

DECEMBER 2025

TEMPORARY PROTECTION REGIME

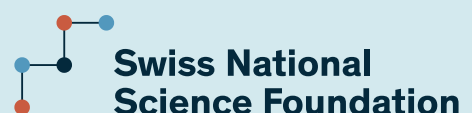
Recent Developments,
Challenges, and
Perspectives for the
Future

Authors

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Editor

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02

REPORT

Temporary Protection Regime: Recent Developments, Challenges, and Perspectives for the Future

Authors

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Graphic Design

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December, 2025

GAR-Report No.15

ISBN: 978-625-94720-5-8

03

INTRODUCTION

Ibrahim Soysüren

This publication is divided into two sections.

The first is based on an online roundtable hosted by the Association for Migration Research (GAR) on 19 June 2025. This discussion brought together scholars, legal experts, and people from civil society. The meeting explored the legal and practical limits of the temporary protection status for Syrians in Turkey. It also focused on the risks of discrimination, the situation of refugees choosing to return voluntarily, and Turkey's deportation practices. It also stressed the need for more research to better understand the legal, social and economic impacts of ending temporary protection status for Syrians in Turkey. It finally made some recommendations for the present and the future.

The second section comprises a series of short articles, based on the papers presented at the workshop entitled "Whom, What and How Much Does Temporary Protection Protect?" held in Izmir on 9 December 2023, in cooperation with NCCR On the move, Neuchâtel of University (Institute of Sociology) and the Izmir Bar Association. Important changes took place while the publication process, which lasted more than three months, was underway. The most significant of these was the fall of the Bashar al-Assad regime in Syria on 8 December 2024. Unfortunately, the new government has neither stabilised the country nor created conditions that would encourage refugees to return voluntarily. In fact, there are several indications that a new period of instability and conflict may have begun.

All these factors had to be taken into consideration when working on this publication project. Consequently, there are significant differences between the presentations given at the workshop and the texts in the study. Furthermore, some of the specialists who presented their work at the workshop were unable to join us for the publication.

04

Despite the growing body of literature on temporary protection, more effort is needed to analyse its application in Turkey and other countries together. This collection of short articles highlights two important observations that should be considered. Firstly, temporary protection constitutes an exception to the international protection regime established by the 1951 Geneva Convention. As is widely recognised, one of the main purposes of temporary protection is to prevent the asylum system from becoming overwhelmed in the event of large-scale forced migration. Unfortunately, the articles highlight how the exceptional measure is becoming normalised, meaning that the risk of temporary protection spreading and becoming permanent is increasing.

However, it is important to emphasise that the experiences and problems of forced migrants living under temporary protection - especially those who have been subject to this regime for extended periods- are fundamental to any analysis or discussion of temporary protection. From this perspective, the need for a multidimensional approach is evident. Addressing the issue solely on the basis of state interests, security concerns, and resource management may perpetuate what should be temporary or incidental. Moreover, this almost inevitably leads to the complex and challenging conditions faced by forced migrants being ignored. Nevertheless, the articles in this study repeatedly emphasise that this is not an inevitable outcome.

Finally, I would like to thank the organisations and individuals who contributed to the publication of this collection. In addition to those mentioned above, special mention should be given to the GAR for its support. Financial support from the Swiss National Science Foundation also merits mention.

05

When it comes to individuals, the first people I should mention are Didem Daniş, Buket Özdemir Dal and Deniz Sert. Special mention should also go to Ali Haydar Soysüren and Ali Soysüren, Ayşem Biriz Karaçay and Orçun Ulusoy, who proofread the Turkish and English versions of the the textes. I would also like to acknowledge the interest and support of Mihaela Nedelcu from the Institute of Sociology at the University of Neuchâtel, where I also work.

The authors of the articles and the participants of the roundtable are the most significant contributors to this collection.

Each of them deserves heartfelt thanks!

06

SECTION I

**TEMPORARY PROTECTION STATUS FOR
SYRIANS IN TURKEY: NOTES FROM THE
GAR (ONLINE) ROUNDTABLE**

19 JUNE 2025

07

INTRODUCTION



On 19 June 2025, an online roundtable hosted by the GAR examined the current circumstances of Syrians under temporary protection in Turkey and the prospective trajectory of this status. The event brought together leading scholars, legal practitioners, and civil society representatives with expertise in the field.

Participants underscored the multi-layered nature of the temporary protection regime and its far-reaching implications for millions of individuals and their families, emphasizing the need for a human-rights-based, predictable, and institutionalized legal framework for both the present and the future. Among the proposals was the establishment of an independent advisory commission to monitor the implementation of temporary protection and integration policies.

The roundtable further addressed the legal and practical dimensions of voluntary returns, deportation practices, recent changes in work permit regulations, the current situation in the fields of education and health, and the persistent lack of coordination among public institutions. Participants highlighted the need for a transparent, rights-based return process. In addition, the historical evolution of the temporary protection status in Turkey was examined in comparison with similar frameworks in the European Union (EU). The discussion underscored the importance and necessity of better understanding the dynamics shaping the mobility of Syrians and of developing a comprehensive policy approach in Turkey.

Deportation of Syrians in Turkey

At the meeting, developments regarding the temporary protection status in Turkey, practices concerning Syrians, and procedures related to return and deportation were discussed. It was noted that no new temporary protection registrations have been issued since 2020, and that deportation procedures have increased during this period, while severe conditions have been observed in removal centres.

08

Lawyers working in the field stated that their clients were forced to sign “voluntary return” documents, or that they signed these documents “voluntarily” because they faced significant obstacles in accessing international protection mechanisms. It was also reported that some individuals chose to sign “voluntary return” documents after losing hope of being released from removal centres and later attempted to return to Turkey through smuggling routes.

Preparatory Measures within Public Institutions for the Post-Temporary Protection Period

The meeting addressed the preparations undertaken by public institutions regarding the future of the temporary protection regime and the policies to be implemented should this status come to an end. It was noted that Return Centres have been established by the Presidency of Migration Management and the Turkish Red Crescent to support voluntary return procedures, and that an Advisory and Support Centre for Voluntary Return has been launched within the Gaziantep Metropolitan Municipality. Participants observed that shortcomings in financial resources, staffing, and policy coordination at the local level continue to hinder the effective implementation of these initiatives.

It was noted that public authorities may support three sub-categories that would allow the continuation of lawful residence in Turkey after the end of temporary protection: students pursuing university education in Turkey, individuals in registered employment, and, in particular, skilled workers. It was further stated that the recent measures taken by the Ministry of Labour and the Presidency of Migration Management to facilitate work permits and residence statuses could be interpreted in this context.

Work Permit Regulations in the Post–Temporary Protection Period

The meeting also discussed recent changes in work permit policies for Syrians in Turkey. It was noted that exemptions from work permit requirements, previously limited to seasonal agricultural and livestock activities, could now be expanded to cover additional sectors. Questions and concerns were raised regarding the implementation of the new regulations, including uncertainties about insurance obligations, compliance with labour legislation, and employment rights. While registration provides individuals with a degree of legal security and contributes to state tax revenue, it was emphasized that it does not guarantee the issuance of a work permit.

Finally, it was highlighted that the scope of work permit exemptions in the agricultural and livestock sectors has been broadened; however, clear and transparent guidelines regarding these regulations have not been sufficiently communicated to the public.

In summary, participants underscored that the precarious position of Syrians in the labour market, the high prevalence of informal employment, and barriers to accessing social protection mechanisms undermine the sustainability of the temporary protection status.

Challenges in the Voluntary Return Processes of Syrians

The meeting addressed the challenges and impacts of the temporary protection regime in Turkey, with a particular focus on the voluntary return processes of Syrians. The importance of avoiding forced returns was emphasized. At the same time, it was noted that stronger coordination among Turkish state institutions is necessary to effectively support voluntary return processes. Findings from field research indicated that economic hardships and anti-foreigner sentiment have prompted some Syrians to consider returning; however, it was also stressed that these conditions may compromise the ability of individuals to make genuinely voluntary decisions.

10

Three main challenges regarding return processes were identified: lack of coordination among Turkish institutions, inadequate conditions for return in Syria, and the absence of an impartial international monitoring mechanism. In this context, participants highlighted the need to improve living conditions in Syria, strengthen administrative coordination, and enhance transparency in the return processes.

The EU Temporary Protection Directive: Similarities and Challenges

The EU Temporary Protection Directive was examined in terms of its origins, implementation process, and the challenges encountered. Attention was drawn to the political and legal complexities in the asylum and migration fields within the EU. It was noted that temporary protection for Ukrainians in EU member states, which came into effect in 2022, has been extended multiple times. The Directive's limitations were emphasized, including its lack of provisions for long-term residence rights and the uncertainty it generates for those under protection. Additionally, it was highlighted that the EU has, in effect, adopted a model similar to Turkey's temporary protection framework, raising concerns about its potential negative implications for international protection regimes.

