb. 2017, www.unhcr.org/news/latest/2017/2/58b001ab4/poorer-countries-host-forcibly-displaced-report-shows.html.

⁴⁹ United Nations High Commissioner for Refugees. "Figures at a Glance." *UNHCR*, 19 June 2017, www.unhcr.org/figures-at-a-glance.html.

Currently, there are 65.6 million forcibly displaced people worldwide out of which 22.5 million is considered as refugees. All of those population is not considered as refugee since there are growing number of asylum seekers, which can be defined as migrants who are intending to be migrant but their case has to be strictly reviewed in order to clarify if they meet the criteria and the refugee definition made by the Geneva Convention.⁵⁰ Within this scope, states are having substantial difficulties on differentiating genuine refugees from fraudulent applications in the migration-asylum nexus.⁵¹ There are saliently increasing trend in protracted refugees situations causing migrants deprived of basic social, political and economic needs⁵². Refugee status of Palestinians still remains the same following the 70 years of the Arab-Israel conflict. In regard to the magnitude of the Palestinian refugee problem, an ad-hoc organization apart from UNHCR was established by the United Nations, namely; Relief and Works Agency for Palestine Refugees (UNRWA). According to the UNRWA figures, there are more than 5 million people who were the inhabitants of Palestine during the period from 1 June 1946 to 15 May 1948.⁵³ As Syria crisis enters its 7th year, there are 5,598,685 Syrian refugees who are total of concern according to the March 2018 data gathered by the UNHCR.⁵⁴ As it stands, Syrian refugee crisis is a candidate to become a protracted refugee situation. States prefer temporary protection methods rather than granting refugee status, which is considered as derogation of the Geneva Convention.⁵⁵

⁵⁰ Whittaker, David J. *Asylum Seekers and Refugees in the Contemporary World*. Taylor and Francis, 2006, Kindle Edition, Loc. 170.

⁵¹ Koser, Khalid. op.cit. p. 86-87.

⁵² Koser, Khalid. op.cit. p. 79.

⁵³ "Who We Are ." UNRWA, www.unrwa.org/who-we-are.

⁵⁴ Syria Regional Refugee Response Inter-Agency Information Sharing Portal." UNHCR Syria Regional Refugee Response, UNHCR, 1 Mar. 2018, data.unhcr.org/syrianrefugees/regional.php.

⁵⁵ Edwards, Alice. "Temporary Protection, Derogation and the 1951 Refugee Convention." *Melbourne Journal of International Law*, vol. 13, no. 2, pp. 595–635.

Ultimately, the presence of refugees and migrants have widely been instrumentalized as a pretext for the racist groups around the world⁵⁶, which can be mentioned as the struggle of nation states with the migration.



⁵⁶ Awford , Jenny. "Race-Hate stickers appear on lamp posts and bus stops in coastal town saying 'Rapefugees not welcome'." *Daily Mail Online*, Associated Newspapers, 21 Sept. 2016, www.dailymail.co.uk/news/article-3800478/Race-hate-stickers-saying-Rapefugees-not-welcome-appear-South-Shields.html.

CHAPTER 3

TURKEY'S LEGISLATIVE REGULATIONS FOR REFUGEES

Legislative regulations are the one of the most essential indicators revealing the official approach of the state to an issue. Considering the rules and regulations are the reflections of a nation, legislative covenants are the outputs of unique historical experiences and universal inclinations. Therefore, footprints of experiences can easily be traced through a well-rounded examination of legal regulations. As it was mentioned in detail in the previous chapter, mindset behind the Turkish law differs to a large extent in terms of its identification of migrants. Abrogated law of settlement bearing the number of 2510 and dated 1934 was one of the initial attempts defining the migrants and migration along with the settlement of new comers. Individuals who are identified as migrant in broad terms are recognized as foreigners in Turkish law, which is an intersection with civil law rather than Anglo-Saxon law adopting migrant term instead of foreigner. From this point of view, Turkish law qualifies migrants as individuals coming from Turkish descent and loyal to Turkish culture moved to Turkey for settlement.⁵⁷ Justification behind the Turkish legislative regulation regarding the migration lies behind the aforementioned dusty pages of history. During the dissolution period of the Ottoman Empire, a remarkable number of people from Turkish descent or bounded with Turkish culture became an outnumbered group under the newly founded nation states in the former territories of the Empire. The initial form of settlement law aimed to regulate the repatriation of these Ottoman descendants and make an internal legal arrangement for the obligatory settlement in the country. Settlement law dated 1934 is perceived as a fundamental document outlining the essential pillars of the Turkish

⁵⁷ Ibid.

nation building process.⁵⁸ The initial form of the settlement law bearing the number of 2510 exposed to multiple changes over time and finally was abrogated by a new settlement law endorsed in 2006.⁵⁹ To illustrate, the provisions intended to forcefully settle people from certain ethnic backgrounds were abandoned in 1947. Nevertheless, some core regulations of the law regarding the description of migrants were majorly preserved. Therefore, the 4th article of the current settlement law bearing the number of 5543 states that foreigners who do not depend on Turkish culture and have Turkish lineage cannot be admitted to the country as migrants. Obviously, the mindset of the early 20th century was maintained in the 21st century by preserving the regulations impeding the non-Turks to be considered as migrants through the continuation of linkage pertaining to lineage is preserved.⁶⁰ Law on Settlement was considered as a tool to facilitate the immigration of Turks at abroad potently, decorated with a motivation of achieving a homogeneous state. Hence, it can be propounded that the settlement law was one of the strongest and the most apparent instruments of nation building process whereby attraction of Turks outside the border of Turkey is targeted.⁶¹ In the same vein, the legislative policies purposed to induce a rapid increase in the population of Turkey to support the economic recovery in the stagnation period of 1930's.⁶²

Ratification of the 1951 Geneva Convention was one of the initial steps for the Turkish legislative implementation in terms of its integration with the global migration regime.⁶³ Despite the ratification, Turkey made an annotation declaring that a geographical limitation will be applied as an

⁵⁸ İçduygu, Ahmet and Damla B. Aksel. op.cit. p.171.

⁵⁹ Law on Settlement bearing the number of 5543 and dated 19 September 2006, <https://www.resmigazete.gov.tr/eskiler/2006/09/20060926-1.htm>

⁶⁰ İçduygu, Ahmet and Damla B. Aksel. op.cit. p.172.

⁶¹ Çiçekli, Bülent. *Yabancılar Hukuku*. 2nd ed., Seçkin Kitapevi, 2009, p.209.

⁶² İçduygu, Ahmet and Damla B. Aksel. op.cit. p.172

⁶³ İçduygu, Ahmet and Damla B. Aksel. op.cit. p.172-173.

eligibility criterion in order to be admitted as a refugee. In addition to this limitation, Turkey declared that none of the provision of this agreement can be interpreted as it provides more rights to refugees than Turkish nationals. As it has been indicated in the previous section, a substantial increase in the number of refugees triggered a new regulation on refugees; namely the 1967 Protocol relating to the Status of Refugees. Although Turkey also ratified the 1967 Protocol, she maintained its determination on geographical limitation availing from the 7th article of the protocol on reservations and declarations.⁶⁴ Currently, there are only four countries, which are Congo, Madagascar, Monaco and Turkey that are implementing the geographical limitation. According to the mentioned limitation; Turkey only admits refugee as someone seeking asylum and coming from European countries. Turkey justifies its limitation on geography on the basis of its position functioning as a bridge between continents and accordingly serving as transit connection overpass. In the same manner, providing security of the land borders has always been a troublesome issue, which is esteemed as a cardinal reason behind the geographical limitation. Besides, terrorism and security concerns in eastern Turkey have been among the pivotal reasons behind the limitation policy. In addition, Turkey often uttered about its concerns on international burden sharing and problems regarding the absence of readmission agreements between Turkey and the Middle Eastern states.⁶⁵

Turkey's law cannot be comprehended without a comprehensive understanding of the enlightenment and of nationalism theories of the 20th century. Founding ideology of Turkey was under the strong influence of nation building process, which was a critical component of political history in the 20th century. Nationalism was considered as the only model to function in the post-atmosphere subsequent to the demise of multi ethnical

⁶⁴ Çiçekli, Bülent. op.cit. p.218-219.

⁶⁵ Ekşi, Nuray. *Yabancılar ve Uluslararası Koruma Hukuku*. 4th ed., Beta Basım, 2016. p. 9.

Ottoman Empire. Therefore, Turkey designed its legislation upon the only remaining alternative, namely; nationalism. Thus, in addition to international agreements such as population exchange, legislative regulations were also coded in line with this purpose. Nevertheless, the exclusion of admission of some specific groups is not peculiar to the Turkish law. The 1924 Immigration Act of the United States of America also limited the number and the admission criteria for migration. Thus, immigration of specific groups were restricted with the aim of preserving the homogeneity of the country.⁶⁶ Nevertheless, it is obvious that the deep rooted nation state mentality culminated with notable dilemmas for Turkey. To illustrate, Turkey gave the Turks forced to leave Bulgaria migrant status in accordance with the 1934 Settlement Law and this facilitated the obtainment of Turkish citizenship for them.⁶⁷ On the contrary, displaced Kurds in 1991 were not granted the same status and the country was even reluctant to open its borders to Kurds in 1991.⁶⁸ Based on the secessionist Kurdish movement and Turkey's ongoing struggle with terror, its security perception was the significant factor in terms of shaping its policy towards Kurds.

In 1994, Turkey embarked to make a new regulation, which is officially named as the Regulation on the Procedures and the Principles Related to Population Movements and Aliens Arriving in Turkey Either As Individuals or in Groups Wishing to Seek Asylum Either From Turkey or Requesting Residence Permission in Order to Seek Asylum From Another Country due to the changing context of migration towards Turkey in the 90's and the following years. As it was mentioned above, developments in the post 80's period had appended a new term for Turkey's migration

⁶⁶ Mass, Warren. "Our Fascinating: Immigration Experience." *New American* (08856540), vol. 30, no. 1, 06 Jan. 2014, p. 37. EBSCOhost.

⁶⁷ Ekşi, Nuray. op.cit. p.2.

⁶⁸ Haberman, Clyde. "After the war; Turkey is keeping frontiers closed." *The New York Times*, The New York Times, 5 Apr. 1991, www.nytimes.com/1991/04/05/world/after-the-war-turkey-is-keeping-frontiers-closed.html.

experience namely; transit country. Due to the geographical limitation principle an apparent terminology problem emerged with regard to the naming of non-refugees. Therefore, the 1994 regulation purposed to solve this problem through the introduction of new concepts to Turkish law such as asylum seeker. Through this regulation; the definition of asylum seeker was made in order to correspond to the status of foreigners that are coming from the non-European countries.⁶⁹ 1994 regulation was indicator of Turkey's efforts to securitize its refugee policies as consequence of the refugee inflow from Iraq.⁷⁰ Hence, the 1994 Regulation aimed to prevent the asylum-seekers to pass the Turkish border. 8th article of the abrogated regulation ordained the halting of asylum seekers before they reach to Turkey's border as a principle unless a counter political decision is taken.⁷¹

Geographical limitation, which became one of the essential principles of Turkish asylum politics has drawn criticism from Western governments along with the international human rights organizations and European Court of Human Rights.⁷² Along with the prevention of asylum-seeker admission policy geographical limitation started to become a challenging issue upon Turkey's desire to become EU member. Turkey became a candidate state for membership to the European Union in 1999 and started the accession process on 3 October 2005. Therefore, legislative incompetency of Turkish migration policy became an apparent issue within this period because the accession process requires the adaption of multiple

⁶⁹ Çiçekli, Bülent . op.cit. p.216.

⁷⁰ Sarı, Elif, and Cemile Gizem Dinçer. "Toward a New Asylum Regime in Turkey?" *Movements - Journal for Critical Migration and Border Regime Studies*, vol. 3, no. 2, Feb. 2017, <https://movements-journal.org/issues/05.turkey/05.sari,dincer--new-asylum-regime-turkey.pdf>.

⁷¹ 8th article of Regulation on the Procedures and the Principles Related to Population Movements and Aliens Arriving in Turkey Either As Individuals or in Groups Wishing to Seek Asylum Either From Turkey or Requesting Residence Permission in Order to Seek Asylum From Another Country. <http://www.multeci.org.tr/wp-content/uploads/2016/12/1994-Yonetmeligi.pdf>

⁷² Çarkoğlu Ali, and Barry M. Rubin. *Turkey and the European Union: Domestic Politics, Economic Integration, and International Dynamics*. Frank Cass, 2005. p.83.

reforms in the Turkish law. Within this direction, Turkey adopted a National Program which led way to the Action Plan for Asylum and Migration (2005) covering the tasks and timetables for harmonization of the national law in consideration of European standards. Lifting the geographical limitation had also been one of the crucial components of this plan.⁷³ However, the uncertain future regarding Turkey's accession process for the European Union demotivated the political will and retarded the reform process to a large extent. Based on the new patterns in the post 1980 period, which transformed Turkey to a transit and target country to some extent, there is a substantial anxiety propounding that Turkey may become a buffer zone or dumping ground for the irregular refugees and the EU's rejected asylum seekers.⁷⁴ Likewise, Turkey was harshly criticized by Human Rights Watch Organization due to its maltreatment and hardship faced by the asylum seekers with regards to their prolonged and compelling process in the achievement of refugee status.⁷⁵ Accordingly, Migration and Asylum Bureau under the Ministry of Interior was established in order to determine the deficiencies of the current legislative regulations and recode the anachronistic provisions. Since Turkey was deprived of a holistic migration law, regulations regarding the status of foreigners had been under multiple laws. In this context, a draft text aiming to combine all considerations under Law on Foreigners and International Protection (LIFP) was prepared by the Migration and Asylum Bureau in 2008.⁷⁶ The 6458 Law on Foreigners and International Protection, was a milestone for Turkish legislation because it was the first domestic law on asylum legislation, endorsed by the Grand National Assembly of Turkey on April

⁷³ Abdulal, Abduljabbar. "Turkish Immigration Policies: Challenges End Responses." *Suleyman Demirel University Journal of Faculty Of Economics and Administrative Sciences*, vol. 21, no. 4, 2016, pp. 1465–1485. p. 1475.

⁷⁴ İçduygu, Ahmet and Damla B. Aksel. op.cit. p.180.

⁷⁵ Ibid.

⁷⁶ Ekşi, Nuray. op.cit. p. 3-7.

2013.⁷⁷ Beyond any doubt, the requirements originating from Turkey's will to harmonize its legislation in line with EU acquis and pressure of European Court of Human Rights decisions were crucial ignitors for LFIP.⁷⁸

Despite the fact that the widely criticized geographical limitation principle was preserved, the new law heralded several innovations in the field of migration in Turkey.⁷⁹ Above all, it led to the establishment of a central governmental authority only focusing on the migration issue and accordingly the Directorate General of Migration Management (DGMM) was founded. This was a disengagement point for the republic of Turkey due to the requirements of EU acquisition process. Before the DGMM, Directorate General of Security Management (DGSM) was responsible to get the applications of foreigners both on residence permit and international protection such as asylum seeking.⁸⁰ This reveals Turkey's security oriented mindset on migration, which was exposed to a key change through the establishment of the new civil authority. Therefore, the new law has widely been perceived as an effort to move towards a new policy, which is based mitigation of security politics.⁸¹ In other words, the LFIP was the product of the de-securitization process of the refugee issue. Accordingly, the handover from the DGSM to the DGMM is the corollary of this transformation. The Preamble for the Law on Foreigners and International Protection made an intense emphasis on the statistics foreshadowing the change in the migration patterns of Turkey. Therefore, it was stated that the number of foreigners coming to Turkey was 6.762.956 in 1995 whereas this number jumped to 27.024.609 in 2010. In the same vein, it was underscored

⁷⁷ Ibid.

⁷⁸ Ekşi, Nuray. op.cit. p. 3.

⁷⁹ Burch, Jonathon. "Turkey Has New Law on Asylum, but Sets Limits for Non-Europeans." *Reuters*, Thomson Reuters, 12 Apr. 2013, www.reuters.com/article/us-turkey-refugees/turkey-has-new-law-on-asylum-but-sets-limits-for-non-europeans-idUSBRE93B0XO20130412.

⁸⁰ Abdulal, Abduljabbar I. op.cit. p. 1477.

⁸¹ Ibid.

that Turkey's position as a transit country for migration exposed to a transformation whereby it became a target country for migrants due to its ascending economic power and stability. Besides, it was underlined that the dispersed laws that was coded in the 1950's such as the Passport Law⁸² and the Law on the Travel and Residence of Foreigners⁸³ do not correspond to the current problems and there is no regulation for international protection provided in the framework of a law. What is more, Turkey's accession process to European Union and its legislative requirements concerning the recodification of law in line with the European standards are intended to be made within the new law.⁸⁴ Incidentally, the forced migration of Syrians, which is considered as the biggest refugee crisis of our time,⁸⁵ coincided with the establishment of the DGMM as the sole authority on migration.⁸⁶

One of the most avant-garde issues of Foreigners and International Protection Law (LIFP) is the concept of harmonization that has been stated in the Turkish law for the first time. The preamble declares that the harmonization concept is not handled as an instrument to restrict the immigration as if in some countries, conversely it is leading the way for the efforts on co-harmonization of the foreigners and protection applicants with the host community.⁸⁷ Atilla Toros, the first Director General of DGMM, highlighted that Turkey will never adopt a migrant policy akin to the migration policies of Germany and Austria; contrarily Turkey is endorsing

⁸² Law on Passport bearing the number of 5682 and dated 15 July 1950, <https://www.mevzuat.gov.tr/MevzuatMetin/1.3.5682.pdf>

⁸³ Law on Travel and Residence of Foreigners bearing the number of 5683 and dated 15 July 1950, <https://www.mevzuat.gov.tr/MevzuatMetin/1.3.5683.pdf>

⁸⁴ Ekşi, Nuray. op.cit. p. 12-13.

⁸⁵ "Syria Conflict at 5 Years: the Biggest Refugee and Displacement Crisis of Our Time Demands a Huge Surge in Solidarity." *UNHCR*, www.unhcr.org/afr/news/press/2016/3/56e6e3249/syria-conflict-5-years-biggest-refugee-displacement-crisis-time-demands.html.

⁸⁶ Abdulal, Abduljabbar I. op.cit. p. 1477.

⁸⁷ Ekşi, Nuray. op.cit. p. 15.

a model which can be translated into English as “harmonization”.⁸⁸ In the same manner the 96th article of the LIFP deliberately uses the term “harmonization” in line with the official discourse rather than “integration” evoking European practices.⁸⁹ One of the most tangible products of the harmonization ordained by the law has been the establishment of 157 Foreigners Communication Center, which is a 7/24 operating call center aiming to serve as a legislative consulting tool for foreigners. Thus, it facilitated information access on legislation for foreigners. In the same vein, Turkish language courses are given in 81 provinces of Turkey in order to promote the harmonization of foreigners in the country.⁹⁰ In addition to the harmonization, LIFP also introduced new protection statuses granted to asylum seekers namely; Refugee, Conditional Refugee, Secondary Protection and Temporary Protection. Refugee term has been used in line with the 1951 Geneva Convention. The status of asylum seekers who stuck to the geographical limitation barrier is ordained through the 62nd article of LIFP, which is about Conditional Refugees. Thus, the term of conditional refugee subrogated the asylum seeker in the new law without any alteration in its nature. Thus, the term of asylum seeker that was ordained in 1994 regulation was omitted in the new regulation. Secondary Protection is also one of the statuses that is granted by the LIFP for the first time. This status provides protection for individuals who do not correspond the criteria of refugee or conditional refugee, but in need of protection of destination

⁸⁸ “13.01.2016 Tarihli Alt Komisyon Toplantı Tutanağı ”*Türkiye Büyük Millet Meclisi İnsan Haklarını İnceleme Komisyonu Mülteci Hakları Alt Komisyonu*, Alt Komisyon Tutanakları, https://www.tbmm.gov.tr/develop/owa/komisyon_tutanaklari.goruntule?pTutanakId=1550.

⁸⁹ İçduygu, Ahmet, and Doğu Şimşek. “Syrian Refugees in Turkey: Towards Integration Policies.” *Turkish Policy Quarterly*, 2016, http://turkishpolicy.com/files/articlepdf/syrian-refugees-in-turkey-towards-integration-policies_en_2781.pdf.

⁹⁰ “Göç ve Uyum Raporu.” *Türkiye Büyük Millet Meclisi İnsan Haklarını İnceleme Komisyonu Mülteci Hakları Alt Komisyonu*, 26. Dönem, 3. Yasama Yılı, Mar. 2018, www.tbmm.gov.tr/komisyon/insanhaklari/docs/2018/goc_ve_uyum_raporu.pdf. p.73.

country due to exposure to death penalty, torture, humiliation and derogatory treatment or face serious threat to himself or herself by reason of indiscriminate violence in situations of international or nationwide armed conflict.⁹¹ All of these categories are based on individual basis and that is to say, they do not create any solution to massive movements.⁹² In other words, massive refugee movements such as Syrian immigration is out of the scope of refugee, conditional refugee or secondary protection.

Turkish law ordained the status of massive refugee inflows in the 91st article of the LIFP under the name of temporary protection. Even though temporary protection enacted for the first time through the new law, there were some provisions in the 1994 Regulation referring principles to be enforcements in case of massive movements. Procedure and principles in the event of massive influxes towards Turkey have been ordained by the Temporary protection regulation dated 2014 prepared on the basis of the 91st article of the LIFP. Hereunder, it is stated that foreigners who are (1) massively forced to leave their country, (2) not able to return to the country they left, (3) in need of urgent and temporary protection subject to the provisions of temporary protection regulation.⁹³ Massive influx does not pertain to the numbers, instead, a movement that is over the absorption capacity of the country can be identified as an influx. In this manner, temporary protection not only involves the en masse arrivals but also it covers individual refugees came to Turkey in consequence of the incidents causing massive migration. Likewise, the massive migration case deactivates the geographical limitation principle as well. In other words, massive migration inflows automatically subject to temporarily protection regime regardless of the source country. Hence, an immigrant arrived to Turkey within massive inflow cannot be subjugated under refugee or

⁹¹ Ekşi, Nuray. op.cit. p. 50-55.

⁹² Ekşi, Nuray. op.cit. p. 158-161.

⁹³ Law on Foreigners and International Protection, available at http://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf.

conditional refugee. Therefore, massiveness not only renders geographical limitation invalid but also it has a critical impact on the legal status of the individual to be granted. During the activeness period of temporary protection, temporary protected individuals cannot make application for individual based protection types.⁹⁴ Temporary protection is widely associated with Syrian refugees who moved to Turkey due to the ongoing civil war in Syria. Outcomes and impacts of temporary protection regime will be more elaborately reflected in the 4th Chapter.

Despite some criticisms on maintaining the geographical limitation and legislative alignment with the international and the EU law, Turkey's efforts on the new law were largely praised by the international community. António Guterres, the UN High Commissioner for Refugees, stated that the new regulations are the reflection of Turkey's powerful commitment on humanitarian values and principles.⁹⁵ In the same manner, the EU enlargement report articulated that the new law is an indicator of achieving a significant framework on refugees and asylum seekers in terms of implementation of legislation. Likewise, European Commissioner for Home Affairs Cecilia Malström and Commissioner for Enlargement and Neighborhood Policy Štefan Füle declared the new law as a clear evidence of Turkey's exertion to set up a legal and institutional framework for refugees and asylum seekers.⁹⁶ Yet, it is obvious that Turkish legislation still harbors several dilemmas, which can be considered in uncompromising composition with Turkey's ultimate goal; the EU legislation. This dichotomy does not only stem from the geographical limitation, but it also derives from Turkey's visa policies and border management issues. Currently, Turkey is applying visa exemption for lots of non-EU countries that is a great contradiction for the EU implementation called as common

⁹⁴ Ekşi, Nuray. op.cit. p. 165-168.

⁹⁵ Abdulal, Abduljabbar I. op.cit. p. 1480.

⁹⁶ Ibid.

visa policy.⁹⁷ In the same vein, Turkey is criticized for its weak border management system allowing migrants to easily utilize Turkish land as a bridge to connect them to the European continent. Complexity rooting from the variety of responsible bodies such as the Gendarmerie, Turkish Land Forces and Police in managing the irregular migration has come under fire in the assessments of the international bodies.⁹⁸ Beyond any doubt, loose visa policy also contribute to the situation whereby intenders to immigrate Europe easily find access to their spring board. Predicating on the initial 1934 settlement law, 2013 Law on Foreigners and International Protection (LIFP) can easily be considered as a forward step in the field of refugee protection with its convergence to the universal law. From this aspect, the LIFP can be perceived as a product of transformation of Turkey's security based system to a new paradigm based on its EU acquisition process.⁹⁹ Next chapter aims to study Turkey's migration policies in Syrian crisis in line with the mentioned legislative developments.

⁹⁷ İçduygu, Ahmet and Damla B. Aksel. op.cit. p.183.

⁹⁸ Abdulal, Abduljabbar I. op.cit. p. 1480.

⁹⁹ Abdulal, Abduljabbar I. op.cit. p. 1481.

CHAPTER 4

TURKEY'S MIGRATION POLICIES IN THE SYRIAN CRISIS

Last days of 2010 witnessed the ignition of the most widespread protests of the 21st century. Very early days of 2011 were witnessing averagely 30 years old prevalence of authoritarian Arab dictators namely; Zine El Abidine Ben Ali, Hosni Mobarak and Muammer Gaddafi. However, only a few months after the rise of the first spark in Tunisia on December 2010, none of these figures were ruling powers anymore. The common underlying reasons for the protests, some of which turned into violent conflicts, were unemployment, corruption and tyrannizer authoritarian regimes.¹⁰⁰ Doubtlessly, technological developments created a unique opportunity for raising the voices of current dissidence whereby words of regime antagonists were spread to the masses. In the first decade of the 21st century, the number of internet users in the Middle East and Africa considerably raised in numbers whose ramping rate corresponds more than anywhere else in the world. It was a deplorable incident ignited the wick of Arab revolt. Mohammed Bouazizi, a Tunisian street vendor, set himself on fire in order to protest the confiscation of his vegetable stall. He was obliged to bribe police officers in order to maintain his informal job.¹⁰¹ Thanks to social media networks, the video of Mohammed Bouazizi's self-immolation had been shared by thousands and it triggered wide spread incidents.¹⁰² Social media constituted an uncontrolled platform for the

¹⁰⁰ Anderson, Lisa. "Demystifying the Arab Spring: Parsing the Differences between Tunisia, Egypt, and Libya." *Foreign Affairs.*, vol. 90, no. 3, 2011, pp. 2–7., www.foreignaffairs.com/articles/libya/2011-04-03/demystifying-arab-spring.

¹⁰¹ "Mohamed Bouazizi: Memories of a Tunisian Martyr - BBC News." *BBC*, BBC, 22 Jan. 2011, www.bbc.co.uk/news/world-africa-12241082.

¹⁰² Harel, Chorev. "The Spring of the Networked Nations: Social Media and the Arab Spring." *Levantine Review*, Vol 1, Iss 2, Pp 120-139 (2012), no. 2, 2012, p. 120. Kindle Edition, Loc 27.

diffusion of views of the resentful masses. Considering that Syrian government had plenty of common ground with the Middle Eastern and North African (MENA) countries that are initially affected by the first wave of uprisings, it would not be meaningful to expect Syria would stay untouched. Syria's violent story began after the detainment of a group of boys accused of painting anti-government slogans to the walls of schools in March 2011. Security forces mercilessly opened fire to the protestors who dissented with the government's tyrant action towards the boys.¹⁰³ Thus, one of the most prolonged conflicts of our epoch irreversibly began. Demands of the protestors were free elections, a parliamentary government, release of the political prisoners and right to organize peaceful protests. Denial of the ordinary demands exacerbated the crisis and deepened the upheaval through radicalization of the claims. Therefore, protests based on reform calls turned into an enshrined goal aiming to overthrow the Assad regime. Some claimed that when the regime started to spread terror and killing, people increased their demands from the government.¹⁰⁴ On 22 April 2011 more than a hundred people were murdered by security forces. Subsequent to the April massacre, Syrian Arab Army embarked comprehensive military operations in residential cities like Homs, which is historically one of the most antagonist cities to Assad regime. Continuous violence of the Assad regime induced the establishment of dissident militant groups.¹⁰⁵ Thus, Free Syrian Army (FSA) was founded in 2011. FSA

¹⁰³ Konviser, Bruce. "Syria Civil War Timeline: A Summary of Critical Events ." *Deutsche Welle*, 14 Aug. 2017, www.dw.com/en/syria-civil-war-timeline-a-summary-of-critical-events/a-40001379.

¹⁰⁴ Erlich, Reese W. *Inside Syria: the Backstory of Their Civil War and What the World Can Expect*. Prometheus Books, 2016, Kindle Edition, Loc. 135.

¹⁰⁵ Lister, Charles. "The Free Syrian Army: A Decentralized Insurgent Brand ." *Middle East Studies Journal of Brookings Institution*, vol. 26, Nov. 2016, pp. 1–44., www.brookings.edu/wp-content/uploads/2016/11/iwr_20161123_free_syrian_army.pdf.

describes itself as fighting for a Syria free from the Assad regime, and its foreign militia.¹⁰⁶

Despite the fact that the FSA accepts a multi-cultural and multi-religious society in principle,¹⁰⁷ religion is an important component identifying the belligerents of the conflict. Despite the Alawite coloring of Syrian regime, Syria achieved to live in a relatively peace atmosphere where people largely ignored religious differences. However, once the warring factions revealed, their main reliance had been religious motives. Assad appealed to the support of minority groups such as Alawites, Christians and Shia Muslims while the rebels relied on the Sunni Muslim majority.¹⁰⁸ While it is not a primary concern of this thesis, the root causes of the crisis in Syria has to be understood in order to comprehend Turkey's perspective on the issue. The conflict in Syria, which is initially considered as part of the aforementioned Arab spring revolts has turned into a widespread crisis whereby it culminated with the intervention of international powers and with remarkable impacts on the neighboring states.

The roots of the current regime in Syria ground in the Baath ideology, which basically supports Arab nationalism in order to reach the unity of Arab states under a sole state.¹⁰⁹ While an anti-imperialist manner and an apparent emphasis on socialism are the distinct characteristics of the Baath ideology, the unity of Arab people is considered as the foremost priority of the ideology. Michel Aflaq, founding father of the Baath ideology, asserts that the Arab unity outweighs to any other principles of

¹⁰⁶ FSA Website, <http://fsaplatform.org>, accessed on 26.04.2018.

¹⁰⁷ Ibid.

¹⁰⁸ Erlich, Reese W. op.cit. Loc. 184.

¹⁰⁹ Özkoç, Özge. *Suriye Baas Partisi: Kökenleri, Dönüşümü, İzlediği İç ve Dış Politika* (1943–1991). Ankara Üniversitesi Sosyal Bilimler Enstitüsü Dergisi, p.25.

the Baath party.¹¹⁰ Thanks to the secular understanding of the Baath ideology, it gradually became an attraction point for minority religious groups by virtue of its secular and non-discriminative approach on the basis of religion. In other words, Baath's secular stance constituted an attraction point for the alienated religious groups such as Alawites living in a predominantly Sunni state. In addition, Syrian military academy was another attraction center for the alienated communities deprived of efficient revenues to finance their education, since it offers free education.¹¹¹ Therefore, Syrian army was serving as a junction for the non-traditional and non-elite members of the Syrian society. On top of that, Syria's political destiny was in close interaction with the composition of the army, which is responsible for three coup d'états in 1949 denoting the importance of militaries in Syria. Considering the efficiency of the military in the formation of government with its interfering character, ethnical and/or sectarian groups in military that outweigh in numbers significantly matter. Hafez al-Assad, an air force pilot from an Alawite and rural background, was corollary of the aforementioned rhetoric, which resulted with the concentration of Alawites in the army.

Assad's rise into power also actualized through a military coup in 1963, which is performed by Assad and his fellows. Even though the coup is considered as the resurgence of the Baath ideology, it was a mixed blessing for the Baath ideology. Accordingly, the coup ousted former influential families and purged the founding members of Baath including Michel Aflaq. Instead of the ousted officials, Alawites from the rural background were substituted.¹¹² Ascendancy of Alawites in military and political position created tensions among Sunnis, which constituted the

¹¹⁰ Şen, Sabahattin. "*Ortadoğu'da İdeolojik Bunalım: Suriye Baas Partisi ve İdeolojisi*". İstanbul: Birey Yayıncılık, p.160.

¹¹¹ Cleveland, William L., and Martin P. Bunton. *A History of the Modern Middle East*. Westview Press, 2017. p.388.

¹¹² Cleveland, William L., and Martin P. Bunton. *op.cit.* p.400.

traditional elites of Syria.¹¹³ During the reign of Assad, Alawite officers were promoted to the most critical positions in the government. Thus, Assad relied on the Alawites as the constituency of his regime whose Alawite coloring had been consolidated.¹¹⁴ Beyond any doubt, the empowerment of Alawites in Syria caused resentment in the Sunni community. Assad's regime mainly favors the minorities such as Alawites, Druze and Christian communities. When taken into account that Alawites, nucleus of the regime, only constitute the eleven per cent of the country, Assad's regime can be identified as the dictatorship of aforementioned minority groups whose total percentage is not more than 25 per cent of Syria.¹¹⁵

The reign of Assad family had witnessed a powerful opposition from the Sunnis during his reign. The core of the revolts was mostly built against the secular politics of the government, which is resurfaced by several violent attacks to government and party officials in 1973. Likewise, the Muslim Brotherhood, which is the most remarkable opposition group, seized the control of several neighborhoods of Hama in 1982 that subsequently concluded with the destruction of the city and ended up with the death of more than 10.000 inhabitants of the city.¹¹⁶ As per current crisis, despite the initial participation of some Christians to the demonstrations asking for reform, it gradually began to resemble above-mentioned uprisings in terms of its character.¹¹⁷ Hence, non-Sunni fragments of Syria withdrew their support and the revolt has gradually become irrational for the sectarian minorities and non-Muslims in the progress of time. The

¹¹³ Özdemir, Çağatay. "Suriye'de İç Savaşın Nedenleri: Otokratik Yönetim Mi, Bölgesel ve Küresel Güçler Mi?." *Bilgi*, vol. 18, no. 2, Winter2016, pp. 81-102. EBSCOhost p.92.

¹¹⁴ Cleveland, William L., and Martin P. Bunton. op.cit. p.401.

¹¹⁵ Kerr, Michael, and Craig Larkin. *The Alawis of Syria War, Faith and Politics in the Levant*. Oxford University Press, 2016. p.8.

¹¹⁶ Cleveland, William L., and Martin P. Bunton. op.cit. p.407.

¹¹⁷ Ferris, Elizabeth G. and Kemal Kirisci. *The Consequences of Chaos: Syria's Humanitarian Crisis and the Failure to Protect*. Washington, D.C. : Brookings Institution Press, 2016. The Marshall papers. p.20.

building block of the civil war has been the resentment of lower-and-middle-class Sunnis from peripheral regions that could not take their share from liberal economics.¹¹⁸ Assad regime maintained to be the ardent supporter of non-Islamic and secular order through resting on Alawites and minority groups. The regime finessed the ongoing crisis by painting the dissidents as radical and Islamist movements even before the proliferation of fundamental groups such as Al-Nusra and ISIS. This ensured the consolidation of the initially confused minority groups and secular Sunni groups on the side of regime.¹¹⁹ The crisis that started in 2011 can be ascribed to several factors. First, it was an obvious emanation of the existing discontent of the masses that felt themselves alienated during the reign of father and junior Assad. As mentioned above, Sunnis had undertaken several uprisings before 2011 despite their limited scale. Secondly, some explained the Arab uprisings within the scope of Domino theory, underlying an interaction between Arab states that made a remarkable influence in terms of the will of democratic transition.¹²⁰ And third, even global warming that adversely affected the harvests and culminated with an internal movement from rural to urban was seen as responsible agent in the eyes of analysts due to its welfare decreasing factor.¹²¹ Last but not least, the above-mentioned impact of the social media networks facilitated the propagation of the dissident ideas and of the brutality of the regime.¹²² Although additional factors can be enlisted, more than a half million casualties¹²³ and fleeing of more than 5 million people from Syria

¹¹⁸ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.18.

¹¹⁹ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p. 18-19.

¹²⁰ "The Domino Effect of Arab Unrest." *CNN*, Cable News Network, 2 Feb. 2011, edition.cnn.com/2011/OPINION/02/01/roundup.jordan.egypt/index.html.

¹²¹ "Syria's Civil War Explained from the Beginning." *Al Jazeera*, Al Jazeera, 14 Apr. 2018, www.aljazeera.com/news/2016/05/syria-civil-war-explained-160505084119966.html.

¹²² Harel, Chorev. op. cit. Kindle Edition, Loc. 77.

¹²³ "Syrian Observatory Says War Has Killed More than Half a Million." *Reuters*, Thomson Reuters, 12 Mar. 2018, www.reuters.com/article/us-mideast-crisis-

along with the 6 million internal displacement constitute the most heartbreaking aspect of the crisis.¹²⁴ Next section aims to understand the mass displacement from Syria.