11

CONCLUSION



The meeting provided a comprehensive examination of the legal and practical limits of the temporary protection status for Syrians in Turkey, focusing on the risks of discrimination, voluntary return, and deportation practices. While alternative status proposals, such as the Blue Card, were discussed for potential post-temporary protection pathways, participants emphasized that these measures could give rise to new forms of inequality, and that voluntary return processes may conflict with the core principles of temporary protection. The necessity of managing these processes based on individual assessments, in a manner that is human-rights-respecting, transparent, and predictable, was underscored.

It was also noted that uncertainties regarding the future of temporary protection persist, and that, despite legal constraints, deportation decisions continue to be issued under current practices. In addition to the physical and social risks faced by Syrians, gaps in coordination among public policies were highlighted as a key concern.

In this context, participants collectively called for a sustainable international protection policy that is both rights-based and attentive to social cohesion, strengthened through advisory mechanisms and inclusive approaches.

Recommendations

The meeting highlighted the need for comprehensive research to better understand the legal, social, and economic impacts that could arise from the termination of the temporary protection status for Syrians in Turkey. In this context, it was emphasized that a policy brief or report should be prepared, focusing on the following areas:

- Documenting and analysing the voluntary return tendencies of Syrians, focusing on the period after 8 December 2024;
- Examining cases of citizenship revocation for Syrians who acquired Turkish citizenship through exceptional procedures;

12

- Analysing the mechanisms for responsibility-sharing in refugee protection between Turkey and the EU;
- Investigating changes in access to health and education services for Syrians under temporary protection;
- Preparing a draft containing concrete policy recommendations for institutions, actors, and rights advocates involved in the protection of refugees in Turkey

Furthermore, the following institutional and administrative measures were proposed to ensure that the exit process from temporary protection is implemented in a transparent manner and fully aligned with human rights standards.

- Establishing a monitoring and oversight mechanism to ensure the safety and transparency of voluntary return processes;
- Strengthening efforts within the Ministry of Interior to clearly define the conditions and procedures for individuals under temporary protection to transition to other legal statuses;
- Monitoring the operations of Advisory and Support Centres for Voluntary Return established by certain metropolitan municipalities;
- Establishing a multi-stakeholder Advisory Commission responsible for preparing strategic documents and policy briefs for the post-temporary protection period.

These recommendations were developed to contribute to a rights-based and predictable framework for the exit process from the temporary protection regime, preventing arbitrary practices.

13

SECTION II

**REFLEXIONS ON TEMPORARY
PROTECTION IN TURKEY AND IN EUROPE**

14

TEMPORARY PROTECTION IN TURKEY: PROMISES, PITFALLS, AND LESSONS FOR THE FUTURE

Neva Övünç Öztürk

This article explores Turkey's Temporary Protection Regulation (TPR), the challenges it faces, and the broader implications of Turkey's experience for the global refugee regime. It emphasises the importance of sharing responsibility and moving towards permanent and binding solutions.

Temporary protection, promoted as a pragmatic tool for international refugee law in mass-influx situations, is intended as a practical response to sudden mass migrations. It promises immediate safety and relief while offering States flexibility during crises. However, as Turkey's experience demonstrates, the effectiveness of temporary protection is contingent upon robust legal frameworks and international responsibility-sharing in the absence of binding international instruments. This article explores Turkey's Temporary Protection Regulation (TPR), its challenges, and the broader implications for the global refugee regime.

Understanding Temporary Protection

Temporary protection is promoted as an interim and pragmatic solution, addressing large-scale forced migrations until voluntary repatriation or access to individual international protection statuses becomes feasible again. This approach balances State sovereignty with international legal obligations, including the prohibition of refoulement and the right to seek asylum. However, its reliance on temporary frameworks and State flexibility means that it requires adequate safeguards and global cooperation to ensure effectiveness and fairness.

15

Turkey's Temporary Protection Regulation

Since 2014, Turkey has been hosting millions of Syrian asylum seekers under the TPR, which is based on a single article (Article 91) of the Law on Foreigners and International Protection. While ambitious in scope, this protection regime under the TPR reveals critical weaknesses:

Lack of Pathways to Individual International Protection Statuses and the Risk of Protracted Situations

Under the TPR (Article 16), asylum seekers cannot apply for individual international protection statuses while under temporary protection. This creates an indefinite state of limbo, as the Regulation lacks an upper time limit for the duration of temporary protection, denying these individuals access to long-term residence or local integration pathways.

Moreover, the lack of access to individual international protection statuses leaves only voluntary return as a durable solution. However, the fact that voluntary returns are likely to take place before the situation in Syria is fully stabilized requires a much more rigorous assessment of these returns. Indeed, the absence of clearly defined objective criteria for the termination of the temporary protection regime in the TPR reinforces this necessity, as it may lead to premature returns.

Human Rights and Legal Protections

TPR grants broad discretionary powers to administrative bodies, resulting in the following risks:

- Restrictions on fundamental rights may often occur without clear legal justification and quality of law (e.g., TPR, Articles 8, 35).
- While the prohibition of refoulement is enshrined in the TPR, limited safeguards against deportation mean that asylum seekers may be sent to countries with which they have no connection.

These practices risk deviating from international standards and weaken the protection promised by temporary mechanisms.

16

Responsibility-Sharing: The Missing Pillar

The success of temporary protection hinges on fair and functional responsibility-sharing. While the European Union (EU) has provided financial support to Turkey, resettlement commitments remain minimal. This imbalance places disproportionate pressure on Turkey, contributing to policy measures that prioritize containment over integration and/or legal security. The lack of physical responsibility-sharing—resettlement—undermines the effectiveness of Turkey’s approach and exacerbates challenges on the ground.

Comparing Turkey and the EU

The EU’s Temporary Protection Directive, activated for Ukrainian refugees, offers valuable contrasts:

- It contains minimum standards on refugee rights across Member States and ensures a certain, albeit relative, consistency with the 1951 Refugee Convention.
- Responsibility-sharing tools and mechanisms are embedded in the EU’s supranational legal framework, fostering possible cooperation among member states.

Turkey, as a non-EU country, lacks these advantages, leaving its responsibility-sharing efforts subject to ad hoc political agreements rather than binding legal commitments. For instance, the 2016 EU-Turkey deal provided financial assistance but fell short of equitable resettlement, reflecting the EU’s broader policy of externalizing migration management.

17

Lessons from Turkey's Experience

Turkey's case underscores critical lessons for the global refugee regime regarding the implementation of temporary protection:

- **Responsibility-Sharing is a need and should not be a Bargaining Chip**

Effective temporary protection in line with international refugee law and human rights law, which respects the balance between freedom and security, is only possible if the responsibility for protection is shared fairly and effectively. Financial assistance alone is insufficient; resettlement programs and cooperative governance are essential to reduce the burden on frontline states like Turkey and manage mass influx migration in a rights-based manner.

- **Legal Frameworks Must Enable Durability**

Temporary protection should remain genuinely interim, facilitating transitions to durable solutions either through legally secure voluntary repatriation mechanisms or through access to individual protection statuses. Hence, legal systems must integrate pathways to residence, citizenship, or resettlement to prevent indefinite dependency.

- **Human Rights Cannot Be Sacrificed for Administrative Flexibility**

Broad discretionary powers undermine the predictability and fairness of temporary protection. Policies restricting fundamental rights, such as freedom of residence and movement or the right to liberty and security, must align with constitutional and international standards.

18

Looking Ahead

Turkey's challenges illustrate the risks of relying on temporary protection without adequate binding international guarantees or international co-operation. The recent judgement of the European Court of Human Rights in *Akkad v. Turkey* can be seen as a concrete reflection of these risks.

Turkey's experience is a striking reminder that the promotion of temporary protection as a solution, without at least a binding sharing of responsibility, risks turning protection into a mere restriction. In an environment where temporary protection lacks a binding international legal framework, the failure to share responsibility for international protection places a heavy burden on the protecting state, which can undermine access to an effective, fair and durable solution. For temporary protection to be effective, the international community needs to move away from a financial bargaining approach to the responsibility to protect and towards permanent and binding solutions. Thus, promoting temporary protection due to its flexible nature may, in the absence of specific safeguards, lead to a protection vulnerability rather than a protection solution.

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20

PROTECTION OF DISPLACED UKRAINIANS: JUST HOW TEMPORARY IS ‘TEMPORARY’?

Esin Küçük

This article assesses the legality and implications of the EU’s decision to extend temporary protection for Ukrainian refugees until March 2026.

The activation of the Temporary Protection Directive for displaced Ukrainians in March 2022 has been welcomed as a testament to the EU Member States’ generosity in offering swift and collective protection. Indeed, by invoking this mechanism, Member States acknowledged the immediate needs of displaced individuals, ensuring their rapid access to essential rights and services throughout the Union. Practical considerations also played a role: as noted in the Council Implementing Decision (para. 16), the Directive’s activation aimed to prevent host countries’ asylum systems from becoming overwhelmed. While never explicitly stated, the Directive also allowed Member States to defer the complex political challenges associated with long-term displacement—presumably with the hope that the conflict would end soon and that return would be feasible. This expectation, however, stands in stark contrast to the European Commission’s own recognition that the average duration of refugee displacement is around twenty years (see [here](#)) and to the evolving realities of the current conflict. Against this backdrop, a pressing question remains: When should temporary protection be brought to an end?