4.1. The Mass Displacement of Syrian Crisis

Syria experienced multiple massive displacements throughout its history. Starting from the 19th century, Syria's exposure to immigrants had closely been connected to the decadence of Ottomans as a division of the Empire. As part of the Empire, Syria also took the share from the above-mentioned upheaval culminated with mostly the exodus of Muslim components due to the territorial loss of the empire.¹²⁵ In this manner, considerable number of Circassians was settled in Syria by the Migration Commission of Ottomans.¹²⁶ In the following term, Syria received half a million Armenians that forced to leave Anatolia due to the decree of the Ottoman government in the WWI period. Moreover, ten thousand Kurds fled from forced secularism of the modern Turkey to Syria.¹²⁷ In 1930s Syria admitted Assyrian Christians fleeing from Iraq in order to find a safe haven for themselves. In the same vein, Syria embraced hundred thousands of Palestinians escaping from *Nakba* and oppressive policies of Israel. Last but not least, Syria admitted more than a million Iraqi refugees and others from Afghanistan along with the African countries.¹²⁸ However, Syria's case had been upside down due to the fierce uprisings, which culminated

syria/syrian-observatory-says-war-has-killed-more-than-half-a-million-idUSKCN1GO13M

¹²⁴ "Seven Years On: Timeline of the Syria Crisis." *ReliefWeb*, reliefweb.int/report/syrian-arab-republic/seven-years-timeline-syria-crisis.

¹²⁵ Chatty, Dawn. "The Syrian Humanitarian Disaster: Disparities in Perceptions, Aspirations, and Behaviour in Jordan, Lebanon and Turkey." *Ids Bulletin-Institute of Development Studies*, vol. 47, no. 3, n.d., pp. 19-33. EBSCOhost p.19.

¹²⁶ Neely, Kari S. "Diasporic Representations: A Study of Circassian and Armenian Identities in Greater Syria." *Dissertation Abstracts International Section A: Humanities and Social Sciences*, vol. 69, no. 3-A, 2008, p. 992. EBSCOhost.

¹²⁷ Chatty, Dawn. op.cit. p. 19.

¹²⁸ Chatty, Dawn. op.cit. p. 19.

with escaping of millions of people. In other words, it turned from a home country for refugees to a source country due to the biggest refugee crisis of our age. Considering the population of Syria was 21 million in 2010¹²⁹, it lost more than 25 per cent of its population due to the fleeing of more than 5.5 million of its residents.¹³⁰ Turkey, Lebanon, Jordan, Iraq and Egypt are the most affected countries due to the refugee movement. Turkey took the largest share with 63.4 per cent (3,579,254 people) while Lebanon has the 17.5 per cent (986,942 people) of the Syrian refugees. As for Jordan, it harbors 11.8 per cent (666,113 people) of the displaced people. Europe faced a gigantic crisis as well. Accordingly, it is estimated that more than 1.4 million people fled to the neighboring countries by risking their lives to reach Europe since 2015.¹³¹

Syria is one of the most diverse countries in terms of its sectarian divides in the Middle East. This induced the crisis to bog down into a sectarian conflict with relative ease. Therefore, the Syrian conflict initially having an anti-government outlook transformed to a sectarian conflict in a short period. This transformation is one of the underlying causes of massive displacement. In fact, the mass displacement has been used as a method to reshape the demographical structure of the country, which may culminate with the end of nation state in the region.¹³² Together with the advent of radical fundamentalist organizations such as Al-Nusra and ISIS, the climate of fear spread both among the Sunni and Alawite populations. For that matter, it is claimed that the Alawites in Syria would be the victims of next genocide. Close ties of Syrian regime with Alawite identity strengthened the perception of antagonism between Sunni and Alawite communities. In

¹²⁹ "Population of Syria Arab Republic." *The World Bank*, data.worldbank.org, data.worldbank.org/indicator/SP.POP.TOTL?locations=SY.

¹³⁰ "Operational Portal." *Situation Syria Regional Refugee Response*, UNHCR, 28 June 2018, data2.unhcr.org/en/situations/syria.

¹³¹ "Refugee Statistics" *Global Trends At-a-Glance*, UNHCR, www.unrefugees.org/refugee-facts/statistics/.

¹³² Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.17.

2012, slogans such as “Christians to Beirut, Alawites to the grave” were shouted in the anti-government demonstrations.¹³³ Abu- Mohammed al- Golani, the top leader of Al-Nusra, explicitly remarked that they will intensify their attacks to the Alawite villages in order to take revenge for the assaults of regime.¹³⁴ In another statement, Golani inferred that the Alawites would be killed unless they convert to Sunni Islam.¹³⁵ Tension among the sects and religions had an impact on selection of the migration route. To illustrate, Syrian Alawites mostly preferred to go to Hatay province in Turkey where their co-religionist live. Besides, Kurds opted to go to Suruç, a predominantly Kurdish sub-province of Şanlıurfa where they believe it to be a safer haven for them.¹³⁶ Similarly, Armenians chose to settle in Armenia as their new home.¹³⁷

The military gains of Islamic State of Iraq and the Levant (ISIS) underpinned the fears of Syrians culminated with mass migration. Mass displacement was not only an *outcome* of ISIS brutality, but also a direct conclusion of indiscriminate air bombing of the areas controlled by ISIS.¹³⁸ It is estimated that at least 3.2 million people fled from the area controlled by the ISIS from early 2014 to last period of 2015.¹³⁹ Indiscriminate

¹³³ Adams, Simon. “The World's Next Genocide.” *Nytimes.com*, The New York Times, 15 Nov. 2012, www.nytimes.com/2012/11/16/opinion/the-worlds-next-genocide.html.

¹³⁴ “Syria's Nusra Front Leader Urges Wider Attacks on Assad's Alawite Areas to Avenge Russian Bombing.” *The Telegraph*, Telegraph Media Group, 13 Oct. 2015, <http://www.telegraph.co.uk/news/worldnews/islamic-state/11927760/Syrias-Nusra-Front-leader-urges-wider-attacks-on-Assads-Alawite-areas-to-avenge-Russian-bombing.html>

¹³⁵ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.19.

¹³⁶ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.82.

¹³⁷ Varshalomidze, Tamila. “Syrian Refugees Improve Armenia's Social Fabric.” *Syrian Refugees | Al Jazeera*, Al Jazeera, 17 Dec. 2017, www.aljazeera.com/indepth/features/2017/12/refugees-improve-armenia-social-fabric-171214061224398.html.

¹³⁸ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.23.

¹³⁹ Jamieson, Alastair. “ISIS Death Toll: 18,800 Civilians Killed in Iraq in 2 Years: U.N.” *NBCNews.com*, NBC Universal News Group, 27 Oct. 2015,

bombings, fears of becoming the target of a military action and escalating sectarian antagonism were the main motives of the refugees. Considering that the civilian casualties of the civil war in Syria were over 200 thousand at the beginning of 2019, this was a reasonable fear for the Syrian civilians.¹⁴⁰ In the same vein, driving out the large sections of the population has been applied as a strategy by the Assad government in order to remain in power. Thus, the regime ensured to dispose of majorly dissident population whereby new social reality engendered more manageable situation in terms of political and military objectives of the regime.¹⁴¹ Likewise, gender-based violence is one of the salient rationales to flee the conflict zone. According to the UN Commission of Inquiry, rape is among the probable causes as a triggering reason for families in making the decision of taking refuge. The sexual violence has been instrumentalized to terrorize and punish woman and their families who are considered to be affiliated with opposition groups. Yazidi women were among the specific groups who were exposed to sexual violence by ISIS terrorists.¹⁴² Perpetrators of the sexual violence not only targeted to humiliate women but also their male relatives through their violent actions.¹⁴³ As for civilian men, they were mostly considered as part of warring factions and became the targets of military actions. Men were randomly arrested and taken under custody in order to make pressure to family members wanted by families.¹⁴⁴ Human Rights Watch documented several indiscriminate assaults through

www.nbcnews.com/storyline/isis-terror/isis-death-toll-18-800-killed-iraq-2-years-u-n499426.

¹⁴⁰ *Civilian Death Toll*. Syrian Network for Human Rights, 11 Jan. 2019, <http://sn4hr.org/blog/2018/09/24/civilian-death-toll/>.

¹⁴¹ Vignal, Leila. "Perspectives on the Return of Syrian Refugees." *Forced Migration Review*, no. 57, Feb. 2018, pp. 69–71. *Refugee Studies Centre*, University of Oxford, www.fmreview.org/syria2018/vignal.

¹⁴² Fitzpatrick, Brenda. *Tactical Rape in War and Conflict: International Recognition and Response*. Policy Press, 2016. p. 33-34.

¹⁴³ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.27.

¹⁴⁴ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p. 26-28.

rockets, mortars and car bombs which damaged the schools and hospitals.¹⁴⁵ Basically, they lost their basic facilities to survive in their communities due to the adverse impacts of war. Since people lost their jobs, hospitals, markets and a functioning country, they felt themselves obliged to leave their home in order to maintain their livelihood activities.¹⁴⁶

The initial motivation behind the displacement was mostly based on the atmosphere shaped by the other Arab revolt instances, which is experienced in the other Arab countries as a flash in the pan. In other words, both refugees and the source countries evaluated the crisis as a temporary phenomenon. The current refugee regime, which requires individuals to cross the national borders in order to benefit from protection is the main responsible factor causing the massive influx. Since the understanding prioritizing the national sovereignty gives states a powerful authority over its territory; people felt themselves obliged to flee from country due to the atrocities of the regime whereas the others escaped from radical terror groups. In the same vein, the current UN system requiring a consensus among the permanent members of the UN Security Council for intervention led to a stalemate whereby the motivation behind the escape from Syria was underpinned. The current controversy over the methods of a solution to the Syrian conflict bolstered up the perception of deadlock, which did not left any other alternative rather than taking refuge. Strong family links and cultural loyalty on family unity have also been another significant factor, which facilitated the movement of masses through benefitting from these links. These links served as a broad aid network, which is established through a variety of linkages including collateral and minor blood relations.¹⁴⁷ Therefore, families found sufficient nexus, which facilitated

¹⁴⁵ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p. 20.

¹⁴⁶ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p. 25.

¹⁴⁷ Sasnal, Patrycja. "Who Are They? Two Profiles of Syrian Refugees." *Policy Paper - Polish Institute of International Affairs (PISM)*, vol. 36, no. 138, Oct. 2015, pp. 1–6., www.pism.pl/files/?id_plik=20798. p. 4.

their escape and self-sufficiency through operating the mentioned family links.

In addition, internal displacement also requires special attention since it constitutes a considerable component of the whole displacement. Most of the displaced people stayed within the borders Syria¹⁴⁸ and internally displaced people (IDP), are more prone to come up against risks and violence because they are closer to the violence and less likely to reach international assistance and be included into the assessment plans of humanitarian organizations.¹⁴⁹ According to the 2018 figures, more than 6.6 million people are displaced inside the country¹⁵⁰ and this is not a precise number since there is not a proper registration system inside the country.¹⁵¹ There is a distinct connection between internal displacement and refugees. Most of the refugees have already experienced being an IDP and accordingly current refugees are previously several times displaced individuals.¹⁵² Most of the IDPs are also deprived of social networks that may protect them during the conflicts¹⁵³ and therefore their situation was ready to be abused by human smugglers.

Likewise, another factor catalyzing the influx was the propaganda of human smugglers, which used several channels to prompt the movement. Smugglers abused the plight through making propaganda about the better living conditions outside the borders of Syria.¹⁵⁴ Customers of smugglers, preferring to apply illegal options to reach Europe, were mostly coming

¹⁴⁸ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.74.

¹⁴⁹ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.77.

¹⁵⁰ United Nations. "Syria Emergency." UNHCR, www.unhcr.org/syria-emergency.html.

¹⁵¹ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.74.

¹⁵² Ibid.

¹⁵³ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.78.

¹⁵⁴ İçli, T. G., Sever, H., and Sever, M. (2015). A Survey Study on the Profile of Human Smugglers in Turkey. *Advances in Applied Sociology*, 5, 1-12. <http://dx.doi.org/10.4236/aasoci.2015.51001>

from the richer and skilled part of the Syrian society.¹⁵⁵ It is estimated that the costs of an irregular journey of Syrian refugees varies from 1000 USD to 12000 USD per head.¹⁵⁶ Most of these were employed outside of the agriculture sector and more educated than the remaining part of the refugees. Based on this, they opted to sustain their migration route to Europe where it is widely believed that they may have much more livelihood opportunities.¹⁵⁷

4.2. Turkey's Refugee Policy for Syrians

Turkey's land border with Syria constitutes the longest land border of the country with more than 900 km long. In addition to its territorial hallmark of Syria for Turkey, Turkey is the closest country to the uttermost conflict zones of Syria whose considerable proportion is situated at the south of the country. In the similar vein, Turkey has been a fierce and consistent supporter of the dissident groups fighting against the Assad government. Therefore it first became an attraction center for the dissident groups as well as its constituencies and subsequently for the majority of the victims of the conflict. The first massive movement towards Turkey started on 29 April 2011 with the entrance of a Syrian group comprised of 252 individuals.¹⁵⁸ The number of Syrian refugees inside the country consistently augmented until 2019. The number of Syrian refugees in Turkey reached 1.5 million at the end of 2014 and exceeded 2.5 million in less than a year in 2015. As of 2019, Turkey has 3.6 million Syrian

¹⁵⁵ Sasnal, Patrycja. op.cit. p.2.

¹⁵⁶ Birnbaum, Michael. "Smuggling Refugees into Europe Is a New Growth Industry." *The Washington Post*, WP Company, 3 Sept. 2015, www.washingtonpost.com/world/europe/smuggling-refugees-into-europe-is-a-new-growth-industry/2015/09/03/398c72c4-517f-11e5-b225-90edbd49f362_story.html?utm_term=.ffa752020426.

¹⁵⁷ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.78.

¹⁵⁸ Kap, Derya. "Suriyeli Mülteciler: Türkiye'nin Müstakbel Vatandaşları." *Akademik Perspektif*, Dec. 2014, pp. 30–35. *İktisadi Kalkınma Vakfı*, [www.ikv.org.tr/images/files/Akademik-Perspektif-Aralik-2014_30-35\(1\).pdf](http://www.ikv.org.tr/images/files/Akademik-Perspektif-Aralik-2014_30-35(1).pdf).

refugees.¹⁵⁹ Turkey's policy on massive displacement is based on three main pillars namely; open-door policy, temporary protection and crisis management. Accordingly, its approach on refugee inflow can be categorized under three phases basically; liberal phase, restriction phase and reactive phase.

Syrian crisis turned Turkey into the world's largest refugee hosting country, which took the largest share from the crisis in terms of displacement. Beyond any doubt, this has been a traumatic experience for Turkey. Despite the age-long migration history of the country as it has been depicted in the Third Chapter and powerful discourses such as Kemal Karpat's view on migration as being the founding ignition of the wick for Turkish nation¹⁶⁰, Turkey had not experienced a migration corresponding to the current intensity in its recent history. It is estimated that the number of refugees entered into country is around 1.7 – 2 million in the 88 years period from 1923 to 2011. However, Turkey received 3.6 million Syrian refugees and more than 400.000 non-Syrians in less than 6 years from 2011 to 2017.¹⁶¹ Furthermore, notwithstanding the above-mentioned migrations, Turkey did not have any experience on hosting or integration of refugees from Arab descent and/or group compatible with this scale.¹⁶² This chapter aims to demonstrate how Turkey responded to the migration crisis from Syria under the following sub-titles: open-door policy in which the formation of the basis for massive influx, temporary protection phase where the legal basis is viewed and scrutinized and disaster management period

¹⁵⁹ "Göç İstatistikleri." *İçişleri Bakanlığı Göç İdaresi Genel Müdürlüğü*, goc.gov.tr, 23 Apr. 2019, www.goc.gov.tr/icerik6/gecici-koruma_363_378_4713_icerik.

¹⁶⁰ Arslanbenzer, Hakan. "Kemal Karpat: Chasing the Historical Roots of Turkish Democracy." *DailySabah*, dailysabah.com, 28 Feb. 2019, www.dailysabah.com/portrait/2019/03/01/kemal-karpat-chasing-the-historical-roots-of-turkish-democracy.

¹⁶¹ Erdoğan M. Murat. *Suriyeliler Barometresi: Suriyelilerle Uyum içinde yaşamın çerçevesi: SB 2017*. Vol. 1, İstanbul Bilgi Üniversitesi Yayınları, 2018. p. 3.

¹⁶² Miller, Sarah Deardorff. *Political and Humanitarian Responses to Syrian Displacement*. Routledge, 2017. p. 21.

where the mechanisms to mitigate and produce solution to the crisis are reflected.

This study supports that it is not quite possible to suppose a monolithic and consistent approach. Rather, the approach of Turkey has been fluctuant in time and within the sequence of events. The evolution and fluctuation of Turkey's policies are viewed under three phases matching up to three sub-chapters namely; liberal phase, restriction phase and reactive phase. These are discussed under the sub-chapter "The Evolution of Turkey's Open-door Policy".

4.2.1. Open-door Policy

Open-door policy means admission of refugees into Turkey's territory regardless of their identity. Open-door policy is the most distinct policy instruments of Turkey, representing the most significant pillar of Turkey's policies regarding the Syrian crisis. This pillar also purports the disengagement from the 1994 regulation in terms of being an overt indicator of the securitization of Turkey's refugee policies. The securitization of refugee policies was revealed in the 2nd chapter.

The policy was a requirement of 1951 Geneva Convention, which is also ratified by Turkey. 33rd article of the convention proscribes the returning of refugees in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.¹⁶³ Based on the brutality of the Assad regime, which was also condemned by Turkey breaking the principle of non-refoulment would be a violation of the international law. Therefore, since Turkey is a signatory to the Geneva Convention, it should have complied with the non-refoulement principle originating from the Convention.¹⁶⁴ Moreover, this

¹⁶³ 33rd article of 1951 Geneva Convention Relating to the Status of Refugees, <https://www.unhcr.org/4ca34be29.pdf>.