According to the Directive, temporary protection can initially be granted for a period of one year and may be automatically extended by six-month intervals up to a maximum of one additional year, as outlined in Article 4(1). The key question is whether, beyond these automatic extensions amounting to one-year, further extensions are permissible? On this, Article 4(2) specifically provides the following:

Where reasons for temporary protection persist, the Council may decide by qualified majority, on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council, to extend that temporary protection by up to one year.

21

A plain reading of this provision suggests that only one additional one-year extension is allowed, establishing a three-year maximum duration for temporary protection. This interpretation finds contextual support in Article 6(1)(a) of the Directive, which explicitly mandates that temporary protection must conclude “when the maximum duration has been reached”, which implies a legally defined endpoint for temporary protection. Furthermore, the inherent logic of temporary protection, conceptualised as an immediate response to mass arrivals, supports this interpretation. It is designed to provide host states with the necessary time to increase the capacity of their asylum systems, while ensuring that displaced individuals have access to essential rights. Individuals under temporary protection generally have fewer rights than those recognised under international protection as refugees or subsidiary protection holders. One key distinction, for instance, is that individuals under international protection may qualify for the benefits of the EU Long-Term Residence Directive, which explicitly excludes holders of temporary protection ([Article 3\(2\)\(b\)](#)) from the scope of its application. The justification for these curtailed rights rests on the expectation that temporary protection is just that—temporary. Repeated extensions would fundamentally undermine its provisional nature and clearly contravene the spirit of the Directive.

Prolongation of Temporary Protection and the Problems It Creates

Yet, this is precisely the direction in which the EU is heading with its latest extension of temporary protection. Acting on a proposal from the Commission ([COM\(2024\)0253](#)), the Council has recently extended the duration of temporary protection now until March 2026. Such an outcome is possible only through a strained interpretation of Article 4(2), effectively giving the Council the ability to prolong protection indefinitely if it chooses to do so.

22

Why, then, is the Council pursuing this path, which might be considered at best a stretched interpretation of the time limits and at worst a breach of the law? The Commission’s proposal justifies the need for another extension with the same rationale initially used to activate the Directive: to prevent the asylum systems of the Member States from becoming overwhelmed. The same proposal also reveals that as of June 2024, only 53,000 applications for international protection had been lodged, compared to 4.19 million registered for temporary protection. According to the Commission, the relatively low number of international protection applications is a testament to the efficacy of the Temporary Protection Directive in preventing the Member States’ asylum systems from being overwhelmed.

As we near the third year since the Directive’s activation, one might wonder why concerns about overburdened asylum systems and a persistent state of unpreparedness still linger. The core of this issue lies in a circular logic: Member States chose to keep their asylum procedures closed to individuals under temporary protection, thereby preserving the very risk of overburdened systems that they invoke as a reason to maintain temporary measures. It is critical to note that denying access to the asylum procedure is not mandated by the Directive, but merely allowed. Article 19(1) states that “Member States may provide that temporary protection may not be enjoyed concurrently with the status of asylum seeker while applications are under consideration”. By opting to implement the Directive in this manner, Member States effectively ensure that the fear of overwhelmed asylum systems remains as a justification for repeatedly extending the Directive.

In fact, the Temporary Protection Directive has proved remarkably convenient—so much so that earlier plans for its repeal have been shelved. In 2020, the Commission proposed replacing the Directive with an “immediate protection” scheme, envisaged under the New Pact on Migration and Asylum and initially conceived as part of the Crisis and Force Majeure Regulation.

23

This proposed scheme differed by imposing a strict one-year time limit, after which standard asylum procedures would resume, and by ensuring beneficiaries the same rights as those granted to recipients of subsidiary protection. Yet, it was the immediate protection scheme that ended up shelved. Meanwhile, the Temporary Protection Directive has not only survived but has also become firmly entrenched as a central component of the EU's asylum management strategy.

The persistent reliance on provisional arrangements, however, undermines the established architecture of international protection by transforming what was designed as a transient emergency response into a prolonged mechanism. Interestingly, the European Commission itself had highlighted this risk in the Explanatory Memorandum accompanying its [proposal for Temporary Protection](#) (para.2.3.), noting: “Temporary protection is sometimes criticised by those who consider that in certain Member States it is implemented as an instrument that can be used to circumvent or even evade the obligations flowing from the Geneva Convention. There is indeed a real risk that the situation could get out of control. The European Union’s responsibility is crucial, and it must manifest its intention to ensure, by means of its legislative instruments, that that is not its objective”. Today, this risk appears more tangible than ever, affecting not only Ukrainians but also reinforcing a wider global trend in which temporary protections increasingly supplant established frameworks of international protection.

In Conclusion

The EU's implementation of temporary protection is often celebrated as a policy success, yet its true measure will depend not only on whether it averts an overwhelmed asylum system, but also on ‘how’ and ‘when’ it concludes. It is hoped that instead of allowing temporary protection to evolve into a makeshift long-term arrangement, the EU will ensure that this emergency measure is phased out responsibly and thus avoid the “situation out of control” that was foreseen from the outset.

24

FRANCE'S STRICT INTERPRETATION OF THE EU TEMPORARY PROTECTION MECHANISM: LEGAL CHALLENGES AND HUMANITARIAN CONSEQUENCES

Lina Megahead

This article assesses France's strict interpretation of the EU Temporary Protection mechanism by focusing on its legal challenges and humanitarian consequences.

In response to Russia's invasion of Ukraine, the European Union activated the Temporary Protection Mechanism (TPM) for the first time in March 2022. This decision allowed millions of displaced individuals immediate access to work, healthcare, and housing. The large influx of displaced persons from Ukraine was a key factor that triggered its activation. However, the flexibility of the criteria regarding the massive influx of displaced persons, combined with the inability to secure a qualified majority for its activation in the past, suggests that geopolitical considerations played a significant role in its implementation. A clear example is the Syrian refugee crisis in 2015 that failed to meet the required majority for activation, regardless of the substantial number of displaced persons. Despite its success in offering a lifeline to many, France's strict interpretation of the mechanism raised questions about its implementation and alignment with the humanitarian and transitional goals set by the EU.

Questionable Determination of Beneficiaries: A Controversial Legal Framework

The EU Council's implementing decision identified three primary beneficiary categories, but excluded two significant groups: (i) Ukrainians unable to prove their presence in Ukraine during the invasion and (ii) the third-country nationals temporarily residing in Ukraine. These exclusions included individuals such as asylum seekers, students, or temporary residents.

25

For Ukrainians not physically in Ukraine on February 24, 2022, or foreign nationals residing in Ukraine, eligibility was left to the discretion of member states. This undermines the mechanism's humanitarian intent, which should prioritize those in need regardless of their legal or migratory status.

Consequences of an Imperfect European Framework: The French Approach

Article 2 of the implementing decision defines beneficiaries as Ukrainians present in Ukraine during the war. While Recital 14 encourages member states to extend protection to those temporarily abroad for professional or personal reasons, this, however, remained as a recommendation. Consequently, the Ukrainians outside Ukraine at the time of the invasion were left at the mercy of the member states' discretion. France adhered strictly to EU eligibility criteria, limiting protection to Ukrainians who were present in Ukraine during the offensive. This restrictive policy excluded categories like Ukrainian nationals on temporary residence permits for studying or work, as well as other categories like third country students in Ukraine.

France's approach reflects a narrow interpretation of the TPM. The French ministerial instruction of March 10, 2022, explicitly excluded Ukrainian nationals with expiring residence permits, demonstrating a strict focus on the presence-in-Ukraine criterion. This exclusion created a division between groups of Ukrainians, some being granted automatic protection, while others, in equally vulnerable situations, were left without recourse.

Both the EU decision and France's application of the TPM emphasized eligibility based on physical presence in Ukraine during the attack rather than the inability to return safely. This contrasts with international protection norms, which prioritize risks upon return. Thus, the Ukrainians outside Ukraine during the invasion or those with expired permits found themselves in legal limbo.

26

A Case Study: Ambiguity and Exclusion in Practice

To illustrate the legal consequences, consider the case of a Ukrainian female national whose residence renewal application was denied. On June 7, 2022, the Bordeaux Administrative Court of Appeal ruled in her favour after the prefecture rejected her second request, made in March 2022 following the invasion, claiming she “was not obliged to return specifically to Ukraine.” While the Court granted her request based on her private and family life in France, the prefecture’s reasoning revealed the flawed application of the TPM. It ignored her inability to safely return to Ukraine, underscoring the shortcomings of both unclear EU guidance and France’s restrictive interpretation.

The Need for Clearer Binding EU Guidelines

The 2001 Temporary Protection Directive provides no precise definition of beneficiary categories, leaving it to the Council to determine eligibility during each crisis. While this flexibility allows responses to varied situations, it has led to inconsistencies and gaps in implementation. The lack of enforceable EU guidance, combined with the discretionary power of member states, has resulted in uneven protection across the EU.

France’s strict adherence to EU criteria highlights the tension between flexibility and uniformity:

1. Flexibility allows the EU to adapt to varying crises but fosters inconsistencies in member state responses applying differing interpretations.
2. Uniformity ensures coherence but risks overlooking particular vulnerabilities, such as the exclusion of certain affected groups

27

To address these challenges, future reforms should focus on:

1. Clarify Eligibility: Council decisions should provide clearer, binding definitions of eligible categories to avoid arbitrary exclusions.
2. Expand Humanitarian Considerations: Broader criteria aligned with the TPM's transitional and humanitarian intent could minimize disparities in member state interpretations.

Conclusion

The activation of the TPM for Ukraine demonstrated its potential to respond rapidly to crises. However, its implementation revealed significant gaps in ensuring equitable and effective protection. Addressing these shortcomings is vital to reinforce the EU's capacity for collective action in future humanitarian crises.

28

TEMPORARY PROTECTION OF UKRAINIAN REFUGEES IN THE NETHERLANDS: INSIGHTS AND LESSONS

Orçun Ulusoy

The article analyses the implementation of the European Union's Temporary Protection Mechanism for Ukrainians in the Netherlands and highlights the legal and humanitarian challenges it poses. In its final section, it examines the Dutch case in comparison with the temporary protection scheme in Turkey.

Context and Challenges

As of January 2025, the Netherlands hosts approximately 140,000 Ukrainian refugees, placing it among the leading host countries in the European Union (EU). Although the numbers are smaller compared to countries like Poland or Turkey (Syrians), the arrival of forced migrants has exposed significant structural weaknesses within the Dutch system, particularly concerning housing, healthcare, and education. These sectors, already strained by domestic challenges, struggled to accommodate the needs of displaced Ukrainians, highlighting the gaps in the preparedness to deal with large-scale immigration.

The arrival of Ukrainian refugees intensified the challenge of balancing immediate humanitarian assistance with sustainable long-term integration. The Dutch government, already contending with a housing crisis, expanded temporary shelters and tasked municipalities with addressing the unprecedented demand. While necessary, these measures emphasized the importance of adaptable and coordinated governance. Furthermore, collaboration with the EU to revise legal frameworks underscored the value of flexible policymaking during crises. However, this experience has revealed areas needing improvement to enhance resilience against future displacement crises.

29

Temporary Protection Mechanism in the Netherlands

In the Netherlands, temporary protection for individuals is carried out under the framework of the EU Temporary Protection Directive (2001/55/EC), which is activated in cases of a mass influx of displaced persons. While this Directive has been seldomly used, such as during the crisis resulting from the war in Ukraine, it complements the Common European Asylum System (CEAS), which governs the processing of individual asylum claims under EU law.

Individuals under temporary protection receive residence permits and have access to healthcare, education, and employment opportunities, as established under the Aliens Act 2000 (Vreemdelingenwet 2000) and related national policies. They also benefit from extensive integration measures, such as language training, housing assistance, and job programs, under Dutch integration legislation such as the **Civic Integration Act (Wet Inburgering)**.

Policy Framework and Registration Process

Under emergency legislation, the Netherlands assigned responsibility for accommodating asylum applicants and individuals under temporary protection to its 342 municipalities. Registration begins at local municipal offices, where personal details are added to the Personal Records Database (BRP). Refugees formalize their status through the Immigration and Naturalization Service (IND) using the M35H application form. This process grants temporary residency status and access to essential services, including employment.

Housing: Addressing the Crisis

The housing landscape reflects the intersection of refugee needs and existing societal challenges. Alongside the 140,000 Ukrainian refugees, the Netherlands accommodates 60,000 asylum seekers, with only 30,000 permanent housing spots available in existing accommodation centers.

30

To address the shortfall, the government declared a state of emergency, creating additional 20,000 temporary housing units using prefabricated structures and repurposed buildings such as schools and offices.

Despite these measures, the focus remains on temporary shelters, leaving long-term solutions underdeveloped. Stakeholders emphasize the need for scalable, sustainable housing initiatives that balance immediate needs with future demands.

Education: Key to Integration

Children of Ukrainian refugees have the right to education in the Netherlands. Volunteers and local authorities assist with enrolment. A two-step integration model— initially enrolling children in schools designed for non-native Dutch speakers before transferring them to regular educational programs— promotes linguistic and cultural adaptation.

Nearly all school-age children are enrolled in Dutch schools, with some simultaneously attending online Ukrainian education. Adults display motivation to learn Dutch, although many prioritize English due to its global utility and relevance to return migration.

Healthcare: Comprehensive but Uneven Access

Ukrainian refugees are entitled to healthcare services regardless of their insurance status. The Medical Care for Displaced Persons from Ukraine Regulation (RMO), implemented since July 2022, ensures refugees access to general practitioners, specialists, and hospitals without incurring costs. However, despite prominent mental health challenges, service utilization is limited due to barriers such as unfamiliarity with the healthcare system and language difficulties.

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Employment: Progress and Challenges

Under the Temporary Protection Directive, Ukrainian refugees are allowed to work in the Netherlands without the need for a work permit. Employers only have to notify the Employee Insurance Agency (UWV) upon hiring a refugee. This simplified process encompasses all forms of employment, including internships and voluntary roles, effectively removing bureaucratic hurdles.

Approximately 50% of working-age Ukrainian refugees are currently employed, a figure surpassing other refugee groups in the Netherlands. Many find jobs in labour-shortage sectors like hospitality, logistics, and healthcare. However, the majority work below their qualifications, often earning minimum wage in temporary or part-time jobs.

Challenges persist, particularly regarding language barriers and the non-recognition of Ukrainian qualifications. These issues frequently confine refugees to low-skilled positions, contributing to their economic vulnerability. Reports also highlight risks of exploitation, including inadequate awareness of labour rights and precarious employment conditions.

Comparative Reflections as Conclusion

The Dutch approach to managing the Ukrainian refugee influx offers valuable insights. By decentralizing responsibilities to municipalities, the Netherlands has enabled tailored local responses, while national oversight and EU collaboration ensure consistency. However, persistent challenges, notably in housing and long-term integration, highlight the need for scalable solutions and proactive governance. The experience underscores the importance of balancing immediate humanitarian aid with sustainable integration strategies.

32

When compared to Turkey, which hosts significantly higher numbers of refugees under greater structural strain, the Netherlands demonstrates the benefits of scalable and collaborative approaches. Turkey's temporary protection system, designed to address the Syrian refugee crisis, is heavily crisis-driven, focusing on managing large-scale influxes with limited emphasis on long-term integration. In contrast, the Netherlands integrates temporary protection within its well-established asylum framework, further supported by EU-wide initiatives such as relocation schemes^[1]. This model highlights the value of collective and coordinated responses to refugee crises.

Hosting a smaller refugee population provides the Netherlands with the advantage of offering resource-intensive and targeted support, making migration management relatively easier. Conversely, Turkey's massive refugee burden strains its infrastructure, relying on informal economies and community networks. Sociopolitical implications also differ: the Netherlands faces challenges in fostering societal integration, while Turkey must navigate the complexities of large-scale displacement without sufficient international support mechanisms.

The Netherlands' approach excels in areas such as healthcare access and employment opportunities but must address the long-term sustainability of its reliance on temporary housing and low-wage jobs. Turkey's crisis-driven approach underscores the complexities of managing large-scale refugee influxes but could benefit from greater emphasis on sustainable solutions and international cooperation.

Both countries demonstrate the urgent need for scalable, equitable solutions tailored to their unique challenges. Deeper reflection on cross-border cooperation, innovation in refugee policy and long-term planning is essential to build resilient systems capable of addressing future displacement crises.

[1] The EU Relocation Scheme is a mechanism designed to distribute asylum seekers more evenly among European Union (EU) member states. It aims to ease the burden on countries that receive a disproportionately high number of refugees, such as Italy and Greece, by transferring eligible asylum seekers to other EU countries where their applications will be processed.

33

TEMPORARY PROTECTION IN SWITZERLAND: S STATUS AND PROSPECTS OF LEAVING THE TEMPORARY SYSTEM

Cesla Amarelle

This paper discusses the temporary protection mechanism in Switzerland, known as S status, which provides immediate protection to individuals in situations of mass influx due to war or violence. It highlights the challenges and tensions in the implementation of this status, including eligibility criteria, procedural issues and the need for legal certainty and integration measures.