¹⁶⁴ Kale, Başak, The Limits of an International., op.cit. p.64.

principle was also endorsed in Law on Foreigners and International Protection of Turkey (LFIP). 4th article of LFIP regulates the non-refoulment as an imperative provision of the law.¹⁶⁵

Second, the tendencies of the ruling party is another factor underpinning the open-door policy. Broad civilizational understanding of the JDP identified with the liberal visa policies and this led the way of open-door policy. This policy required the promotion of trade and economic relations whereby liberal visa policies proliferated as a remarkable pillar of the mentioned era. Therefore, reciprocal visa exemption agreements were signed with some countries as a reflection of this policy and Syria was one of them.¹⁶⁶ Even though it is contradictory with Turkey's EU accession process necessitating tightened visa policies in line with the Schengen agreement, liberal visa policies are one of the most distinct byproducts of the mentioned transformation in the JDP period. Hence, Turkey adopted a comparatively neo-liberal understanding in its foreign policy. In this manner, the visa regime between Turkey and Syria was abrogated in 2009.¹⁶⁷ Accordingly, the legal basis of the open-door policy for the Syrian refugees was ready before the crisis. In line with the zero-problem policy¹⁶⁸ of the former PM Ahmet Davutoğlu, Turkey's regional influence was believed to be closely reliant to country's actions in its milieu as a democratic and responsible actor.¹⁶⁹ Therefore, the open-door policy was shaped in accordance with this approach. The policy was decorated with an

¹⁶⁵ 4th article of Law on Foreigners and International Protection

¹⁶⁶ Kale, Başak, *The Limits of an International...*, op.cit. p.64.

¹⁶⁷ Güneş, Aslım, and Serkan Akkoç. "Suriye ile Vize Kalktı İşbirliği Konseyi Kuruldu." *Hürriyet*, hurriyet.com.tr, 17 Sept. 2009, www.hurriyet.com.tr/gundem/suriye-ile-vize-kalkti-isbirligi-konseyi-kuruldu-12498596.

¹⁶⁸ Mostly identified with former Foreign Minister and PM Ahmet Davutoğlu's policies, zero problem policy means to solve or fix Turkey's problems with its neighbors without using any coercive methods.

¹⁶⁹ Olejárová, Barbora. "The Great Wall of Turkey: From 'The open-Door Policy' to Building Fortress?" *Pogranicze. Polish Borderlands Studies*, vol. 6, no. 2, Feb. 2018, pp. 117–133., doi:10.25167/ppbs55. p. 122.

Islamic discourse whereby a powerful attribution to the Islamic civilization was made. President Erdoğan declared that the open-door policy is responsibility of Turkey deriving from its history as being part of the Islamic society.¹⁷⁰ In other words, open-door policy is regarded as a civilizational and historical imperative for Turkey. Davutoğlu stated that Turkey's determination to become an active actor in the region requires Turkey's humanitarianism to be promoted.¹⁷¹ Therefore, open-door policy is considered as a beneficial tool for the country's image and soft power, hence the regional influence of Turkey is aimed to increase by through this way.¹⁷²

Beyond any doubt, the humanitarian reasons constitute an important pillar of the open-door policy. In line with the existing exemption, Turkey declared that its borders will be open for the Syrian refugees who are seeking for safety and anyone escaping from the regimes' brutality will not be sent back to Syria. As it was mentioned under the sub-chapter titled as The Mass Displacement of Syrian Crisis, most of the displaced people lost their house and livelihood opportunities in Syria, which did not leave any other option apart from the taking refuge. Some of those were on the fringe of being a victim of a genocide.¹⁷³ Significant part of the Syrian territory began to be controlled by radical and bloody terror organizations, which rendered the situation as a profound humanitarian crisis. The advent of radical terror organizations such as the Islamic State and their inhumane barbarity towards the non-Muslim and non-Sunni population of Syria precluded strict border policies, which might lead to massive massacre of

¹⁷⁰ Ibid.

¹⁷¹ Davutoğlu, Ahmet. "Turkey's Humanitarian Diplomacy: Objectives, Challenges and Prospects." *Nationalities Papers*, vol. 41, no. 6, Nov. 2013, pp. 865-870. Kindle Edition. Loc. 25.

¹⁷² Olejárová, Barbora., op.cit, p.121.

¹⁷³ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.19.

them. Likewise, it is confirmed that Assad regime used more than 300 chemical attacks.¹⁷⁴

On the other hand, based on the fact that Turkey is an ardent supporter of the opposition groups in Syria, a strict border policy would not be defensible and plausible for Turkey. More clearly, the open-door policy was not available to be superseded by any other policy in a period when a rapid toppling of regime is expected.¹⁷⁵ Since Turkey built its strategies on a rapid change, open-door policy has been evaluated as a temporary phenomenon whose outputs will reverse in a short span of time. Even though the open-door policy was applied for foreigners arriving from the Syrian territory, the number of Iraqis and Afghans arrived to Turkey from 2011 to 2017 is considered at least a million. This reveals that the policy that has been applied for Syrian refugees also enabled the entrance of other nationals into the country.¹⁷⁶

The era of the open-door policy ended with the transition of Turkish policy from liberal phase to restriction phase. This transition will be elaborated in the next part titled as the Evolution of Turkey's Open-door Policy. Undoubtedly, Turkey's open-door policy during the peak period of the crisis has been a substantial move rendering the escape of millions from the war zone possible. It is the one of the foremost and tangible indicators of Turkey's new understanding and accordingly a touchstone of deviation from the 1994 regulation, which is the climax of the securitization of the refugee policies. The policy has been widely acclaimed by the international

¹⁷⁴ Lombardo, Clare. "More Than 300 Chemical Attacks Launched During Syrian Civil War, Study Says." *NPR*, NPR, 17 Feb. 2019, <https://www.npr.org/2019/02/17/695545252/more-than-300-chemical-attacks-launched-during-syrian-civil-war-study-says>.

¹⁷⁵ "Davutoğlu, Esad'a Ömür Bıçtı." *Hürriyet*, hurriyet.com.tr, 25 Aug. 2012, www.hurriyet.com.tr/gundem/davutoglu-esada-omur-bicti-21300142.

¹⁷⁶ Erdoğan M. Murat. *Suriyeliler Barometresi.*, op.cit. p. 14.

society.¹⁷⁷ On the other hand, as it is stated above in the Mass Displacement of Syrian Crisis sub-chapter, open-door policy has also served the purpose of Assad government because of the evacuation of its territory from mostly dissident groups.¹⁷⁸ Open-door policy is the first step of Turkish policies regarding the refugee inflow from Syria. The next section aims to understand the Temporary Protection status, regulating the legal status of Syrian refugees in Turkey.

4.2.2. Temporary Protection

Temporary protection was first applied in 1970s in order to provide protection for various asylum cases from Vietnam to Afghanistan. The UNHCR describes temporary protection as a minimum standard status by stating that “*in cases of large-scale influx, persons seeking asylum should always receive at least temporary refuge*”.¹⁷⁹ European countries have applied temporary protection in order to deal with the refugees of the former Yugoslavia wars in early 90s and subsequently it became an important component of the European response for refugee crisis.¹⁸⁰ According to the UNHCR, temporary protection is mostly applied by industrialized states as a short-term and emergency response. Temporary protection is an administrative decision, which may be reversed by another administrative decision. Based on that it is a retrievable status and, it started to become a widely applied international protection method by states.¹⁸¹

¹⁷⁷ Frelick, Bill. “Words of Praise, Deadly Deeds: Turkey's Treatment of Refugees.” *Human Rights Watch*, HRW, 10 May 2016, www.hrw.org/news/2016/05/10/words-praise-deadly-deeds-turkeys-treatment-refugees

¹⁷⁸ Vignal, Leïla. op.cit. p.69.

¹⁷⁹ United Nations. “Temporary Refuge.” *UNHCR*, 16 Oct. 1980, www.unhcr.org/excom/exconc/3ae68c443b/temporary-refuge.html.

¹⁸⁰ Genç, H. Deniz, and N. Aslı Şirin Öner. “Why Not Activated? The Temporary Protection Directive and the Mystery of Temporary Protection in the European Union.” *International Journal of Political Science and Urban Studies*, 2019, pp. 1–18., doi:10.14782/ipsus.539105. p. 14.

¹⁸¹ Töre, Nazlı. *Uluslararası Göç Hukuku*. Turhan Kitabevi, 2016. p. 105.

As for Turkey's context, temporary protection is a status dedicated to regulate the legal procedures of the asylum seekers arriving in Turkey in masses. Even though the regulation of temporary protection includes only one provisional article where Syrian refugees are mentioned, it is widely associated with Syrian refugees since the temporarily protected individuals are only from Syria. According to this article, Syrian refugees, stateless individuals and refugees who have arrived at or crossed the Turkish borders coming from Syria due to the events occurred in Syria since 28 April 2011 are subject to temporary protection.¹⁸²

In addition to the massive characteristics of Syrian migration, Turkey's perspective and expectations regarding the temporariness of crisis as well as its legal arrangements have been influential on granting Syrian refugees temporary protection. Turkish President Erdoğan persistently stated his reliance regarding the toppling down of the regime in a short time, which might come to an end with an embrace with the Syrian people.¹⁸³ Clearly Turkey's aspirations were based on an instant transition from Assad's "tyrant" regime to people's rule. Therefore, temporary protection was reflecting the mentioned proactive and pro-oppositionist policies, which were imminent to yield desired results. Turkey's legal codes should not be overlooked when the temporary protection is examined. Turkey is the only signatory state to the 1951 Geneva Convention relating to the status of Refugees among the regional hosting countries. Notwithstanding being a signatory party, as it is stated in the Third Chapter, Turkey has always been prudent for the Geneva Convention and its supplementary protocol and thus it reserved the geographical limitation based on the potential risk stemming from the instability of its eastern borders. In other words, geographical limitation was devised as a shield to keep the country out of

¹⁸² Temporary Protection Regulation, available at <http://www.goc.gov.tr/files/dokuman28.pdf>.

¹⁸³ "Erdoğan'dan Önemli Mesajlar." *Hürriyet*, hurriyet.com.tr, 5 Sept. 2012, www.hurriyet.com.tr/gundem/erdogandan-onemli-mesajlar-21386210.

undesired migrants. However, considering Turkey as the largest refugee hosting country, it is a disputable issue if the limitation serves the purpose. As for the Syrian crisis, geographical limitation is a principal issue because refugees arriving from Syria do not fit into the refugee definition according to the Turkish migration law. Therefore, Turkish public bodies and politicians perseveringly abstained from allusion of concepts such as refugee, which may land Turkey serious responsibilities pursuant to the international law. Instead, the concepts such as asylum seeker and guest are widely applied when Syrian refugees are referred.¹⁸⁴ The status of Syrian refugees in Turkey is clarified on March 2012 through a regulation, which was prepared in accordance with the suggestions of the UNHCR. Temporary protection status was finalized upon the endorsement of the Temporary Protection Regulation on October 2014.

Considering that the international protection statuses of Turkish migration law require an individual assessment, temporary protection can be seen as a precaution for migration influxes precluding the individual assessment. The regulation states that the individuals under this status are exempt from any kind of punishment due their irregular entry into country. Moreover, non-refoulement of individuals within the scope of temporary protection is once more articulated in accordance with the universal legal arrangements.¹⁸⁵ Syrian refugees are widely called as “guests” in Turkey and maybe favorably to the Turkish idiom expressing that “the guest who is staying shorter is much more acceptable”; Syrian refugees were granted temporary protection regime. Without any doubt, Temporary Protection Regulation empowered humanitarian manner through opening channels for health, education, labor market, social assistance, interpretation and similar services having crucial importance in daily life. Nevertheless, this regime is a substantial obstacle and impediment for the integration of Syrian

¹⁸⁴ Erdoğan, M. Murat, *Suriyeliler Barometresi.*, op.cit. p.13.

¹⁸⁵ Temporary Protection Regulation, available at <http://www.goc.gov.tr/files/dokuman28.pdf>.

refugees in Turkey. Even though temporary protection allows Syrian refugees to stay in the country as long as the status prevails, it does not let its holders to make application for long term residence permit, citizenship or any other type of refugee status.¹⁸⁶ Temporary protection regime is devised to correspond the needs of asylum seekers in the wake of urgent situation for a short period of time. Therefore, as befits its name, temporary protection is an emergency response and not suitable for prolonged asylum situations, which brings more complex issues such as access to labor force, harmonization and integration. These issues require comprehensive policies to be built and they cannot be generated on a basis, which assumes Syrian refugees as temporary guests. Therefore, the persistence of temporary protection status in the eighth year of the crisis poses a profound status problem due to its incompatibility with the factual situation. Based on the fact that it does not have any limitation in terms of duration, it is culminated with the uncertainty and uneasiness for the future of migrant population in the country.

Considering temporary protection as an emergency response, it is a great impediment on the integration of Syrian refugees in a period when permanence of them is corroborated every passing day. Remembering the conceptual framework mentioned in the Second Chapter, temporary protection can be mostly associated with the exclusionary model since it is a substantial barrier on accessing citizenship and there is only limited access to the labor market. The number of individuals having labor permit is around thirty-one thousand.¹⁸⁷ This only corresponds to the 1.6 per cent of Turkey's Syrian population in working age. Unquestionably, it is not possible to build integration policies without having a consolidated and visionary status overlapping with the factual situation. Temporary

¹⁸⁶ İçduygu, Ahmet, and Evin Millet. "Syrian Refugees in Turkey: Insecure Lives in an Environment of Pseudo-Integration." *Global Turkey in Europe*, Aug. 2016, www.iai.it/sites/default/files/gte_wp_13.pdf.

¹⁸⁷ "Türkiye'deki Suriyeli Sayısı Haziran 2019." *Mülteciler Derneği*, [multeciler.org.tr](http://multeciler.org.tr/turkiyedeki-suriyeli-sayisi/), 21 June 2019, multeciler.org.tr/turkiyedeki-suriyeli-sayisi/.

protection does not allow individual application for other international protection statuses, which are applicable for the nationals of other countries. In this manner, Syrian refugees are deprived of the rights of Afghans, Iraqis, Pakistanis and other nationals in terms of the refugee law in the country.¹⁸⁸ Undoubtedly, the numbers constitute the biggest challenge for Turkey in an international system where there is absolutely no fair share of burden. Turkey's persistence in temporary status is the footprint of general tendency in the world. Temporary protection is an indivisible part of Turkish migration policies that made considerable impact on Turkish way of crisis management. The next section aims to understand how Turkey responded to crisis inside its borders and its policy tools on its crisis response.

4.2.3. Humanitarian Crisis Management

Open-door policy rendered the smooth entrance of masses into country while temporary protection regulated the legal provision of Syrian refugees' residing in the country. As it is stated above, humanitarian imperatives constituted an important pillar of Turkey's open-door policy towards Syrian refugees. Comprehension of Turkey's refugee policies can be completed by understanding how Turkey managed the crisis, which was welcomed by open-door policy and grounded by temporary protection in terms of legislative regulations. Turkey was initially unenthusiastic on receiving international assistance and chose not to be involved within the regional resilience plans of United Nations where the needs, targets, approaches and resources regarding the crisis are identified.¹⁸⁹ Correspondingly, some Turkish non-governmental organizations (NGO) and governmental institutions have profoundly shouldered the burden of the crisis in the initial period. The Disaster and Emergency Management Agency (AFAD) was given a significant position among all institutions

¹⁸⁸ Erdoğan, M. Murat, *Suriyeliler Barometresi.*, op.cit. p.13.

¹⁸⁹ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.52.

with the role of coordinating humanitarian aid and policies in the country. Accordingly, it was AFAD's duty to build temporary accommodation centers (refugee camps) for housing the refugees in the early stages of the crisis. In this context, more than 20 refugee camps were established where more than 200 thousand refugees were hosted.¹⁹⁰ The mentioned population of camps mainly comprised of Syrian refugees while few thousands of Iraqis escaping from the attacks of Islamic State were also hosted.¹⁹¹ The camps were mostly praised both by its residents and international media in terms of the conditions provided to the refugees.¹⁹² ¹⁹³Angelina Jolie as the special representative of United Nations visited one of the accommodation centers and expressed her admiration for the quality of services of the refugee camps.¹⁹⁴ Turkish government used its successful camp establishment and management process as a tool of demonstration for its humanitarian policies as part of its public diplomacy. However, this communication strategy has also been condemned as a responsible factor in the instant increase of number of refugees in Turkey. İşyar states that international praises regarding Turkey's efforts and the visit of celebrity figures such as Angelina Jolie encouraged and incited the migration towards Turkey.¹⁹⁵ In a short span of time, the heavy increase in the number of refugees arriving to Turkish borders triggered the change in the policy based

¹⁹⁰ Ibid.

¹⁹¹ "En Cömert Ülke Türkiye." *TRT HABER*, Trthaber.com, 31 Oct. 2017, www.trthaber.com/haber/turkiye/en-comert-ulke-turkiye-339723.html.

¹⁹² McClelland, Mac. "How to Build a Perfect Refugee Camp." *The New York Times*, The New York Times, 13 Feb. 2014, www.nytimes.com/2014/02/16/magazine/how-to-build-a-perfect-refugee-camp.html.

¹⁹³ Pinna, Monica. "Dünyaya Örnek Olarak Gösterilen Türkiye'deki Mülteci Kampları." *Euronews*, Euronews.com, 28 Apr. 2016, tr.euronews.com/2016/04/28/dunyaya-ornek-olarak-gosterilen-turkiye-deki-multeci-kamplari.

¹⁹⁴ "Jolie: Çok Etkileyici, Böyle Bir Kamp Görmedim." *NTV*, ntv.com.tr, 13 Sept. 2012, www.ntv.com.tr/turkiye/jolie-cok-etkileyici-boyle-bir-kamp-gormedim,cGn1xVO-BkeBQVkuY-yHBg.

¹⁹⁵ İşyar, Prof.Dr. Ömer Göksel. *Suriye Krizi ve Türk Dış Politikası*. Vol. 2, Sayda, 2018, p. 87.

on housing new comers through the establishment of new camps.¹⁹⁶ Abolishment of the policy based on housing of Syrian refugees at accommodation centers culminated with a tremendous increase in the number of Syrian refugees living in the Turkish city centers whereby the risks on social tension grew. In the same vein, off-camp life has raised the mobilization of Syrian refugees inside the country; which has resulted with the security risks and tracing problems. In this manner, registration have been the role of Directorate General of Migration Management (DGMM), which assumed the registration process of Syrian refugees in line with the temporary protection regulation. Considering the mobility of refugees, keeping the data of Syrian refugees up-to-date has been a challenging issue for DGMM. Therefore, as the numbers grew Turkey's approach based on self-sufficiency began to transform. DGMM started to implement a data cleaning project together with the UNHCR in order to update the existing registration records of Syrian refugees.¹⁹⁷ In the same vein, International Organization on Migration (IOM) and the UN agencies such as the UNHCR, UNICEF, the World Food Program, and the World Health Organization began to take role as the partners of Turkish governmental and non-governmental organizations. Readmission agreement granting 6 billion Euros to Turkey is a critical milestone for the agents of formal humanitarian system and Turkey's humanitarian sector, which is fueled by the European fund in an unprecedented scale. In this scope, 6 billion Euros in total was budgeted (3 billion Euros for the 2016-2017 and 3 billion for the 2018-2019 period) and this amount was transferred to Turkey through the formal agencies of humanitarian system mainly composed of the UN agencies and

¹⁹⁶ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.52.