In the asylum protection architecture, temporary protection is an exceptional mechanism that offers immediate protection for a limited period of time. Although Switzerland is not a member of the EU and does not apply the European Temporary Protection Directive (TPD), it does have its own Asylum Act (LAsi) that provides for a temporary protection mechanism very similar to the TPD through status S. As in the case of the European temporary protection system, two conditions must be met before the status S can be activated. First, there must be a situation of “imminent mass influx of people” and “serious public danger” (Article 4 of the Swiss Asylum Act). As these concepts are not precisely defined, they depend above all on the initial capacity of states to receive asylum seekers at a given time. Article 66 of the Swiss Asylum Act stipulates that it is up to the government to decide whether there is a “mass influx” or a “serious public danger”. The primary function of protection S is therefore to prevent the asylum system from being overburdened. Secondly, the underlying cause of the mass influx is to be found in situations of war, armed conflict, or other situations of violence.

34

Implementation under Pressure

As in the EU, S status was activated by the Federal Council on 11 March 2022. In September 2024, the Federal Council extended this status until 4 March 2026 in view of the continuing lack of stability in Ukraine. However, it should be noted that, the Federal Chambers partially adopted a motion (24.3378) calling for a regional differentiation in the granting of protection status S and for its regional abolition in December 2024. As a result, only people from regions occupied by Russia or where fighting is taking place should be able to benefit from protection in Switzerland. For people from all other regions, protection status S should be abolished. The implementation of this new rule will be limited to new applications for S status. Consequently, all new applicants will be subject to an individualized asylum procedure, and the previous simplified procedure will be abolished.

Since its activation, temporary protection has revealed several tensions in its implementation. The difficulties initially concerned the application of the eligibility criteria, which are in principle simple. Several issues required an in-depth assessment of each case, in particular with regard to the conditions under which third-country nationals who had previously lived in Ukraine could be expected to return to their country of origin if they were refused S status in Switzerland, as stated in several Federal Administrative Court decisions (see in particular D-2722/2022 of 10 August 2022 and D-3189/2022 of 10 August 2022).

Other sources of tension relate to the link between the procedure for granting S status and the asylum procedure, in particular the priority of the S status procedure over the asylum procedure (Articles 69 and 70 of the Swiss Asylum Act), which requires a waiting period. A five-year processing period for asylum applications is possible following the granting of S status, which increases the risk of losing evidence of alleged persecution and the potential loss of S status should the asylum procedure be reactivated.

35

Finally, another source of tension concerns the composition of S status rights, which are very hybrid and in some respects constitute an ad hoc preferential regime that is not in line with the rights granted by other asylum law statuses, in particular provisional admission (F status) (see Groupe d'évaluation du statut S, Rapport sur son nouveau mandat, June 2024, p. 26 ; Alberto Achermann, Die vorläufige Aufnahme und der S-Status Überlegungen zu einer Neukonzeption, October 2023, p. 12 ff).

What Are the Prospects?

In the future, several pitfalls will have to be overcome if protection S status is to be applied more fairly. Firstly, the legal certainty and predictability of S status must be consolidated. The links between S status and the asylum procedure need to be streamlined with procedural issues codified, and the rights conferred by in this status consolidated. In general, this status requires a higher level of normative density and more comprehensive binding standards.

Secondly, S status must provide access to asylum without replacing it. As the Swiss Federal Administrative Court has stated in several rulings, S status is even a preliminary stage in the asylum procedure. Depending on the grounds put forward by the person in need of protection, S status may even implicitly constitute an application for asylum.

The differences between F, B, and S statuses need to be addressed and status-based disparities must be eliminated. Without such harmonisation there is a risk of systemic double standards and conflicting protection models in the long term.

Finally, S status is return oriented, but is intended to last if the conflict persists. It is only after 10 years that a person in need of protection can be considered truly established in Switzerland.

36

In order to facilitate integration, the Federal Council is now relying on the concept of dual intention integration, which allows people to continue their education and to consolidate their situation both locally and with a view to their return. (see Groupe d'évaluation du statut S, Rapport sur son nouveau mandat, June 2024, p. 24 ff). In practice, the S status would require quick transitional solutions to an alternative regularisation status in the case of an extension of the stay. The aim is to guarantee a formal, permanent and, if possible, already existing legal status that would consolidate the S status in case of a longer stay (more than 3 years) and to create bridges between the S status and temporary admission (F). These are transitional solutions for those who do not have access to other types of protection in order to obtain a residence permit on humanitarian grounds. (Article 14 of the Swiss Asylum Act).

37

DEPORTATION AND WITHDRAWAL OF STATUS ON PUBLIC POLICY GROUNDS UNDER THE TEMPORARY PROTECTION REGIME

Taner KILIÇ

This article examines the implementation of Turkey's temporary protection regime, highlighting significant challenges, particularly in relation to revocation of temporary protection status and deportation. Moreover, it emphasizes the negative evolution of the legal framework and administrative practice in this regard.

There are many serious structural, legal and practical problems in the implementation of the temporary protection regime in Turkey. However, in our view, two of the most important problems are related to deportation and cancellation of temporary protection status, which are often carried out at the same time. Law No. 6458 on Foreigners and International Protection (LFIP), which was adopted on 4 April 2013 and substantive provisions of which came into force one year later, has continued to develop in a negative direction since its entry into force, because of the socio-political climate in the country. Worse than the LFIP's gradual deterioration has been the broad discretionary use granted to the Directorate General for Migration Management by later sub-legislative regulations. The Regulation on the Implementation of the LFIP entered into force on 17 March 2016, following its publication in the Official Gazette No. 29656, after a considerable delay. Article 60 of the Regulation is entitled "Foreigners Subject to Judicial Proceedings" and sets out the basic principles to be applied to foreigners who are the subject of a judicial or political investigation or prosecution file. Looking at this article, a rough assessment of the situation is as follows: Foreigners against whom judicial proceedings have been initiated and whose release has been ordered by the Public Prosecutor's Office or the court are divided into those who have a legal right to stay in our country (holders of a residence permit under the LFIP at the time of their release) and those who do not have such right.

38

For those falling within the first group, there is the obligation to release the person and inform the Directorate General for Migration Management, while for those in the latter group, the actual handing over of the person to the Directorate is required.

This was the practice in the early years. In our opinion, even the compatibility of this Regulation with Article 59 of the Turkish Penal Law (TPC) (Law No. 5237 of 26 September 2004) should be questioned: “A foreigner who is sentenced to imprisonment for a term of two years or more for an offence committed by him shall be deported immediately after the execution of his sentence”. In our opinion, it is more appropriate to ensure that the foreigner who is the subject of a criminal prosecution remains in the country until the end of the procedure and the execution of the sentence, in order to guarantee the effectiveness of the criminal procedure, access to justice, the fight against impunity, the possibility of proving his innocence and, in general, public order and security. In fact, it is known that many foreigners who were investigated or prosecuted during these years were later found not to be prosecutable or were acquitted. Similarly, although it is important to ensure that the various penalties imposed on foreigners who commit crimes are enforced through fair trials, to combat impunity and maintain public order in the country, the LFIP Regulation poses a threat to this.

Problematic Application

In the years that followed, the practice in this area, which should have remained a matter of law and human rights, became quite problematic as it came to the fore as a political issue. As a result, on 17 April 2019, the Directorate General for Migration Management of the Ministry of the Interior adopted a sub-regulation under the name of Implementation Instruction on Irregular Migrants, which in practice is referred to as Circular No. 2019/5 for short. Article 8 of this Circular is entitled “Foreigners who have been subject to judicial proceedings and have been released from detention.”

39

This article stipulates that foreigners who have been the subject of judicial proceedings under criminal law and who have been released by the public prosecutor's office or the court (sometimes within the framework of a judicial control measure), "unless a positive opinion is reported by the security and intelligence services", shall in principle be handed over by the law enforcement authorities to the provincial branches of the Directorate General for Migration Management and the deportation procedure shall be carried out against them. The only exception is when the foreigner is subject to a judicial control order in the form of a "ban on leaving the country". This provision of the Circular has made the situation we criticised in Article 60 of the LFIP Regulation even more tragic.

Although the Circular, as its name suggests, concerns "irregular migrants", its implementation has not been limited to them. The practice consisting of rapidly revoking the status of foreigners with legal status, making them 'irregular' and subjecting them to deportation proceedings has developed. As can be seen, the hierarchical legal provisions apply to all 'foreigners' in the country and in principle do not differ according to the type of residence. However, the practice initially targeted mainly Syrians under temporary protection, both because they are the main subject of socio-political debates in the country and probably because of their large number. Some legal incidents involving Syrians that were reported in the media, and some of the statements made by policymakers about these incidents, automatically targeted Syrians.

Practice has developed surprisingly quickly, but in an increasingly unfavourable direction, as follows: In the years before the LFIP, Article 59 of the Turkish Penal Law was taken into account. After the LFIP and with the entry into force of the above-mentioned secondary legislation, the categories of serious crimes were first listed, and procedures were launched against Syrians accused of crimes or offences from the listed categories.

40

This situation soon began to be used as a convenient legal justification for all types of crimes, including traffic offences that are not considered crimes but fall within the scope of ‘misdemeanours’ or traffic offences that require administrative fines, as well as the flexibility and ambiguity in the content of Article 54/1-d of the LFIP.