¹⁹⁷ "Türkiye'de Geçici Koruma Altındaki Suriyelilerin Bilgilerinin Güncellenmesi." *UNHCR*, unhcr.org, help.unhcr.org/turkey/tr/information-for-syrians/verification-of-syrian-nationals-under-temporary-protection.

its related organizations.¹⁹⁸ These agencies worked together with the local implementing partners in the implementation of these humanitarian projects. In this manner, Turkey became the implementation site of the biggest humanitarian projects in terms of their financial volume. The Emergency Social Safety Net (ESSN), which is a cash-based aid project, started on November 2016 is the biggest humanitarian project that has been ever funded by the European Union.¹⁹⁹ In this scope, 120 TL per person was transferred on monthly basis through a bankcard. Implemented by the Turkish Red Crescent, the ESSN project has reached 1.4 million foreigners in Turkey whose most overwhelming majority is comprised of Syrian refugees.²⁰⁰ The project is integrated into Turkish social service system, which is based on the local organizations of Ministry of Family, Labor and Social Services (MoFLSS) namely; Social Assistance and Solidarity Foundation (SASF). This project has been an important pillar of Turkish policies since the formal registration by DGMM is one of the preconditions for application. Clearly, ESSN has been a substantial trigger for Syrian refugees' interest on registration. Accordingly, upon the startup of the project, there has been a tremendous increase in the number of Syrian refugees registered in Turkey even though there was not any large-scale movement after 2016. ESSN project has been a great contribution to the life of Syrian refugees in terms of mitigation of the negative coping mechanisms for Syrian refugees.²⁰¹ Translated to Turkish as *Sosyal Uyum Yardımı* (SUY), the project has been a tremendous asset in providing social cohesion

¹⁹⁸ "EU Facility for Refugees in Turkey List of Projects Committed/Decided, Contracted, Disbursed." Ec.europa.eu, European Commission, 1 June 2019, ec.europa.eu/neighbourhood-enlargement/sites/near/files/facility_table.pdf.

¹⁹⁹ "Power of Partnerships." ESSN, www.essncard.com/powerofpartnerships/.

²⁰⁰ "Over 1.3 Million Refugees Benefit from Turkish Red Crescent" *Hürriyet Daily News*, 10 Mar. 2018, www.hurriyetdailynews.com/over-1-3-million-refugees-benefit-from-turkish-red-crescent-131625

²⁰¹ "Refugees in Turkey: Comprehensive Vulnerability Monitoring Exercise (Round 3) (May 2019) - Turkey." *ReliefWeb*, 31 May 2019, <https://reliefweb.int/report/turkey/refugees-turkey-comprehensive-vulnerability-monitoring-exercise-round-3-may-2019>.

of Syrian refugees in Turkey. On top of that, considering that the cash assistance amount is realized in the Turkish economy, the project has also fueled local economies whereby the risks regarding the social tension is decreased.²⁰² Prof. Murat Erdoğan states that deficiencies in the communication strategies of the ESSN project bore negative feelings of host community. Murat Erdoğan expresses that since the funding resource of the project has not been shared with the society in a clear manner, Turkish community perceived the project as if it is being funded by the own sources of Turkish government. Syrian refugees on the queue in front of the ATMs of Halkbank, a state-owned bank, have reinforced this perception.²⁰³ Considering the problems on low schooling rate, Conditional Cash Transfer for Education Program (CCTE) was initiated in order to support the school enrollment and attendance of refugee children who are under the risk of becoming a child laborer. The project provided financial motivation for the families to keep their children at school by granting certain amount of money depending on the gender and school grade.²⁰⁴ The project provided more financial aid for girls since they are much more vulnerable in terms of risks such as child marriage. Accordingly, families of female students in primary level are given 40 TL on monthly basis while male students in the same level were granted 35 TL. The amount is 50 TL for males and 60 TL for females in the high school level.²⁰⁵ The project also aims to follow the school drop-outs and work on special protection requiring cases regarding the drop-outs by household visits.²⁰⁶

²⁰² Ibid.

²⁰³ Erdoğan, M. Murat, *Suriyeliler Barometresi.*, op.cit. p.36.

²⁰⁴ “The Conditional Cash Transfer for Education (CCTE) Programme.” *UNICEF Turkey*, unicef.org, www.unicef.org/turkey/en/conditional-cash-transfer-education-ccte-programme.

²⁰⁵ UNICEF. *Ş.E.Y Programından Nasıl Faydalanabilirim. Ş.E.Y. Programından Nasıl Faydalanabilirim*, 2019, www.unicef.org/turkey/media/7731/file.

²⁰⁶ “The Conditional Cash Transfer for Education (CCTE) Programme.” *UNICEF Turkey*, unicef.org, www.unicef.org/turkey/en/conditional-cash-transfer-education-ccte-programme.

In the similar vein, the Turkish Red Crescent Society (TRCS) initiated Community Centers, which is basically aiming to make life easier for migrants in Turkey by means of referrals, language courses, handicraft sessions and bringing basic livelihood and income-generating skills. Firstly established in Şanlıurfa on 2015, Community Centers now exist in 16 cities, which are hosting the 90 per cent of the total Syrian population in the country. Thanks to the cooperation agreement between TRCS and the Ministry of National Education (MoNE)'s Lifelong Learning Center, beneficiaries of TRCS can get the MoNE-approved certificates after they finish the courses. Each Community Center has an outreach team, which is responsible for household visits whereby the services provided are introduced to the target refugee population. In addition, these outreach activities enable the identification of the critical cases such as child marriage and child labor. Community Centers creates a platform for refugees where the voices of them are heard and hence, Community Centers can function as an advocacy tool for the rights of refugees. Some problems are faced because the refugee population in Turkey are mostly not aware of their rights regulated by the Foreigners and International Protection Law as well as Temporary Protection Regulation. The unawareness of rights and services induce abuses and not benefitting from the existing services such as education and health. In this scope, Community Centers inform refugee population about the legal regulations and services that are being provided by Turkish government. Likewise, DGMM established Foreigners Communication Center, a hot-line providing consultancy on the legal migration provisions in 6 languages, in 2015 for corresponding the similar purpose.²⁰⁷ Compared to Lebanon and Jordan, Turkey adopted a more security-oriented approach on the international bodies aiming to run a

²⁰⁷ “Alo 157 YİMER Danışma Hattı, 10 Binin Üzerinde Mülteciyi Ölümden Kurtardı.” *TRT Haber*, trthaber.com, 11 Mar. 2018, www.trthaber.com/haber/turkiye/alo-157-yimer-danisma-hatti-10-binin-uzerinde-multeci-yi-olumden-kurtardi-354708.html.

humanitarian operation in Turkey on Syria crisis. In this framework, Turkish government's approach has been based on state's strong coordination role and inclusion of national actors close to state such as the Turkish Red Crescent. Some previously accredited civil society organizations of foreign origin such as Mercy Corps were closed down by the decree of Ministry of Interior Affairs on the grounds that the security concerns.²⁰⁸

Despite the language barrier between host community and refugee population, Turkey faced less trouble in managing the influx by comparison with other regional hosting countries. Several factors can be enlisted in understanding Turkey's relative success on managing the migration crisis. First, the rhetoric based on *Ummah* bonds functioned well whereby the *Ansar* and *Muhajeer* nexus could be correlated²⁰⁹. Second, Turkey is bigger in terms of both territorial and demographic facts. Therefore, it had the opportunity to tolerate the influx even though it is the biggest massive displacement of the modern times. Third, Turkey swiftly achieved to renew its migration and international protection laws, which corresponded the needs to some extent. Fourth, Turkey did not have a problematic migration experience in its past in comparison with the regional hosting governments. Last but not least, Turkey received considerable amount of funds allocated for the humanitarian projects thanks to its location adjacent to the European borders. The EU pledged to transfer previously mentioned 6 billion Euro to Turkey with the expectation of keeping refugees away from the EU border and readmission of the individuals whose illegal entrance to the EU territory

²⁰⁸ "Türkiye ABD Merkezli Yardım Kuruluşu Mercy Corps'un Faaliyetini Durdurdu - BBC News Türkçe." *BBC News*, BBC, 8 Mar. 2017, <https://www.bbc.com/turkce/haberler-turkiye-39205825>.

²⁰⁹ Erdoğan, Murat. "Türkiye'ye Kitlemel Göçlerde Son ve Dev Dalga: Suriyeliler", Ed. Erdoğan, M. M. and Kaya, A., *Türkiye'nin Göç Tarihi: 14. Yüzyıldan 21. Yüzyıla Türkiye'ye Göçler*, 1. Baskı, 2015. İstanbul: İstanbul Bilgi Üniversitesi Yayınları, pp. 315-347 ,p.336.

are identified.²¹⁰ Even though the mentioned amount can be considered as a way behind of the Turkey's expenditure for refugees, which is allegedly 35 billion USD in total by 2019²¹¹, Turkey's calculation mostly depends on inclusion of every disbursement item such as the infrastructure expenses of municipalities, health and education services. Therefore, 6 billion Euro that has been solely allocated for humanitarian purposes definitely contributed to the mitigation of the humanitarian situation in Turkey. Especially, the local economies are positively affected by the implementation of cash program because it decreased the social tension risks since refugees afford to access to the goods and participate daily life in the local economy through the project.²¹² Beyond any doubt, cash based project along with the community center projects have mitigated the suffering of refugees in Turkey. However, it should also be noted that the current projects still do not produce a comprehensive and long-term solution to the problems. Cash based program, which is unconditionally provided is away from generating a remedy for the future of the crisis. In other words, emergency-based palliative cures are prevailing approach to a great extent. Even though AFAD is an emergency-based institution, its role on management of accommodation centers continued even in the 6th year of the crisis. It was in early 2018 when the AFAD handed over its roles regarding camps to DGMM.²¹³ This can also be considered as an outcome of Turkey's policies towards the crisis in Syria. Turkish politicians believed that the crisis might

²¹⁰ Summers, Hannah. "Why We're Paying the Rent for a Million Syrian Refugees'." *The Guardian*, Guardian News and Media, 26 Mar. 2018, www.theguardian.com/global-development/2018/mar/26/scheme-cash-transfer-turkey-1m-refugees-eu-aid.

²¹¹ Bağ, Mustafa. "Erdoğan: Mültecilere 35 Milyar Dolar Kaynak Aktardık." *Euronews*, euronews.com, 28 Jan. 2019, tr.euronews.com/2019/01/28/erdogan-multecilere-35-milyar-dolar-kaynak-aktardik.

²¹² "The Emergency Social Safety Net (ESSN): Providing Cash to the Most Vulnerable Refugees in Turkey." *European Civil Protection and Humanitarian Aid operations*, European Commission, 22 Aug. 2017, https://ec.europa.eu/echo/essn_en.

²¹³ "Sığınmacı Kampları Göç İdaresi'ne Devredildi." *Milliyet*, milliyet.com.tr, 20 Mar. 2018, www.milliyet.com.tr/gundem/siginmaci-kamplari-goc-idaresi-ne-devredildi-2631338.

come to an end in a short span of time.²¹⁴ Therefore, the calculations, which were made according to the temporariness of the crisis overwhelmingly affected the crisis management approach of the country. Currently, it is estimated that more than 400 thousand Syrian children are out of school in Turkey²¹⁵ and the number of Syrian refugees having labor permit is around 30 thousand,²¹⁶ which means that the majority of Syrian individuals in the Turkish labor market are deprived of legal protection. In the same vein, since social aids such as ESSN requires not to work in order to access the aids, the cash-based assistance can be seen as responsible impediment on the inclusion to the legal market. The lack of comprehensive strategies on education and livelihood issue may trigger extensive problems in the society. The approach based on the temporariness of Syrian refugees and their return back to Syria should not overlook that access to education and livelihood facilities increase the resilience of refugees, which may provide a sustainable return. Consequently, refugees may finance their return when the day comes.²¹⁷

Even though Turkey mostly followed an apparent emergency-based approach depending on the assumptions of the regime's residual life, it would not be well-directed to propound that Turkey's policy is exempted from fluctuations. On the contrary, Turkish policy towards the crisis underwent significant changes whereby its policies are profoundly influenced. Next section aims to understand this fluctuation by reflecting three important phases of Turkish migration policies.

²¹⁴ "Davutoğlu, Esad'a Ömür Bıçtı." *Hürriyet*, hurriyet.com.tr, 25 Aug. 2012, www.hurriyet.com.tr/gundem/davutoglu-esada-omur-bicti-21300142.

²¹⁵ "UNICEF Turkey Humanitarian Situation Report #32, 1-30 April 2019 - Turkey." *ReliefWeb*, 20 May 2019, reliefweb.int/report/turkey/unicef-turkey-humanitarian-situation-report-32-1-30-april-2019.

²¹⁶ "Bakan Pekcan: 15 Bin 159 Suriyeli Şirket Var." *CNN Türk*, cnnturk.com, 14 June 2016, www.cnnturk.com/ekonomi/bakan-pekcan-15-bin-159-suriyeli-sirket-var.

²¹⁷ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.63.

4.2.4. Evolution of Turkey's Open-door Policy

Turkey's policy towards Syria had radically evolved upon the developments on the Syrian crisis. The uppermost consideration was based on the toppling of the regime in a short span of time. Therefore, displacement was perceived as a mere symptom or byproduct of this transition period. Turkey followed an open-door policy due to the previously mentioned reasons as an initial step. Thus, the period starting from the beginning of the events in 2011 to 2014 is labeled as the Liberal Phase during which non-restrictive policy is adopted. Liberal phase is followed by the restriction phase during which more controlling understanding is followed. This symbolizes the demise of open-door policy. This period is best identified with the construction of a wall and abolition of the visa exemption regime between two countries. The restriction phase culminated with the reactive phase, which can be associated with Turkey's military operations started in August 2016. Despite several milestones facilitating these labeling, it should not be overlooked that each period may harbor several variations inside.

Turkey's policies mainly differed according to its several reasons. First, security perception altered with regard to the developments in Syria. Advent of radical and fundamentalist terror organizations as well as Kurdish separatism were main factors of change, which were followed by the rapid increase in the number of refugees entered into Turkish territory. In addition, the period of Syrian crisis started in 2011 also coincided with several internal instabilities in Turkey, some of which can be enlisted as the Gezi protests, conflict with the FETÖ terror organization, abolition of peace process with regard to Kurdish question and reescalation of armed conflict, cabinet crisis of June 2015 and reelection, dismissal of Davutoğlu government, 2016 attempted coup d'état and referendum on presidential system. Second, resign of PM Ahmet Davutoğlu ushered the change in Turkey's policies towards Syrian crisis and mass displacement. Hence, the neoliberal policies were superseded by the securitization through multiple

precautions such as the construction of the wall. Third, the public opinion began to change when the Syria crisis became protracted, which jeopardizes the temporariness of the refugees in Turkey. Therefore, public opinion began to change upon the loss of efficiency in the Ansar-Muhajeer analogy by the time. A survey conducted by Istanbul Bilgi University Center for Migration Research and published in 2018 reveals the perceptual change of Turkish society regarding the refugee inflow to Turkey.²¹⁸ Increasing pressure over Turkey's own sources to carry the burden is a remarkable motive concerning the policy change. Last but not least, the Turkey's expectation of temporariness is eroded by time, which showed that Assad government is far from an overturn. Therefore, Turkey periodically revised its open-door policy and its perspective to Assad government.²¹⁹

These upheavals have tremendously affected Turkey's open-door policy towards the refugee inflow due to the Syria crisis.

4.2.4.1. Liberal Phase

Liberal phase meets the characteristics of the above-mentioned de-securitization period in terms of its full compliance with non-restrictive approach towards refugees. There are several underlying causes of this phase. Samuel Huntington describes the dissolution of the Soviet Union and the democratization process followed by the demise of the USSR as the third wave of democratization in the world.²²⁰ In line with his phrase, "the Arab Spring" was also widely debated if it can be the fourth wave of

²¹⁸ "Politically Polarized Turkey Finds Largest Common Ground in Syrian Refugees' Return - Turkey News." *Hürriyet Daily News*, 6 Feb. 2018, <http://www.hurriyetdailynews.com/politically-polarized-turkey-finds-largest-common-ground-in-syrian-refugees-return-126873>.

²¹⁹ Calabrese, John, et al. "Is Turkey Back to 'Zero Problems' with Assad?" *Middle East Institute*, 18 Nov. 2019, <https://www.mei.edu/publications/turkey-back-zero-problems-assad>.

²²⁰ Huntington, Samuel P. "Democracys Third Wave." *Journal of Democracy*, vol. 2, no. 2, 1991, pp. 12–34., doi:10.1353/jod.1991.0016.

democratization period in the world.²²¹ In a period coinciding with the falling of the authoritarian regimes of Arab states one by one, the prevailing idea was built on a rapid transition of the region in line with the democratic principles. Justice and Development Party (JDP), Turkey's ruling party, also welcomed the Arab uprisings with a similar symptom interpreting the process as an ultimate arrival to democracy.²²² In addition, Turkey was often mentioned as a model for the transformation of authoritarian regimes to a democratic country.²²³ Furthermore, the political Islam was the initial outcome of the Arab uprisings and subsequently Islamist parties such as Ennahda Movement (Tunisia) and the Muslim Brotherhood (Egypt) won the elections. Based on the ideological affinity between JDP and political Islam, the accession of Islamist parties were considered as an opportunity for increasing Turkey's penetration in the region. In 2012, Davutoğlu, the then foreign minister of Turkey, stated that Turkey will lead the change in the Middle East.²²⁴ Suitable with the mentioned rhetoric, JDP's arguments belonging to the initial era of the Syrian crisis all depended on a deterministic mindset, which was quite assured about the destiny of the Syrian regime. In other words, assumptions on the regime's absolute direction that was going to end up with dissolution had never been in question and the symptoms of the crisis such as the influx were just seen as short-winded events only requiring some palliative measures. This

²²¹ Howard, Philip N., and Muzammil M. Hussain. *Democracys Fourth Wave?: Digital Media and the Arab Spring*. Oxford University Press, 2013 and Abushouk, Ahmed Ibrahim. "The Arab Spring: A Fourth Wave of Democratization?" *Digest of Middle East Studies*, vol. 25, no. 1, 2016, pp. 52–69., doi:10.1111/dome.12080. and Abushouk, Ahmed Ibrahim. "The Arab Spring: A Fourth Wave of Democratization?" *Digest of Middle East Studies*, vol. 25, no. 1, 2016, pp. 52–69., doi:10.1111/dome.12080.

²²² "Erdoğan: Arap Baharı Demokrasiye Geçişte İvme Yarattı." *Hürriyet*, Hurriyet.com.tr, 6 Dec. 2011, www.hurriyet.com.tr/gundem/erdogan-arap-bahari-demokrasiye-geciste-ivme-yaratti-19404022.

²²³ Bekaroğlu, Edip Asaf. "Justice and Development Party and Muslim Brotherhood in the 'Arab Spring': A Failed Post-Islamist Interaction to Transform the Middle East." *PESA International Journal of Social Studies*, vol. 2, no. 1, Feb. 2016, pp. 1–16., dergipark.org.tr/download/article-file/256100. p.2.

²²⁴ "Ortadoğu'da Değişimi Biz Yöneteceğiz." *Sabah*, sabah.com.tr, 26 Apr. 2012, www.sabah.com.tr/gundem/2012/04/26/ortadoguda-degisimi-biz-yonetecegiz.

hypothesis mainly constituted the rationale background of the liberal phase. Because the regime was going to topple down in a short span of time, open-door policy was also in line with Turkey's initial policy towards the Syrian crisis. Turkey initially believed that the regime could be convinced to abdicate through the liberal instruments. In this manner, Ahmet Davutoğlu visited Syria on 9 September 2011 in order to convey messages of Turkey including its demands and expectations based on the reforms to be followed by the Assad government.²²⁵ Turkish diplomacy was expecting Assad to play the role of Gorbachev while it ended up like Milosevic.²²⁶

Despite the failure of the liberal instruments, the liberal approach towards the migration continued for a certain period of time with the expectation of regime's overthrown. Therefore, visa exemption between Turkey and Syrian nationals are maintained whereby not only the arrivals by the land borders but also by other ports are admitted to the country. Liberal phase is assumed to cover approximately the 3 years period starting from the beginning of the crisis in 2011 to 2014 when the discourse towards the influx began to change. Within this period, it is assumed that the number of refugees entered into the country is between 600 thousands to 1 million.^{227 228}

Turkey as the signatory of the 1951 Geneva Convention had an obligation for Syrian refugees. Therefore, liberal phase of the open-door approach was an outcome of international agreements. This obligation was interrupted in Turkey's well-known 1994 regulation. This was again challenged due to Turkey's EU accession. This requirement has been in line with former PM Ahmet Davutoğlu's neo-liberal understanding, who made

²²⁵ İşyar, op.cit., p. 136.

²²⁶ İşyar, op.cit., p. 132.

²²⁷ "Suriyeli Mülteci Sayısı 600 Bini Aştı." *Hürriyet*, hurriyet.com.tr, 21 Oct. 2013, www.hurriyet.com.tr/gundem/suriyeli-multeci-sayisi-600-bini-asti-24951072.

²²⁸ "Yıllara Göre Göç İstatistikleri." *İçişleri Bakanlığı Göç İdaresi Genel Müdürlüğü*, goc.gov.tr, 17 July 2019, www.goc.gov.tr/icerik6/gecici-koruma_363_378_4713_icerik.

an outstanding emphasis to the artificiality of the national borders.²²⁹ Therefore, the securitization of the border policies were highly in contradiction with his world view. In addition, one of the strongest motivations behind the liberal phase was the burden originating from the moral basis of JDP, which is mostly based on the values of Islamic civilization. Depending on these values, Turkey should have taken its steps according to its historical responsibilities as well as its historical legacy. These concepts required a liberal approach towards the religious fellows escaping from the brutality of Assad regime.²³⁰ For the very reason, humanitarian imperatives were incontestable facts and it obliged Turkey to implement an open-door policy. This was also an overlapping matter with Ahmet Davutoğlu's vision in which humanitarianism is a substantial motive.²³¹

Liberal phase mostly coincided with more uncertainties since Turkey's Law on Foreigners and International Protection came into force in 2013 and the DGMM, the relevant institution for migration, was founded in 2014. Therefore, the Police Department of Turkey conducted the registrations of Syrian refugees, which are mostly predicated on the declaration of individuals rather than documentation. Despite the refugee-friendly manner of the registration period, deficiencies in required number of staff, the high number of individuals that are causing extraordinary work load and the new registration system mainly caused the foremost problems during the registration process.²³² DGMM, which handed over the registration process in next phase was going to need a data update project

²²⁹ "Bakan Davutoğlu: 'Yeni Sınırlar , Suni Sınırlardır.'" *Odatv.com*, 11 July 2013, <https://odativ.com/bakan-davutoglu-yeni-sinirlar-suni-sinirlardir-1107131200.html>.

²³⁰ Yeşiltaş, Murat, and Ali Balcı. "AK Parti Dönemi Türk Dış Politikası Sözlüğü: Kavramsal Bir Harita." *Bilgi*, vol. 23, 2011, pp. 9–34.

²³¹ Davutoğlu, Ahmet. "Turkey's Humanitarian Diplomacy...", op.cit., Kindle Edition, Loc. 25.

²³² Erdoğan, M. Murat, *Suriyeliler Barometresi*, op.cit. p.17.

in order to clarify the incorrect data of Syrian refugees.²³³ Liberal phase is superseded by the restriction phase when more controlling approach is followed.

4.2.4.2. Restriction Phase

Just as the liberal phase, restriction phase is also not anomalous to Turkish foreign policy towards the Syrian crisis. However, internal dynamics should also be regarded as considerable factors for the evolution of Turkey's policies. In the year of 2013, Turkey witnessed several chaos and security concerns, some of which were the indicators of unrest and resentment in the some segments of the Turkish society. Changing public opinion of Turkish people is one of the most distinctive issues of this phase. Gezi protests, which began as peaceful demonstrations based on the ecological concerns, swiftly turned into a country-wide action during which the resentments and discontentment due to the several policies of the JDP government are voiced. According to a survey made by MetroPOLL Strategic and Social Research Center and published by Foreign Policy, only 28 per cent of the Turkish public was supporting the Syrian policy of the government in 2013 and discontentment regarding the migration policy was one of the complaints that was voiced during the Gezi protests.²³⁴ According to official figures, the number of Syrian refugees inside the country was more than 1.5 million in 2014²³⁵ and this number was 15 times

²³³ "Türkiye'de Geçici Koruma Altındaki Suriyelilerin Bilgilerinin Güncellenmesi." *UNHCR*, [unhcr.org, help.unhcr.org/turkey/tr/information-for-syrians/verification-of-syrian-nationals-under-temporary-protection](http://unhcr.org/help.unhcr.org/turkey/tr/information-for-syrians/verification-of-syrian-nationals-under-temporary-protection).

²³⁴ Jones, Sophia. "How the War in Syria Has Helped to Inspire Turkey's Protests." *Foreign Policy*, [Foreignpolicy.com](http://foreignpolicy.com/2013/06/11/how-the-war-in-syria-has-helped-to-inspire-turkeys-protests/), 11 June 2013, foreignpolicy.com/2013/06/11/how-the-war-in-syria-has-helped-to-inspire-turkeys-protests/.

²³⁵ "Yıllara Göre Göç İstatistikleri." *İçişleri Bakanlığı Göç İdaresi Genel Müdürlüğü*, goc.gov.tr, 17 July 2019, www.goc.gov.tr/icerik6/gecici-koruma_363_378_4713_icerik.

bigger than the critical limit, declared as 100 thousand in 2012 by the then Foreign Minister Ahmet Davutoğlu.²³⁶

Abandonment of the policy depending on the housing in accommodation centers²³⁷, increased the discontent in the Turkish society that perceived the Syrian refugees as their rivals in the labor force. According to a research conducted by Murat Erdoğan in 2014, it is indicated that the 54.6 per cent of Turkish public are opposing the inclusion of Syrian refugees to the labor market while the 23.5 per cent only supports labor permit of Syrian refugees on limited sectors. Likewise, the anxiousness due to the fact that Syrian refugees might take the jobs of Turkish nationals was more than 60 per cent.²³⁸ In the similar vein, more than 92 per cent of the Turkish public was opposing Syrian refugees to live in cities with Turkish nationals and more than 80 per cent of the respondents were supporting a solution depending on the housing of Syrian refugees in an isolated area from Turkish nationals.²³⁹ However, in contrast with the public expectation, more than 90 per cent of the refugees were already living together with the Turkish nationals in cities rather than the accommodation centers in 2014.²⁴⁰ All in all, upon the rapid increase in the numbers, the discontentment was already apparent in the Turkish society. Footprint of the alteration in the public opinion can be followed through the discourse of the politicians in this period. Accordingly, the mass displacement from Syria had already started to design the discourse of the politics of opposition parties in early 2015. Kemal Kılıçdaroğlu, the leader of the main opposition party, declared the repatriation of Syrian refugees as an election pledge before the elections of June 2015, which was culminated with a relative

²³⁶ Berkan, İsmet. "Suriye'de Kritik Bir Eşiğe Gelindi." *Hürriyet*, hurriyet.com.tr, 20 Aug. 2012, www.hurriyet.com.tr/suriye-de-kritik-bir-esige-gelindi-21261884.

²³⁷ Ferris, Elizabeth G. and Kemal Kirisci. op.cit. p.52.

²³⁸ Erdoğan, M. Murat, *Suriyeliler Barometresi*, op.cit. p.73.

²³⁹ Erdoğan, M. Murat, *Suriyeliler Barometresi*. op.cit. p.89.

²⁴⁰ Ibid.

failure for the JDP.²⁴¹ In the same vein Nationalist Movement Party profoundly criticized the open-door policy and the general tendencies of government regarding the influx.²⁴² Erdoğan also did not remain insensitive to the discontent of society and the harsh denouncement of the opposition parties. He expressed that Syrian refugees would return to their homes when the brutal Assad regime is overthrown.²⁴³

Apart from these changes, the most obvious step taken by the Turkish government is the construction of a wall having 2 meters height along with the Syrian border with the aim of controlling the migration. Started to be constructed in 2014, the wall can be considered as a radical change in Turkey's security perception.²⁴⁴ This is also a milestone in terms of symbolizing the turnabout from open-door policy to formerly mentioned securitization. Moreover, since the constructed wall is not considered as an enough disincentive without patrolling along with the border line, Turkey transferred 50 per cent of its border patrol personnel to Syria border. In addition, 90 per cent of the existing drones were appointed to the disposal of this region's security guards.²⁴⁵ Within this period, Turkey allocated 30 million Turkish Liras in ensuring its border security.²⁴⁶ Undoubtedly, the rise of radicalism and terror groups in Syria was a milestone for Turkey,

²⁴¹“Kılıçdaroğlu'ndan Suriyelileri Gönderme Vaadi.” *Sabah*, Sabah.com.tr, 23 Apr. 2015, www.sabah.com.tr/gundem/2015/04/23/kilicdaroglundan-suriyelileri-gonderme-vaadi.

²⁴² Ceylan, Ahmet and İsa Uslu . "7 Haziran 2015 Genel Seçimlerinde Partilerin Uluslararası Göç Yaklaşımları Üzerine Karşılaştırmalı İnceleme". *Sosyal Bilimler Araştırma Dergisi* 8 (2019): 97-114, <http://dergipark.org.tr/ssri/issue/43336/503774>.

²⁴³“Erdoğan: Türkiye'deki Suriyeliler Ülkelerine Geri Dönecek.” *Cumhuriyet*, cumhuriyet.com.tr, 7 Aug. 2014, [www.cumhuriyet.com.tr/haber/siyaset/103045/Erdoğan Türkiye deki Suriyeliler ülkelerine geri donecek.html](http://www.cumhuriyet.com.tr/haber/siyaset/103045/Erdoğan_Türkiye_deki_Suriyeliler_ülkelerine_geri_donecek.html).

²⁴⁴ Afanasieva, Dasha. “Turkey Builds Wall in Token Effort to Secure Border with Syria.” *Reuters*, Thomson Reuters, 5 May 2014, www.reuters.com/article/us-syria-crisis-turkey-wall-idUSBREA4409Z20140505.

²⁴⁵ Uzman, Nasrullah. “Türkiye'nin Sınır Güvenliği Açısından Suriyeli Sığınmacılar Meselesi.” *21. Yüzyılda Eğitim Ve Toplum*, vol. 5, no. 15, 2016, pp. 135–157., dergipark.gov.tr/download/article-file/369217, p.148.

²⁴⁶ “TSK o Rakamları Açıkladı.” *Hürriyet*, hurriyet.com.tr, 22 July 2015, www.hurriyet.com.tr/gundem/tsk-o-rakamlari-acikladi-29615975.

which triggered the change in its migration policies. The advent of Islamic State (also known as ISIS) as a radical figure in the region occurred in 2014. Moreover, YPG, which is the branch of PKK started to become an active actor under the umbrella of Syria Democratic Forces established in 2015. Therefore, the Syrian government was not the only challenger against the Turkish interests by late 2015. On the top of that, Turkey's efforts to unite the fragmented opposition in Syria did not yield any satisfactory results.²⁴⁷ All in all, Turkey was concerned about the future and the outcome of the crisis since then the discourse towards the solution was renewed. By late 2015, Erdoğan stated that a transition period with Assad government could be accepted.²⁴⁸ By 2015, the number of Syrian refugees in Turkey exceeded 2.5 million²⁴⁹, and it induced a great fatigue, which was one of the reasons in changing discourse towards Syria. In other words, Turkey's resources was under a great pressure due to the extensive numbers. Furthermore, Turkey's relations with its western neighbors should also be regarded as an important factor in Turkey's changing attitude. Turkey's position and policies constituting a transit migration bridge was source of discontentment for the European countries. Therefore, there was a powerful pressure demanding Turkey to rearrange its border policies.²⁵⁰ In 2016, Turkey abolished the visa exemption agreement, which was the relic of Turkey's prominent zero-problem period with its neighbors.²⁵¹ Although it was announced that the open-door policy in the land borders will be

²⁴⁷ İşyar, op.cit., p. 136.

²⁴⁸ "Erdoğan'dan Suriye'de Esad'lı Geçişe Yeşil Işık." *Sputnik Türkiye*, sputniknews.com, 5 Oct. 2015, tr.sputniknews.com/ortadogu/201509241017950748/.

²⁴⁹ "Yıllara Göre Göç İstatistikleri." *İçişleri Bakanlığı Göç İdaresi Genel Müdürlüğü*, goc.gov.tr, 17 July 2019, www.goc.gov.tr/icerik6/gecici-koruma_363_378_4713_icerik.

²⁵⁰ Uzman, Nasrullah, op.cit. p.148.

²⁵¹ "Ülkemiz ile Suriye Arasındaki Vize Muafiyeti Anlaşmasının Yürürlükten Kaldırılması." *Göç İdaresi Genel Müdürlüğü*, goc.gov.tr, 11 Jan. 2016, www.goc.gov.tr/mobilicerik6/ulkemiz-ile-suriye-arasindaki-vize-muafiyeti-anlasmasin-yururlukten-kaldirilmasi_350_360_8989_icerik#.

sustained, several cases about the restrictions in the land borders are reported within the same period.²⁵² The restriction phase is followed by the reactive phase when the debates on the repatriation of refugees gain momentum.

4.2.4.3. Reactive Phase

Since the beginning of the Syrian crisis, the Turkish government faced with unprecedented incidents and instabilities comparing to its previous decade of rule and accordingly these challenged the authority of JDP in a comprehensive manner. By 2016, it was obvious that the outcomes of Arab uprisings were far away from the way JDP expected and desired. Islamist Ennahda that won the elections after the revolution were beaten by its secular rival²⁵³ while the Muslim Brotherhood rule was toppled by a coup d'état.²⁵⁴ As for Syria, Free Syrian Army, which is backed by Turkey was nowhere near to produce a solution for the crisis in the immediate future. Internal turbulence was also at the peak point in Turkey by 2015. More than 250 people died in 9 terror attacks from June 2015 to June 2016. PKK, Islamic State and Syrian regime were held responsible for these terror attacks.²⁵⁵ In addition to these spillover effects of the Syrian crisis, the challenges of Turkey is doubled after a Russian Su-24 attack aircraft was shot down by Turkish F-16 jets. This incident substantially deteriorated the relations between Turkey and Russia and furthermore the alliance of United

²⁵² Bora, Birce. "Analysis: Is Turkey's 'open Door Policy' an Illusion?" *Turkey News | Al Jazeera*, Al Jazeera, 24 Nov. 2015, www.aljazeera.com/news/2015/11/analysis-turkey-open-door-policy-illusion-151124084706365.html.

²⁵³ Gall, Carlotta. "Islamist Party in Tunisia Concedes to Secularists." *The New York Times*, The New York Times, 27 Oct. 2014, www.nytimes.com/2014/10/28/world/africa/nidaa-tounes-ennahda-tunisian-parliamentary-election.html.

²⁵⁴ Kirkpatrick, David D. "Army Ousts Egypt's President; Morsi Is Taken Into Military Custody." *The New York Times*, Nytimes.com, 3 July 2013, www.nytimes.com/2013/07/04/world/middleeast/egypt.html.

²⁵⁵ "Türkiye'de Son Beş Yılda Patlayan Bombalar." *Deutsche Welle*, dw.com, 29 June 2016, www.dw.com/tr/türkiyede-son-beş-yılda-patlayan-bombalar/a-19363717.

States with People's Democratic Union Party (PYD), branch of PKK in Syria, isolated and alienated Turkey in the region.²⁵⁶ Resign of Ahmet Davutoğlu from prime ministry was ultimate indication of the demise of policies based on the Davutoğlu principles.

Turkey's reactive manner started after the attempted coup in July 2016. Rapprochement between Turkey and Russia became possible after Erdoğan's visit to Russia on the first week of August 2016.²⁵⁷ The most noteworthy outcome of the summit between Putin and Erdoğan was the persuasion and consent of Russia to Turkey's military operations in the north of Syria.²⁵⁸ Even though the security concerns were the major justification for the Operation Euphrates Shield started on 24 August 2016, controlling the refugee inflow was among the foremost reasons behind the military operation.²⁵⁹ Turkey achieved to control an area equivalent to 2000 km², which is constituting a triangle among Jarablus, El-Bab and Azez districts of Northern Syria.²⁶⁰ In 2017, negative attitudes on migration were more powerfully articulated and Turkey was not an exception. Based on the maintenance of temporary protection status, it was obvious that Turkey did not envisage integration of refugees into the society in legislative and administrative manners.²⁶¹ This phase also coincides with the more rigid

²⁵⁶ Üstün, Kadir. "US Alliance with Syrian PYD Alienates Turkey." *Al Jazeera*, aljazeera.com, 2 June 2016, www.aljazeera.com/indepth/opinion/2016/06/alliance-syrian-pyd-alienates-turkey-160601095726203.html.

²⁵⁷ Demir, Ali Faik. "Türkiye-Rusya İlişkilerinde Suriye Krizinin Yansımaları ve Etkileri." *Marmara Türkiyat Araştırmaları Dergisi*, vol. 3, no. 2, 2016, pp. 139–151., dergipark.org.tr/download/article-file/312090. P.147.