New Application and Problems

After the GÖÇ NET database, used by the Directorate General for Migration Management, was introduced and was linked to the UYAP database, used by the Ministry of Justice, old, outdated court files have started to appear like ghosts during the routine procedures of Syrians at the provincial branches of the Directorate General for Migration Management or at the Data Update Centres. The problem, however, is that the mere existence of these court files, regardless of their outcome, i.e. whether the foreigner was acquitted or convicted, is considered sufficient for the person to be considered a “threat to public order and security”. Deportation proceedings are then initiated in accordance with Article 54/1-d of the LFIP.

Irrespective of whether they are the subject of an investigation or a prosecution, the “codes”, which are mostly based on political considerations – and which, in practice, represent a security problem in our opinion – have suddenly led to many facing the prospect of getting deported. Whereas in the past these codes were found in the procedures launched by the Directorate General for Migration Management, now they are used in the identity checks by the police or in the mobile inspection centres. The practice is not to wait for these people who are dealt with by the Directorate General for Migration Management or law enforcement, but to start detaining them after they are arrested at their homes. Another new evil, which cannot be explained by any legislation, is the inclusion of the family members (parents, siblings, spouses and children, whether they live together or not) of the person against whom judicial proceedings have been initiated or after the codes have been applied to them, even though no judicial proceedings have been opened.

41

It is becoming increasingly common for family members to be subjected to removal procedure in one way or another.

Although usually deportation orders and decisions to cancel temporary admission status are taken together, these decisions are not notified to the persons concerned and mostly remain only in the GÖÇ NET database. Even if deportation decisions are subsequently overturned, temporary protection statuses are not activated and consequently, a separate administrative and judicial procedure must be introduced.

42

SYRIANS AND COURTS IN TURKEY: LACK OF HARMONISATION AND CONSEQUENCES

Doğa Elçin

The article provides a brief overview of Turkish court rulings on issues related to Syrians in Turkey, with a particular focus on deportation. The lack of harmonisation in this area underlines the inherent uncertainty and unpredictability.

According to the current Turkish legal framework, foreigners have the right to administrative remedies regarding their entry, stay and travel within the country. Moreover, lawsuits can be filed against decisions of the Presidency for Migration Management. On the other hand, lawsuits against deportation orders may be lodged with the Administrative Court within a period of seven days from the date of notification (Article 53/3 of the Law on Foreigners and International Protection, LFIP). The court's decision on the deportation order, taken within 15 days, is final and there is no right of appeal. In addition, once ordinary remedies are exhausted, the only remaining legal recourse is to apply to the Constitutional Court on the grounds of violation of fundamental rights and freedoms guaranteed by the Constitution or by the European Convention on Human Rights. In this regard, it is important to point out that the right to family life, personal freedom and security, and the right to life are guaranteed.

This study discusses the legal status of Syrians under temporary protection from 2011 to the present in light of Turkish judicial decisions, especially their deportation. They clearly show that the application of temporary protection status is not uniform.

According to the LFIP and the Temporary Protection Regulation (published in the Official Gazette No: 29153, 22/10/2014), forcibly displaced persons from Syria can only apply for temporary protection in Turkey. They have no access to other forms of international protection. However, there are obviously Syrians with different statuses, and they may also face some problems regarding their stay in Turkey.

43

For example, in the case of a Syrian citizen who entered Turkey on a visa with a residence restriction, the administration has placed a restriction on him with the code V-84, and he was banned from leaving the country while he was on trial as a defendant in a criminal case. Although this travel ban was temporarily lifted and he was subject to an exit ban, he was not considered to be a resident when he left Turkey as it was established that he had breached his visa obligations. The court ruled that a Syrian citizen who comes to the border spontaneously to leave the country before a deportation order has been issued cannot be refused entry. The court based its decision on the provisions of Article 7 of the LFIP, entitled “Aliens who are refused entry to Turkey”; Article 15, entitled “Aliens who are refused a visa”; Article 54, entitled “Persons who are the subject of a deportation decision”; and Article 10, entitled “Notification of the ban on entry to Turkey”. The court concluded that the entry ban imposed on the plaintiff without a deportation order was not in accordance with the law and legislation (Decision of the Istanbul 1st Administrative Court, 12.01.2017, 2016/2500 E., 2017/1156 K.). The ruling also highlights the fact that not all Syrians in Turkey are automatically considered under the temporary protection regime, even though only Syrians can benefit from this regime.

Court Rulings regarding Temporary Protection

On the other hand, there have been cases where the courts have ruled against the deportation of some Syrians. For example, a Syrian national was ordered to leave the country because she was working as a hostess without a work permit and was suffering from an infectious disease. However, it was ruled that the applicant had no security of life and property due to the civil war in Syria and therefore it was not possible for her to return to this country as she would be exposed to death, torture and degrading punishment or treatment by some groups. (Decision of Istanbul 1st Administrative Court, 31.05, 2015/2424 E., 2016/1281 K.)

44

Some administrative court decisions show that the voluntary return mechanism is sometimes used as a disguised deportation. For example, in one case, the claim relates to the violation of the right to life, the prohibition of ill-treatment, the right to an effective remedy and the right to personal liberty and security after the applicant was placed in administrative detention and forced to sign a voluntary-return form without his consent. Based on a deportation order, the applicant was placed under administrative detention and forced to sign a voluntary return form. He was deported from the Cilvegözü land border gate on 18 July 2019. Prior to his deportation, the applicant was taken to the police station for the offence of causing intentional injury in a fight in which he was involved. Although this was the basis for his deportation, the charges against him were later dropped. In other words, there was no further investigation or prosecution against him and his presence in Turkey did not cause any harm to public order and security.

Therefore, the Constitutional Court ruled on the basis of Article 54/1-d of the LFIP and found that the voluntary return form did not contain any information on the applicant's situation in Syria. In addition, the possible risks related to the revocation of its temporary protection were not explained. On the other hand, his lawyer was not informed when the form was signed, and no United Nations High Commissioner for Refugees or a national non-governmental organisation representative was present during the signing. Therefore, the prohibition of ill-treatment and the right to an effective remedy had been violated under Article 17 of the Constitution according to the Court. (Abdulkerim Hammud Application of the Constitutional Court, 02.05.2023, No. 2019/24388)

45

In Conclusion

Finally, it is important to note that the lack of uniformity in the application of temporary protection status and court rulings creates uncertainty and unpredictability for Syrians in Turkey. This is even more evident when it comes to deportation orders, as it is not possible to appeal against an administrative court decision. In this case, the only remedy is to apply to the Constitutional Court. However, this is only possible in some cases. This uncertainty hinders the effective exercise of the freedom to seek justice and the right of access to justice. Although there has been an increase in the return of Syrians to their home country, this does not change the problem of uncertainty and unpredictability arising from court decisions.

46

THE ROLE OF BAR ASSOCIATIONS IN PREVENTING VIOLATIONS OF THE RIGHTS OF FOREIGNERS UNDER TEMPORARY PROTECTION IN TURKEY AND THE CASE OF THE IZMIR BAR ASSOCIATION

Ayşe Kaymak

This article analyses the challenges faced by about 3 million Syrians under temporary protection in Turkey and draws attention to the importance of access to justice and fair trial. Using the example of the Izmir Bar Association, it highlights the important role that lawyers and bar associations can play in exposing these violations and preventing unlawful practices.

Temporary protection is a temporary solution applied as part of states' non-refoulement obligations to people arriving in large numbers at a country's borders. About 3 million Syrians have been living in Turkey for more than 10 years under temporary protection. Permanent legal solutions -such as integration or resettlement in a third country- have not been provided, and the voluntary return option is not implemented in accordance with the law. It is unfortunate that Syrians under temporary protection may be exposed to violations of their rights to education, health, housing, respect for private life, access to justice and a fair trial. Moreover, deportation orders are issued on very simplistic grounds, and individuals subject to final deportation orders have had their temporary-protection status revoked because of a broadly interpreted notion of state sovereignty. However, as Syria is still not recognised as a safe country, they cannot be deported under the non-refoulement principle. People whose temporary protection registration is cancelled in this way are deprived of their most basic human rights, as they are not granted a new status. Lawyers and bar associations have an important role to play in highlighting, reporting and preventing these violations and unlawful practices.

47

The right to access to justice and the right to a fair trial, which are directly related to the activities and duties of bar associations, are among the most important violations of the rights of Syrians under temporary protection status in Turkey. Article 334 of the Civil Procedure Code states that “Persons who are unable to pay prosecution expenses” can receive legal aid “provided that they give the impression of being right.” The legislature is not limited to this general provision and there are also special provisions for foreigners, asylum seekers or refugees in the Law on Foreigners and International Protection. Article 57/7 of this law stipulates that “those who apply for a judicial remedy against administrative detention proceedings and who do not have the means to cover the fees shall be provided with (...) legal services upon their request”. Article 81/2 of the same law stipulates that “legal aid will be provided to refugees unable to meet the costs of legal representation for their court applications, in accordance with legal aid provisions.”

It is clear that legal provisions alone do not ensure access to justice for foreigners; administrative, social, economic and cultural barriers that prevent them from seeking remedies must also be addressed. For example, foreigners who are detained based on deportation orders and administrative detention decisions and placed at a removal centre are not informed of the grounds for the restriction of their liberty, their rights and remedies despite the legal obligation to do so. For reasons such as language barriers, they are deprived of information about their right to appeal against decisions taken against them or their right to access a lawyer. Few foreign nationals are aware that they may access legal aid and representation through bar association legal aid offices. Moreover, even when foreigners are informed of this right, apply for legal aid and are assigned a lawyer, they may be prevented from meeting the lawyer in the detention centre because of unlawful and arbitrary measures.

Problems Regarding Temporary Protection and Access to Justice

Access to justice for foreigners with temporary protection status in Turkey is not fully guaranteed, not only regarding procedures and decisions under the Law on Foreigners and International Protection, but also for disputes and violations of rights under private law. There are many Syrians who have been left ‘without status’ for years after their temporary protection status was cancelled because they cannot be returned to their country. These foreigners’ rights to education, health, housing and transport are being violated. Given the complexity of the legal system in Turkey -even for citizens- and the incomprehensibility of legal language, interpretation services are needed for foreigners. Special mechanisms for access to justice and information must also be established. In this context, the “Legal Aid Service Tool”, which was launched within the “Izmir, Capital of Human Rights Protocol”, signed between the Izmir Bar Association and the Izmir Metropolitan Municipality on 10 December 2020, can be considered as an important and functional instrument. This example of cooperation between local governments and bar associations for the basic needs of everyone living in the city, such as access to justice, would be a very positive model for all of Turkey once it becomes operational.

Unfortunately, the rise of xenophobia and hate speech against refugees in Turkey in recent years has put foreigners in a very vulnerable position legally. Deportation decisions are often taken on very simplistic grounds, and “disturbing public order” is interpreted very broadly by both the administration and the judiciary. Moreover, legal remedies have become almost ineffective under the current judicial implementation. These problems may discourage foreigners, who are victims of crime or whose rights are violated, from exercising their right to seek a remedy. Foreigners, whose rights are violated, are reluctant to report rights such violations or seek redress because of, for example, the ‘codes’ introduced against foreigners who file complaints or seek information with the police or the courts.

49

The contributions of the Izmir Bar Association are essential to the prevention and exposure of human rights violations affecting Syrians under temporary protection in Turkey. Lawyers who have received special training in this field are assigned to handle requests for legal aid from foreigners in cases related to deportation, administrative detention and temporary protection status under the Law on Foreigners and International Protection, as well as private law issues they face.

However, there is no common standard in Turkey regarding the allocation criteria and working standards of the legal aid offices of the bar associations. The majority of bar associations do not provide legal aid to foreign nationals for applications under the Law on Foreigners and International Protection. For example, while some bar associations have a broader interpretation of the 'poverty' criterion, some other bar associations may reject legal aid applications because the applicants do not meet the poverty criterion. As a result, the number of bar associations providing legal aid to refugees remains limited. The main reason for this is undoubtedly the very limited legal aid budgets and the inability to secure adequate funding.

Izmir Bar Association Migration and Asylum Commission

Finally, it is essential to recognize the significant role played by volunteer lawyers from the Izmir Bar Association's Migration and Asylum Commission in safeguarding and advancing human rights, specifically through monitoring, reporting, and preventing violations against refugees. Some of the various activities of the Commission are listed below:

50

- Applications to the Human Rights Commission of the Grand National Assembly of Turkey and the parliamentary groups of political parties to take the required measures immediately regarding the incidents that took place in August 2021 when the houses and workplaces of almost all foreigners were destroyed by attacks in the neighbourhoods where Syrians live in the Altındağ district of Ankara, and filing a criminal complaint to identify and prosecute the attackers.
- Complaints filed regarding discriminatory practices denying or delaying aid to Syrian refugees, a population severely affected by the 6 February 2023 earthquake.
- Administrative appeals against violations of the right to education, health and transport for Syrians subject to deportation orders and left without a status following the cancellation of their temporary protection status.
- Active follow-up of the case of three Syrian workers burned to death in the Güzelbahçe district of İzmir and similar cases.

Through these and similar activities, the volunteer lawyers, members of the Migration and Asylum Commission of the Izmir Bar Association, have played an important role in making rights violations visible, eliminating them, and changing administrative practices. Based on these examples, it is important to expand the work of bar associations on refugees and to strengthen their capacities as part of their duty to protect and promote human rights.

5 1

“GO AND SEE” TO RETURN: TURKISH POLICY AND SYRIAN REALITY

Omar Kadkoy

This article shows that while the fall of the Syrian regime on 8 December 2024 has significantly changed the political landscape, conditions in Syria are insufficient and unsafe for large-scale returns. From this perspective, Turkey’s “go-and-see” visit policy allows Syrians under temporary protection to assess the situation first-hand before deciding whether to return.

Syrians around the world woke up to a new reality on 8 December 2024: The Assads’ reign of iron fist over Syria since 1970 collapsed, dragging with it the Ba’ath Party’s monopoly of the political scene since 1963. The unexpected and the speed with which the Syrian regime collapsed triggered many questions about Syria’s political and socio-economic outlook and the future of Syrians outside the country. Concerning the latter, European politicians in several hosting countries interpreted the fall of the Syrian regime as the immediate disappearance of the threat for Syrians to seek asylum and refuge. Indeed, at least 10 European countries suspended processing asylum applications of Syrian nationals. In Turkey, the opposition capitalized on Assad’s fall by saying there is no more valid reason for Syrians to stay in Turkey. The government, on the other hand, pursued a wiser policy decision by allowing Syrians under temporary protection to make “go and see” visits to assess the situation in Syria before returning. The conditions in Syria, however, remain unripe for return despite the fall of the Syrian regime. Thus, Turkey should maintain legal protection in effect, extend the period of the “go-and-see” visits, and abide by the principle of non-refoulement until the prevalence of state and human security in Syria.

Problems in Syria

The list of questions over Syria’s new future is long, and one of them concerns the return possibility of 4.3 million Syrians who sought asylum and refuge in the last 14 years. The political landscape in Syria has undoubtedly changed. Nevertheless, several factors can work against the expectation of large-scale return to Syria as a safe country of origin.

52

To begin with, Syria remains unsafe despite the fall of the Syrian government. The September 2024 report of the Independent International Commission of Inquiry on Syria warned of intensifying war “amid continuing patterns of war crimes and fear of large-scale regional conflict.” While the Commission is yet to release its country report post-Assad’s fall, the pockets of fighting in the northeast, at the coastal area, and the Israeli occupation of Syrian territory in the south represent the most recent examples of violence, extending the journey ahead of re-designating Syria as a safe country. In parallel to unsettled security, human security conditions in Syria are equally fragile, and the essential services and infrastructure are dreadfully inadequate for Syrians who remained in the country, let alone for the ones expected to return in large numbers. Economically speaking, the protracted war in Syria left 90 percent of the population in poverty. Housing wise, a quarter of the housing stock is partially damaged. In the health sector, 43 percent of hospitals are either partially functional or non-functional. Lastly, in the education sector, 2.4 million Syrian children are out of school, primarily due to damage to education facilities.

The United States (US) and the EU's Approach to Sanctions

The answer to revitalizing conditions and accommodating the needs of the returnees dramatically hinges on the imposed sanctions on the former Syrian regime since 2011, namely by the US and EU. There are two camps on the issue. The first advocates for the unconditional lifting of sanctions since a new government is in power, and delays in lifting sanctions could generate further instability. The second argues for a conditional approach to influence the new government’s behavior to demonstrate a record in line with human rights. In practice, the US and the EU favor a mixed approach: upholding sanctions on specific sectors (e.g., the banking system) and offering relief on others (e.g., energy and transport).

53

The US and the EU's approach implies a long journey before Syria's full recovery and reconstruction. Therefore, it is understandable that Syrians link return to improving living conditions. Syrians in neighboring countries pursue a self-imposed "wait-and-see" strategy, meaning that general political stability, security conditions in areas of origin, and accessibility to essential services top immediate return plans. Additionally, the number of returnees indicates the unwillingness to rush return. Three months into the collapse of the former Syrian regime, some 301,967 Syrians returned from neighboring countries, where 4.3 million remain registered. Historically, most asylum seekers and refugees never return home, even after the conflict is over. When they do, return occurs erratically; peaking in one to three years after the end of a conflict, and thereafter, the pace of return slows down or sizes to exist.