²⁵⁸ Erşen, Emre. "Türk-Rus İlişkilerinde Normalleşme ve Fırat Kalkanı." *Ortadoğu Analiz*, vol. 8, no. 77, 2016, pp. 23–25., orsam.org.tr/d_hbanaliz/6_emrersen.pdf. p. 23.

²⁵⁹ "Fırat Kalkanı Harekâtının 216 Günlük Bilançosu." *Milliyet*, milliyet.com.tr, 30 Mar. 2017, www.milliyet.com.tr/gundem/firat-kalkani-harekatinin-216-gunluk-bilancosu-2423279.

²⁶⁰ Ibid.

²⁶¹ İçduygu, Ahmet, and Enes Ayaşlı. "Geri Dönüş Siyaseti: Suriyeli Mültecilerin Dönüş Göçü İhtimali Ve Gelecek Senaryoları." *MiReKoc Çalışma Notları*, Apr. 2019, pp. 1–24. *Koç Üniversitesi Göç Araştırmaları Merkezi*, mirekoc.ku.edu.tr/wp-content/uploads/2019/05/Mirekoc_Rapor_GeriDonusSiyaseti.pdf. p.4.

role of Turkish state in terms of accreditation of foreign CSOs in Turkey for humanitarian purposes. As stated above, Turkish state decided to sustain the activities of some foreign organizations working inside Turkey for the humanitarian purposes. Moreover, during and after the Operation Olive Branch started on January 2018, the motivation of repatriation was clearly expressed. Erdoğan expressed that the Syrian refugees will be sent back to their countries by the operations.²⁶² Turkey established refugee camps in the territory taken under the control of its military.²⁶³ These camps aimed to encounter the refugees before they reach to the border of Turkey. In this manner, the reactive phase symbolize the reversion of Turkey's initial open-door policy and its replacement with the perspective akin to the 1994 regulation, which overtly regulated the halting of refugees before they reach to Turkish border as a principle.²⁶⁴ Starting from 2016, Turkey supported the establishment of more than 40 refugee camps inside Syria. This was one of the foremost precautions in order to keep refugees inside Syrian territory. By the late 2018, it was declared that almost 300 thousand Syrian refugees went back to their countries after the military operations.²⁶⁵ By the late July 2019, the number of the Syrian refugees returning to their country is announced as 337 thousand.²⁶⁶

²⁶² "Cumhurbaşkanı Erdoğan, 'Suriyelileri Tekrar Topraklarına Göndereceğiz.'" *Milliyet*, Milliyet.com.tr, 24 Jan. 2018, www.milliyet.com.tr/cumhurbaskani-erdogan-suriyelileri-tekrar-ankara-yerelhaber-2552456/.

²⁶³ "Türkiye, Suriye'de 170 Bin Kişiyi Barındıracak 9 Kamp Kuruyor." *BBC News Türkçe*, BBC, 7 Mar. 2018, <https://www.bbc.com/turkce/haberler-turkiye-43300423>.

²⁶⁴ 8th article of Regulation on the Procedures and the Principles Related to Population Movements and Aliens Arriving in Turkey Either As Individuals or in Groups Wishing to Seek Asylum Either From Turkey or Requesting Residence Permission in Order to Seek Asylum From Another Country. <http://www.multeci.org.tr/wp-content/uploads/2016/12/1994-Yonetmeli.pdf>

²⁶⁵ "İçişleri Bakanı Soylu: Fırat Kalkanı Ve Zeytin Dalı'ndan Sonra 292 Bin Suriyeli Geri Döndü." *Euronews*, euronews.com, 22 Dec. 2018, tr.euronews.com/2018/12/22/icisleri-bakani-soylu-firat-kalkani-ve-zeytin-dalindan-sonra-292-bin-suriyeli-geri-dondu.

²⁶⁶ "Soylu'dan Kaçak Göç Uyarısı: Avrupa'daki Hiçbir Hükümet 6 Ay Dayanamaz, İsterlerse Deneyelim." *Sputnik Türkiye*, sputniknews.com, 21 July 2019,

Turkey embarked another military operation in the name of Operation Peace Spring on October 2019 with the aim of settling Syrian refugees in Turkey to the safe zone that is targeted to taken under control of Turkey.²⁶⁷ Turkey's President Recep Tayyip Erdoğan stated that they plan repatriation of approximately 2 million Syrian refugees to the planned safe zone.²⁶⁸ The international public is critical about the returns due to the fact that the safe conditions were not reached yet. Especially, the entrance of Syrian refugees to the territory controlled by the regime still poses a significant treat for them. 230 of 700 returnees were taken into custody by the regime forces in October 2018.²⁶⁹ This situation rises the anxieties on the safe conditions. Even though repatriation of Syrian refugees became a current issue, it cannot be considered as a reasonable request before a political solution is achieved. Filippo Grandi, UN High Commissioner for Refugees, underscored that assumed safe zones may not be safe enough in the next phase.²⁷⁰ Therefore, repatriation is far from being an option in the near future. Remembering the non-refoulment principle of international law regulated by the 1951 Geneva Convention on Refugees, also ratified by Turkey, substructure of repatriation can be considered as not reached yet. Despite the views of international organizations and the stalemate, the voluntary repatriation of Syrian refugees is raised as a solution every passing day. In this manner, Turkey started to negotiate with UNHCR about

tr.sputniknews.com/turkiye/201907211039717402-soyludan-kacak-goc-uyarisi-avrupadaki-hicbir-hukumet-6-ay-dayanamaz-isterlerse-deneyelim/.

²⁶⁷ Elden, Mahmut Hamsici. "Barış Pınarı Harekâtı - Sınırdaki Suriyeli Göçmenler 'Güvenli Bölgeye' Yerleşmeye Nasıl Bakıyor? - BBC News Türkçe." *BBC News*, BBC, 22 Oct. 2019, <https://www.bbc.com/turkce/haberler-dunya-50122476>.

²⁶⁸ "Cumhurbaşkanı Erdoğan: Sözler Yerine Getirilmezse Harekât Çok Daha Kararlı Devam Edecek." *Anadolu Ajansı*, 18 Oct. 2019, <https://www.aa.com.tr/tr/baris-pinari-harekati/cumhurbaskani-erdogan-sozler-yerine-getirilmezse-harekat-cok-daha-kararli-devam-edecek/1618485>.

²⁶⁹ İçduygu, Ahmet, and Enes Ayaşlı. op.cit., p.11.

²⁷⁰ "UNHCR Chief Says Safe Zones Would Not Work in Syria." *Reuters*, Thomson Reuters, 3 Feb. 2017, www.reuters.com/article/us-mideast-crisis-syria-unhcr/unhcr-chief-says-safe-zones-would-not-work-in-syria-idUSKBN15I2CO.

the voluntary return of Syrian refugees to their homeland.²⁷¹ In this manner reactive phase harbors the explicit will of repatriation of Syrians to their homeland.

Based on the political atmosphere of Turkey by mid-2019, reactive phase will continue to dominate Turkish politics in next years. The Syrian refugees were among the leading issues of political parties during the campaign of municipality elections held on 31 March 2019. Binali Yıldırım, former Prime Minister and Head of Parliament, told that the Syrian refugees in Turkey would definitely go back to their country.²⁷² Tanju Özcan, the newly elected mayor of Bolu, told that the Syrian refugees in Bolu province would not receive any social aid from the municipality budget.²⁷³ Süleyman Özışık, a close figure to JDP, expressed that the approach of government towards Syrian refugees were the first reason behind the JDP's election failure in renewed municipality elections of İstanbul in 2019.²⁷⁴ In other words, changing public opinion regarding the refugee inflow began to dominate to Turkish political life. Isomorphism concept, which was mentioned in the second chapter, powerfully continues to shape the minds of Turkish public. According the research conducted by Murat Erdoğan, it is revealed that more than 75 per cent of the Turkish public opposes a solution based on the citizenship and they express that they don't want to live together with Syrian refugees.²⁷⁵

²⁷¹ "Turkey, UNHCR Discuss Voluntary Return of Syrians." *Anadolu Ajansı*, 11 Nov. 2019, <https://www.aa.com.tr/en/turkey/turkey-unhcr-discuss-voluntary-return-of-syrians/1642033>.

²⁷² "700 Bin Suriyeli ile ilgili Şu Sözümlü Manşet Yapın." *CNN Türk*, cnntrk.com, 26 Mar. 2019, www.cnntrk.com/turkiye/700-bin-suriyeli-ile-ilgili-su-sozumu-manset-yapin.

²⁷³ "Suriyelilere Yardım Tartışması: Tepkiler Yerel Yönetimlere Yöneliyor: DW: 17.04.2019." *Deutsche Welle*, DW.COM, 17 Apr. 2019, www.dw.com/tr/suriyelilere-yardim-tartismasi-tepkiler-yerel-yonetimlere-yoneliyor/a-48365681.

²⁷⁴ Özışık, Süleyman. "AK Parti'ye Kaybettiren Hatalar..." *Internet Haber*, Internethaber.com, 25 June 2019, www.internethaber.com/ak-partiye-kaybettiren-hatalar-2031209y.htm.

²⁷⁵ Erdoğan M. Murat. *Suriyeliler Barometresi.*, op.cit. p. 83-87.

CHAPTER 5

CONCLUSION

In this study, Turkey's refugee policies to massive displacement from Syria is discussed in order to understand the evolution of Turkey's policies and its transformation in the period from 2011-2019.

In conclusion, Turkey's initial open-door policy was reliant to international requirements and several domestic factors. 1951 Geneva Convention and its additional Protocol in 1967 targeted to render the protection of refugees possible through ascribing of responsibility to states. Therefore, non-refoulment of refugees is acknowledged as a main principle. Turkey as signatory of this convention should have comply with the provisions of the convention. Moreover, Turkey's accession process to EU triggered Turkey to harmonize its domestic law with EU standards. This encouraged Turkey to renew its domestic law. The Law on Foreigners and International Protection can be evaluated as the corollary of international requirements and EU accession process. In this manner, the new law legislated away the former 1994 regulation²⁷⁶ which was in contrast with Turkey's accession process to EU.

Foreign policy principles of the JDP is another remarkable issue deserving an emphasis. Broad civilizational tendencies of former PM Ahmet Davutoğlu is one of the most remarkable issues shaping Turkey's policies for Syria crisis. He established his policies upon efficiency Ahmet Davutoğlu often referred the national borders of Turkey as artificial and open-door policy was one of the components of his policy. In the same vein,

²⁷⁶ Officially known as Regulation on the Procedures and the Principles Related to Population Movements and Aliens Arriving in Turkey Either As Individuals or in Groups Wishing to Seek Asylum Either From Turkey or Requesting Residence Permission in Order to Seek Asylum From Another Country.

JDP's ideological affinity with the Muslim Brotherhood movement underpinned its inclination regarding the open-door policy towards its Muslim fellows who are the victims of its enemies. Likewise, JDP had a mindset ascribing Turkey the role of protector of Ummah in the world.

Humanitarian preamble was powerful considering the savage of the regime and radical terror groups. It is proved that regime used chemical weapons in the war and this also made adverse impact to the civilian population. Moreover, the authority gap due to the failure of state of Syria was filled by multiple terror groups and they committed several crimes towards humanity including ethnic cleansing and genocide. Therefore, it would be a harsh decision ignore the humanitarian imperatives of the Syrian crisis. Turkey currently implements vast humanitarian programs for Syrian refugees through the nationwide organizations such as the Turkish Red Crescent. These programs aim to address the economic, social cohesion and integration needs.

Turkey's calculation was based on the temporariness of the crisis while it did not conclude in this way. This expectancy gave credit to the temporary residence of the refugees and open-door policy. Thus, the refugee inflow was considered as a mere symptom of the crisis, which will meliorate upon the overthrow of the regime in a short span of time.

The open-door policy was also exposed to several limitations and its de-facto suspension represents the reversion point to the refugee policies akin to the former regulations of Turkey. First, the gap originating from the failure of state of Syria was filled by some terror groups such as PYD, an extension of PKK in Syria and ISIS. Mentioned terror attacks of these groups in Turkey has altered the perception of security in Turkey and this raised the concerns on the open-door policy. Public opinion is another crucial factor engendering the evolution of the open-door policy. Murat

Erdoğan's study reveals that a vast majority of the Turkey's nationals oppose to live together with the Syrian refugees.²⁷⁷ Therefore, the JDP's *Ansar-Muhajeer* analogy is not likely to be reciprocated in the Turkish society. Furthermore, the resign of former PM Ahmet Davutoğlu also revealed the difference of opinion in the JDP's elites regarding the Syria policies. Hence, his resignation heralded the abandonment of the neoliberalism regarding the border policies, which led to the open-door policy. Increasing pressure over Turkey's resources is another crucial factor. President Erdoğan stated that Turkey has allegedly spent 35 billion USD for Syrian refugees.²⁷⁸ Likewise, Turkey made a readmission agreement with EU in order to receive 6 billion Euros for Syrian refugees. Moreover, the Syria crisis was nowhere near to the initial temporariness expectancy for the civil war a few years later.

The open-door policy was replaced with a new and bring back approach akin to former regulation's principles with the aim of countering refugees inside Syria soil. Therefore refugee camps were either established or supported by Turkish institutions with the aim of accommodating them outside of the borders of Turkey. In the same vein, Turkey's three military operations were attributed to the need of creating a safe zone for accommodation and repatriation. This is the climax of the re-securitizing of Turkey's refugee policies after a comparative unlimited period.

²⁷⁷ Erdoğan M. Murat. *Suriyeliler Barometresi.*, op.cit. p. 83-87.

²⁷⁸ Bağ, Mustafa. "Erdoğan: Mültecilere 35 Milyar Dolar Kaynak Aktardık." *Euronews*, euronews.com, 28 Jan. 2019, tr.euronews.com/2019/01/28/erdogan-multecilere-35-milyar-dolar-kaynak-aktardik.

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APPENDICES

Appendix A: Türkçe Özet/Turkish Summary

2010 yılının son günleri 30 yılı aşkın süredir yönetimi elinde tutan Arap diktatörlük rejimlerinin birbiri ardına devrilmesiyle sonuçlandı. Ekonomik kriz, iletişim teknolojilerindeki gelişimin kitle mobilizasyonu üzerindeki tesiri ve domino etkisi gibi unsurlar krizin yaygın bir coğrafyada etkili olmasındaki en önemli etmenlerdendir. Bazı ülkelerde kısa süreli halk ayaklanmalarıyla sonucunda tamamlanan bu dönüşüm, Suriye ve Libya’da uzun soluklu bir iç savaşla sonuçlanmıştır. Suriye Arap halk ayaklanmaları 2011 yılında Suriye’de sokak olayları ve barışçıl gösterilerle başlayan hükümet ve rejim karşıtı protestolar kısa sürede modern çağların deneyimlediği en yoğun ve uzun süren iç savaşlardan birine dönüşmüştür. Hali hazırda savaş nedeniyle 5,7 milyonu aşkın insan başka ülkelerde mülteci olarak bulunmakta, 6,2 milyon insan ise Suriye içinde yerinden edilmiş durumdadır. Kriz öncesinde Suriye’nin nüfusunun 21 milyon düzeyinde olduğu düşünülürse krizin Suriye üzerindeki etkilerinin büyüklüğü daha iyi anlaşılabacaktır.

Bu çalışma, 2011’den 2019’a kadarki dönemde Türkiye’nin Suriyeli mültecilere yönelik politikalarını incelemeyi amaçlamaktadır. Türkiye’nin başlangıçta Suriyeli mültecilere yönelik açık kapı politikası zamanla daha güvenlik temelli yaklaşıma dönüşmüştür. Bu çalışmanın hazırlanması için gazeteler, literatür, krize odaklanan uluslararası kuruluşların web sayfalarından yararlanılmıştır. Bu çalışmada Türkiye’nin Suriyeli mültecilere yönelik politikalarındaki dönüşüm liberal evre, kısıtlama evresi ve reaktif evre olmak üzere üç ana evrede kategorize edilmiştir. Türkiye’nin açık kapı politikasını uyguladığı dönem liberal evre altında açıklanmaktadır.

Türkiye, savaş nedeniyle başlayan göç dalgasında uyguladığı açık kapı politikasının sonucu olarak dünyada mülteciye ev sahipliği yapan ülke

konumundadır. Bu politikanın uygulanmasında başlıca birkaç başat etmen göze çarpmaktadır. Bunlar; 28 Temmuz 1951 tarihinde Cenevre’de imzalanan ve Türkiye’nin de imzacısı olduğu Mültecilerin Hukuki Durumuna Dair Sözleşme, Türkiye’nin 1999 yılında aday ülke olarak kabul edilmesi ile 2005 yılında başlayan tam üyelik müzakereleri kapsamında Avrupa Birliği’ne (AB) üyelik süreci, Ahmet Davutoğlu’nun geniş medeniyet algısı çerçevesinde izlediği mülteci politikası ve krizin geçici süreli olacağı beklentisidir. Diğer yandan, iç savaş boyunca gerek rejimin gerekse de ülkenin bir bölümü üzerinde kontrol sağlayan terör örgütlerinin neden olduğu vahşet nedeniyle ortaya çıkan insanî zorunluluklar da unutulmamalıdır.

İkinci dünya savaşı sonrasında savaş boyunca Nazi Almanyası’nın sivil halk üzerinde uyguladığı terör, baskı ve soykırımın tekrar yaşanmamasını temin etmek üzere yeni önlemler alınması gündemdeydi. Bu çerçevede, zulme maruz kalan bireylerin diğer devletlerin korumasından faydalanabilmesinin uluslararası anlaşmalarla tesis edilen bağlayıcı hükümlerle mümkün olabileceği öngörülmektedir. 1951 tarihli Mültecilerin Hukuki Durumuna Dair Cenevre Konvansiyonu tabiiyet bağı bulunan devletin korumasından herhangi bir sebeple yararlanamayan ya da vatandaşı olduğu devletin zulmüne maruz bireylerin diğer devletlerin korumasından yararlanabilmesi hususunu düzenlemektedir. Cenevre konvansiyonunda düzenlenen geri göndermeme ilkesi (*Non-refoulement principle*), zulümden kaçarak imzacı devletlerin sınırlarına gelen mültecilerin ilkesel olarak menşe ülkeye geri gönderilmesini yasaklamaktadır. Türkiye, konvansiyonu imzalayan devletlerden biri olmakla birlikte, bulunduğu bölgedeki istikrar yoksunluğu gerekçesiyle konvansiyona coğrafi kısıtlama şerhi düşmüştür. Coğrafi kısıtlama şerhi, Türkiye’nin yalnızca Avrupa ülkelerinden gelen yabancılara mülteci statüsünü tanımasına, diğerlerini ise yalnızca şartlı statülere tabi tutmasına neden olmuştur. 1951 Cenevre Konvansiyonu yalnızca Avrupa bölgesinde ikinci dünya savaşı nedeniyle mülteci durumuna düşmüş Avrupalılara

yönelik düzenlemeler içermekteydi. Bundan dolayı konvansiyon hem zaman hem de coğrafi bakımdan sınırlı bir bölgede meydana gelen olayları kapsamaktaydı. 1951 Cenevre Konvansiyonunun bu sınırlamaları 1967 yılında imzalanan ek protokol ile aşıldı ve mültecilerin korunması hususu evrensel bir düzenleme halini aldı. Açık kapı politikası, Cenevre konvansiyonunda belirlenmiş olan geri göndermeme ilkesinin bir gerekliliği idi. Bu ilke, 2013 yılında yürürlüğe giren 6458 sayılı Yabancılar ve Uluslararası Koruma Kanununun (YUKK) 4. Maddesinde de belirtilerek iç hukukun emredici bir normu haline gelmiştir. Açık kapı politikası bu yönüyle değerlendirildiğinde Türkiye'nin de imzacısı olduğu 1951 Cenevre Konvansiyonunun bir gerekliliği idi.

Türkiye 1990'lı yıllardan bu yana Avrupa İnsan Hakları Mahkemesi ve İnsan Hakları İzleme Örgütü gibi kurumlarca mültecilere yönelik izlediği güvenlik odaklı politikalar nedeniyle eleştirilmiştir. Keza Türkiye'nin 1994 tarihli Türkiye'ye İltica Eden veya Başka Bir Ülkeye İltica Etmek Üzere Türkiye'den İkamet İzni Talep Eden Münferit Yabancılar ile Topluca Sığınma Amacıyla Sınırlarımıza Gelen Yabancılar ve Olabilecek Nüfus Hareketlerine Uygulanacak Usul ve Esaslar Hakkında Yönetmeliği güvenlik odaklı politikalar esas alınarak hazırlanmıştı. Türkiye'nin 1999 yılında AB'ye aday ülke olarak kabul edilmesi ile 2005 yılında başlayan tam üyelik müzakereleri ülkenin iç hukuk sistemini AB müktesebatıyla uyumlulaştırması gerekliliğini doğurmaktaydı. Bu çerçevede, 6548 sayılı Yabancılar ve Uluslararası Koruma Kanunu (YUKK) Türk hukuk sisteminin uluslararası normlarla ve AB müktesebatıyla uyumlulaştırılması çabasının bir ürünü olarak ortaya çıkmıştır. YUKK, 1994 tarihli Yönetmelikteki mültecilerin ülke sınırlarına ulaşmadan durdurulması düzenlemesi yerine geri göndermeme ilkesi gereği mültecilerin ülkeye kabulünü esas almaktaydı. Bu yönüyle YUKK, güvenlik kaygıları üzerine inşa edilmiş bir hukukî düzenlemenin AB'ye üyelik sürecinin gereklilikleri çerçevesinde yeni bir kanunla ikamesini temsil etmektedir. Bir başka deyişle YUKK güvenlik odaklı bir çerçeveden çıkışı temsil etmektedir.

Türkiye'nin açık kapı politikasının hukukî temellerini oluşturan iç hukukî düzenlemeleri bakımından tetikleyici olması yönüyle AB, açık kapı politikasının en önemli gerekçelerinden birini oluşturmaktadır.

Türkiye'nin uyguladığı açık kapı politikasının bir başka önemli gerekçesini Adalet ve Kalkınma Partisinin (AKP) geniş medeniyet algısı oluşturmaktaydı. Büyük oranda partinin eski teorisyenlerinden olan Ahmet Davutoğlu'nun stratejik derinlik düşüncesiyle özdeşleşen bu anlayış, Türkiye'nin nüfuz alanının ülkenin ulusal sınırlarının ötesinde olduğu varsayımına dayanıyordu. Bu çerçevede, Türkiye'nin bölge ülkeleri içerisinde demokratik bir figür ve model olarak sunulması önemliydi. Arap halk ayaklanmalarının başladığı dönemde Türkiye, proaktif bir anlayışla rejim karşıtı devrimci hareketlerin yanında yerini almıştı. Türkiye'nin ulusal sınırlarının ötesinde bir medeniyetin parçası olduğu varsayımına dayanan bu anlayış, ulusal sınırların suniliğine yönelik muhtelif eleştiriler de içermekteydi. Bu çerçevede, İslam ümmeti bu geniş medeniyet algısının önemli neferlerini oluşturmaktaydı. Bu bağlamda Suriyeli mülteciler, Türkiye'nin de yer aldığı geniş medeniyet kümesinin üyeleri olarak görüldü. Zira bu duruma istinaden söylemsel olarak Suriyeli mülteciler muhacir olarak tanımlanırken, Türkiye halkı da *Ensar* kavramıyla özdeşleştirilmiştir. Bu anlayış, açık kapı politikasının felsefi temellerini oluşturmaktaydı.

Türkiye'nin açık kapı politikası uluslararası hukuk, AB müktesebatı ve politik tercihlerin yanı sıra aynı zamanda insanî gerekliliklerin bir sonucu olarak algılanmalıdır. Zira göç etmeyi tercih edenlerin büyük çoğunluğu rejimin hedef gözetmeyen bombalamalarında hayatta kalmanın tek yolu olarak ülkeden çıkmayı görmüşlerdir. Diğer yandan Suriye'deki baskıcı diktatörlük rejimi muhaliflerle bir şekilde temas kurmuş bireylerin yakınlarına karşı her türlü insan hakları ihlallerini meşru gören bir anlayışa sahipti. Üstelik rejimin müteaddit defalar hedef gözetmeyen kimyasal bomba kullandığı kanıtlanmıştı. Rejimin dehşet saçan saldırılarına ek olarak Suriye'deki kriz kısa sürede etnik bir çatışmaya dönüştü. Bu durum

bazı etnik ve mezhepsel grupların soykırıma maruz kalması riskini ortaya çıkarmıştır. DAESH gibi radikal terör örgütlerinin Suriye’de geniş bir bölgeyi kontrol etmeye başlaması bu korkuları artırmıştır. Bu yönüyle değerlendirildiğinde açık kapı politikası, insanî bir gereklilik ve açık kapı politikasının uygulanmasının önemli gerekçelerinden birini oluşturmaktaydı.

Türkiye, kısa sürede Suriye’deki *Baas* rejiminin devrilmesiyle krizin son bulacağını değerlendirmekteydi. Bu çerçevede bütün hesaplamalar, Suriyeli mültecilerin kısa bir süre sonra ülkelerine döneceği varsayımına dayanılarak yapılmaktaydı. Zira Türkiye başlangıçta, Suriyeli mültecilerin geçici barınma merkezlerinde ikamet etmesini temin etmekteydi. Bu varsayım açık kapı politikasının sonuçlarının bir süreliğine önemsenmemesine neden olmuştur. Zira temel varsayım, krizin semptomlarının uzun sürmeyeceği yönündedir. Böylelikle kısa sürecek bir dönemde açık kapı politikası vasıtasıyla insan odaklı bir politika izlenmesi ülkenin imajı bakımından olumlu bir politika olarak değerlendirilmiştir.

Açık kapı politikası takip eden dönemde belli sınırlamalara maruz kalmıştır. Bu çerçevede liberal evre sona ererek kısıtlayıcı evreye geçilmiştir. Zira başlangıçta politikanın uygulanmasına önayak olan koşullar zamanla değişmiştir. Bu noktada en belirleyici hususlardan biri Türkiye’nin güvenlik algısındaki değişimdir. 2014-2016 yılları arasında Türkiye, çok sayıda sivil vatandaşının yaşamını kaybetmesiyle sonuçlanan terör saldırılarına maruz kalmıştır. Bu saldırıların bir kısmının DAESH tarafından üstlenilmesi ve PKK’nın bir uzantısı olan PYD’nin Suriye’nin önemli bir bölümünü kontrol etmeye başlaması Türkiye’nin güvenlik algısındaki dönüşümün ana gerekçelerindendir. Keza aynı dönem içinde PKK’nın da Türkiye’deki terör saldırılarını yoğunlaştırdığı gözlemlenmektedir. Bu noktada politikanın uygulanması açısından kolaylaştırıcı bir unsur olan Suriye ile Türkiye arasındaki vize muafiyet anlaşması lağvedilmiştir. Takip eden dönemde Suriye sınırından Türkiye’ye kontrolsüz geçişlerin engellenmesini temin edebilmek üzere

daha efektif önlemler alınmaya başlanmıştır. Bu önlemlerin en belirgin olanı Türkiye-Suriye sınırında inşa edilen güvenlik duvarıdır. 2 metre uzunluğundaki duvar boyunca sınır kontrolünü sağlamak üzere Türkiye'nin mevcut sınır güvenlik güçlerinin yarısına yakını bölgeye intikal ettirdiği bilinmektedir.

Türkiye'nin açık kapı politikasının dönüşmesinin önemli gerekçelerinden bir diğeri de kamuoyunun Suriyeli mülteciler konusundaki yaklaşımının değişmesidir. Bu konuda yapılan araştırmalar Türkiye kamuoyunun *ensar* ve *muğacir* retoriğini giderek daha az sahiplenme eğilimi gösterdiğini ortaya koymaktadır. Bir başka deyişle, Türkiye'nin ait olduğu medeniyet havuzunu ülkenin ulusal sınırlarının ötesinde kurgulayan geniş medeniyet algısı Türkiye kamuoyunda yeterince karşılık bulmamaktadır. Kamuoyu baskısı iktidar partisince de fark edilerek Türkiye'nin Suriyeli mültecilere yönelik politikalarındaki dönüşüm hızlanmıştır. Bu dönemde kamuoyundaki dönüşüm siyasi partilerin söylemlerine de etki etmiş durumdadır. Suriyeli mülteciler konusu 2015 yılındaki genel seçimlerde partilerin programlarına girmiş, hükümet politikaları ağır eleştirilere maruz kalmıştır. Keza Türkiye hükümeti de Suriyelilerin savaş sonunda evlerine geri dönecek misafirler olduğu yönündeki söylemlerini yoğunlaştırmıştır.

Türkiye'nin Suriyelilere yönelik politikaları noktasında bir başka belirleyici unsur iktidar partisinin kendi içinde geçirdiği dönüşümdür. 2016 yılında dönemin Başbakanı Ahmet Davutoğlu'nun Başbakanlık pozisyonundan istifası iktidar partisi içerisindeki çatlağı gösterir niteliktedir. Davutoğlu'nun istifası Türkiye'nin Suriyelilere yönelik politikalarının dönüşüm sürecini hızlandırmıştır. Bu yönüyle Davutoğlu'nun istifası Suriye meselesinde reel politik anlayışa dönüşü sembolize etmektedir. Zira Ahmet Davutoğlu Suriye krizinin geçiciliği noktasında en belirgin söylemlere sahiptir.

Suriyeli mülteci sayısındaki önemli artış ile birlikte Türkiye'nin maddi kaynakları üzerinde artan baskı dönüşümün kayda değer

gerekçelerinden birini oluşturmaktadır. Cumhurbaşkanı Recep Tayyip Erdoğan Türkiye'nin Suriyeli mülteciler için kullandığı kaynakların maddi karşılığını birçok kez uluslararası kamuoyunda vurgulamış, uluslararası toplumun adil bir yük paylaşımı noktasında yeterince sorumluluk üstlenmediğinden yakınmıştır. Bu bağlamda 2016 yılında AB ile imzalanan Geri Kabul Anlaşması ile yasadışı yollardan ve Türkiye toprakları üzerinden AB ülkelerine giden mültecilerin geri kabulü karşılığında toplamda 6 milyar Avroluk bir kaynağın Türkiye'ye aktarılması üzerinde uzlaşmıştır.

Türkiye'nin açık kapı politikasının değişime uğramasının önemli gerekçelerinden bir diğeri de krizin seyridir. Türkiye, Suriye'deki krizin Beşar Esad rejiminin kısa sürede devrilmesiyle aşılabileceğini düşünmekteydi. Bu bağlamda, Suriyeli mültecilere yönelik politikalar da krizin geçiciliği üzerine bina edilmişti. Mültecilerin Suriye'deki rejimin devrilmesine kadar geçecek sürede konaklamalarını sağlayabilmek üzere geçici barınma merkezleri oluşturulmuş, bu dönemde Türkiye'de bulunmalarının hukuki çerçevesi Suriyelilerin tabi olduğu geçici koruma yönetmeliğiyle çizilmişti. Geçicilik, siyasi iktidarın Suriye politikasının en önemli unsurlarından birini oluşturmaktaydı. Ancak, krizin bir süre sonra demokrasi ve insan hakları mücadelesi görünümünden çıkarak etnik ve mezhepsel yönü ağır basan bir çatışmaya dönüşmesi, muhalif güçlerin yekpare bir anlayış birliği içinde olduğu yönünde bir görünüm sergilemekten uzak olması ve uluslararası güçlerin krize müdahalesi gibi sebeplerle geçicilik beklentisi iflas etmişti. DAESH gibi radikal terör örgütlerinin Suriye topraklarındaki başarısı, Esad rejimine göreceli bir meşruiyet kanalı açmıştır. Bu bağlamda Esad rejiminin kısa sürede devrilmeyeceğinin anlaşılmasıyla Türkiye'nin Suriyeli mültecilere yönelik politikaları kısıtlayıcı yönde dönüşmeye başlamıştır. Keza, açık kapı politikası daha uzun süreli sürdürülebilir olmaktan uzaktır.

Uluslararası ve bölgesel güçlerin Suriye'de yürüttüğü vekil savaşları savaşın çıkmaza girmesinde önemli ölçüde etkili olmuştur. Bu noktada

Türkiye'nin sorunun geçiciliği, kalıcı ve çözümü noktasındaki beklentisi aşamalı olarak azalmaya başlamıştır. Bu durum, Türkiye'yi reaktif politikalar izlemeye itmiştir. Keza, reaktif dönemin başlangıcıyla birlikte Türkiye, Suriye'nin kuzeyinde askeri operasyonlar düzenlemeye başlamıştır. Suriyeli mültecilerin ülkelerine geri gönderilmesi düzenlenen askeri operasyonların gerekçelerinden biri olarak sunulmuştur. Reaktif dönemde Türkiye'nin yürüttüğü üç askeri operasyondan her birinde Suriyelilerin geri gönderilmesi vurgusu önceki operasyondan daha belirgindir. Reaktif evrenin en özgün özelliklerinden biri, Türkiye'nin Suriye topraklarında mülteci kampları kurulmasını sağlayarak mülteci hareketini sınırları dışında karşılama yoluna gitmesidir. Türkiye bu vesileyle sınırlarının ötesinde göçmenlerin barınabileceği bir güvenli bölge tesis etmeye çalışmaktadır. Temmuz 2019 itibarıyla 330 bini aşkın Suriyeli mültecinin ülkesine geri döndüğü resmi makamlarca bildirilmiştir. Bu sayının ekseriyetinin gönüllü geri dönüş kapsamında olduğu bilinmektedir. Bu yönüyle, yukarda bahsedilen 1994 yönetmeliğine yakınsayan güvenlik odaklı politikalar, Türkiye'nin mültecilere yönelik yaklaşımını yeniden güvenlikleştirmesine karşılık gelmektedir.

Suriye krizinin 9. Yılı'nın bitmekte olduğu dönemde Suriyelilerin Türkiye'de geçici oldukları yönündeki vurgu hâlen hükümetin söylemlerini domine etmektedir. Suriyelilerin Türkiye'de tabi oldukları rejim geçici koruma yönetmeliğidir. Türkiye'nin Cenevre Konvansiyonunda belirttiği coğrafi kısıtlama şerhi nedeniyle YUKK'da belirtilen mülteci statüsüne sahip olamayan Suriyelilerin kitlesel olarak gelişlerine istinaden bireysel kategoride değerlendirilememesinin bir sonucu olarak ortaya çıkmıştır. Geçici Koruma statüsü, Suriyeli mültecilerin entegrasyonları önünde önemli bir engel olarak durmaktadır. Bakanlar Kurulunca alınan karara istinaden tanınan bir statü olan Geçici Koruma, yine Bakanlar Kurulu kararıyla sonlandırılabilir. Bu durum, Türkiye'de bulunan Suriyelilerin gelecek inşasını bir belirsizlik üzerine kurgulamasına neden olmaktadır. Keza adından da anlaşılacağı üzere geçici koruma yönetmeliği

anî ve kısa süreli olarak ortaya çıkan krizlerdeki ihtiyaçlara cevap verebilecek mahiyettedir.

Yukarda da bahsedildiği üzere insani zorunluluklar uygulanan açık kapı politikasının önemli bir gerekçesini oluşturmaktadır. Zira tüm iktisadî geçim vasıtalarından yoksun biçimde Türkiye'ye gelen Suriyeli mültecilerin ülkedeki insanî durumlarının iyileştirilmesine yönelik muhtelif insani yardım programları uygulanmıştır. Bu bağlamda BMMYK, IOM, UNICEF ve Dünya Gıda Programı (WFP) gibi Birleşmiş Milletler ajansları önemli roller üstlenmiştir. Aynı şekilde Türkiye Kızılay Derneği de Dünya Gıda Programı ortaklığıyla dünyanın en büyük nakdî yardım programı olan SUY programını uygulamıştır. Aynı şekilde, Kızılay tarafından Suriyeli mültecilerin nüfus yoğunluğunun en fazla olduğu 16 ilde kurulan Toplum Merkezleri aracılığıyla Suriyeli mültecilerin dil ve yaşam becerilerinin geliştirilmesi ile toplumsal uyum vasıtaları üretilmesi hedeflemiştir. Suriyeli mültecilerin Türkiye'de bulunuşları bir yandan halen geçicilik anlayışı üzerine inşa edilmişken, diğer yandan Kızılay gibi ulusal çapta yaygınlığı olan sivil toplum kuruluşları aracılığıyla sosyal uyum gibi birlikte yaşam araçlarına önemli yatırımlar yapılmaktadır. Bu projelerin büyük çoğunluğu geri kabul anlaşması kapsamında AB tarafından Türkiye'ye aktarılan finansal kaynak aracılığıyla yürütülmektedir.

Appendix B: Tez İzin Formu / Thesis Permission Form

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Bölümü / Department: Orta Doğu Araştırmaları / Middle East Studies

TEZİN ADI / TITLE OF THE THESIS (İngilizce / English) : TURKEY'S REFUGEE POLICIES IN MASS DISPLACEMENTS: THE CASE OF MASS DISPLACEMENT FROM SYRIA

TEZİN TÜRÜ / DEGREE: Yüksek Lisans / Master ☒

Doktora / PhD

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A copy of the decision of the Institute Administrative Committee will be delivered to the library together with the printed thesis.

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