Turkey's Approach: 'Go and see'

In light of the above, Turkey's announcement of "go-and-see" visits was a reasonable response because it allows Syrians to make informed decisions about return while enjoying the right to stay in Turkey. Syrians' journey in Turkey has not been a smooth one as they have been facing challenges in health and education services, discrimination in the labor market, and racism and hate crimes, with compounded difficulties for the unregistered ones. Leaving Turkey does not mean the scene on other side of the border is brighter, as mentioned earlier. Take Aleppo, for a local example. The city is the hometown of 42 percent of Syrians, or 1.1 million, under temporary protection in Turkey. In Aleppo, six public hospitals and 60 primary health centers operate only partially due to fuel and power shortages. Speaking of power shortages, Syria's Interim Minister of Electricity said that most areas in the country receive about 2 hours of state power each day and that power will run 24/7 in three years. Hence, Turkey's "go-and-see" visits policy would be paramount to people considering returning to the city.

54

The “go and see” policy entered into effect in January 2025, allowing one member of each Syrian householder to make three “go-and-see” visits in six months until the policy terminates on July 1, 2025. If, and when, a Syrian individual or a household decides to return,, they submit a voluntary return application to the Presidency of Migration Management in the province of registration. Then, the authorities will verify the applicant(s)’ fingerprints and criminal record and schedule them for an interview. Upon the approval of the voluntary return application, the relevant authority issues a travel permit to the governorate from which one wishes to exit Turkey. Exiting Turkey, on voluntary grounds, terminates the temporary protection status. To facilitate said visits and overall return, the Turkish Ministry of the Interior announced a plan to increase the processing capacity of border crossings from 3,000 persons a day to 15,000-20,000 persons a day.

A new political reality is settling in Syria, with several difficulties to overcome. The cautious stance of Syrians in neighboring countries—opting for a “wait-and-see” approach—underscores the necessity of well-informed, voluntary and planned return. Turkey’s “go-and-see” visits offer a pragmatic middle ground, allowing Syrians under temporary protection to assess conditions firsthand before making life-altering decisions. Ultimately, any sustainable return solution must be rooted in Syria’s ability to provide genuine safety, economic stability, and basic services to its people—conditions that remain far from reality. Until then, return will remain an option for a limited few rather than a widespread movement.

55

VOLUNTARY RETURNS TO SYRIA: DISCOURSE AND PRACTICE

Kemal Vural Tarlan

The article challenges the official narrative of voluntary Syrian return. It provides an analysis of the underlying processes and statistics. It also looks at the returns after the fall of the Baath regime on 8 December 2024 and recalls the ongoing socio-political and economic instability in Syria while underlining the importance of international principles to ensure safe and dignified returns and the need for oversight and monitoring mechanisms to ensure compliance.

The return of Syrian refugees has once again become a regional and even global migration agenda with the fall of the 61-year Ba'ath regime on the morning of 8 December 2024. The regime disappeared in Syria, a country where the conflict and violence that began in 2011 led to migration to neighbouring countries and then to the rest of the world, especially Europe. The new situation (emerged by the collapse of the Ba'ath regime) has become a great hope for politicians, states and especially humanitarian organisations in the field of migration in terms of "voluntary return". This new process is being promoted by these actors as an opportunity to prove that mass migrations can turn into mass returns if the necessary conditions are met. This is the new agenda for those of us who work in the field of migration. New reports on the subject are published every day. United Nations (UN) agencies are constantly publishing data on returns. Migration and humanitarian organisations are moving from neighbouring countries to Syria, especially Damascus.

So how is the voluntary returns process going? What is in fact the latest situation with regard to the mass returns mentioned?

56

What Do the Figures Tell Us?

Institutions working on the issue, including the United Nations High Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM) and other UN agencies, as well as European Union (EU) institutions and countries where Syrian refugees live, such as EU Member States, Syria's neighbouring countries and refugee host countries such as Egypt and the Gulf States, have been endeavouring for voluntary returns since 2020.

Since then, the issue has been on the agenda of civil society and humanitarian organisations working in the field of migration. Since 6 December 2024, many studies have been published on the willingness of refugees to return and on voluntary return.

As of 20 February 2025, UNHCR estimated that around 354,900 Syrians had returned to Syria via neighbouring countries since the beginning of December 2024. As for Turkey, UNHCR last published data on 30 January 2025. In an update shared by the organisation on 6 March 2025, President Erdoğan stated that 133,000 Syrians had voluntarily returned to Syria since the fall of the Assad regime. The media also reported that the number of Syrian refugees who have “voluntarily and honourably returned” has reached 873,000.

Data from the Presidency of Migration Management (PMM) shows that the start of these returns, as indicated by the President of Turkey, was in 2021, when the voluntary return programme was implemented by the PMM. Moreover, 2021 also marks the beginning of a decline in the number of Syrian refugees in Turkey as the number of people decreased from 3,737,369 to 2,810,977. In four years, the number of people has fallen by 926,393. There is no data on how much of the decrease, especially during the pandemic period, was due to reasons such as loss of life and how much was due to returns. Again, we see that more than 500,000 people disappeared after the earthquake of 6 February 2023. However, there is no clear data on deaths and voluntary returns. Similarly, there is also no clear data on the subsequent migration from Turkey to other countries in relation to this decrease.

57

Measures That Lead Refugees to Say: We Can't Live in This Country Anymore

2022 was a year in which anti-immigrant sentiment grew visibly, and as the elections approached, populist politicians on both the right and the left realised that anti-immigrant sentiment was a powerful card to use to motivate the masses. Issues such as anti-immigrant sentiment, deportation, border protection and voluntary return were at the centre of the campaign for the general election in May 2023. The election results marked a turning point in Turkish migration policy. Security-oriented migration policies, mobile migration points and operations under the name of Shield were put into practice. The impact of these policies on the ground became visible over the time. In particular, with the introduction of mobile migration points, refugees' temporary protection data was used to introduce codes about them. The system and practice of cancelling the identity cards of persons under temporary protection was tightened. The practice of denying residence permits to foreigners in districts where the foreign population exceeds 20% of the Turkish citizen population was extended to the whole Turkey and restricted. In neighbourhoods that did not fill their quotas and therefore allowed foreign settlement, the high rental prices led to refugees being pushed into irregularity due to anti-refugee sentiment. Frequent identity and address updates, and the requirement of notarised rental contracts and current electricity and water bills for these updates, pushed refugees out of the system. The cancellation of temporary protection cards has increased the risk of informality and deportation. Even in the case of fines, such as traffic fines, which do not apply to citizens of the Republic of Turkey, regular calls for signatures, the risk of deportation in the case of intercity mobility (except for travel permits), etc., have paved the way for such practices. These practices have also become a means of dividing the local and refugee communities by removing refugees from the centre of the cities and making them invisible in their own ghettos.

58

These practices created difficulties that led to tensions within the refugee community. The worsening economic crisis has reinforced the feeling that they have no chance of living in Turkey. On the other hand, the discourses of political parties and politicians, the fact that the issue of migration is being put on the agenda through prejudice, discrimination and criminal incidents, and the spread of anti-immigrant racism in society, especially among young people, have led to an increase in social tensions.

Especially in 2024, mobile migration checkpoints were installed at public transport stops, streets, crowded squares, entrances to neighbourhoods, everywhere in the cities, making life unbearable for refugees. This period also marked the beginning of a period of intimidation in which deportations under the pretext of voluntary return became almost commonplace and the number of refugees in deportation centres and temporary accommodation centres increased day by day. Temporary accommodation centres became prisons and the alternative to indefinite detention became “voluntary return to Syria”. The publications on the subject, the increase in the number of cases and the reports of the bar associations’ committees show how widespread this practice has become.

On 30 June 2024, following allegations of sexual abuse of a minor in Kayseri, racist and hate groups attacked the homes and workplaces of Syrians across the city, which continued until 2 July. As a result, the unease in the refugee community reached the point of “we can’t live here anymore”, and it was also a turning point where families who really wanted to return “voluntarily” approached civil society organisations for the first time. The demand for voluntary return led to a period in which the state, believing that coercion and intimidation has accelerated returns, further intensified the measures outlined above. In December 2024, this was roughly the situation for Syrian refugees in terms of returns.

59

8 December 2024 marked the beginning of a new era in terms of returns and changed the dynamics of refugee returns. In order for voluntary, safe and dignified returns to take place, the state in Syria must first be able to get back on its feet, economic and social stability must be established, and living conditions such as shelter, and employment must be provided. The recent news of sectarian, ethnic and religious divisions and massacres should be seen as an indication of how difficult it will be to rebuild political and social life in the new Syria.

Conclusion: The Importance of International Principles on Repatriation

We are faced with a Syria that is increasingly unstable and insecure, where the economy is not self-sustaining, almost 90% of the population is living below the poverty line, and more than half of the population has been displaced inside or outside the country. Even if there is hope of returning to this country, we are dealing with a phenomenon where the process will take much longer than expected and may not go beyond hope.

Those working in the migration field should be aware of this reality and oppose any violation of international principles for voluntary, safe and dignified return. Furthermore, control and monitoring mechanisms need to be put in place to prevent deportations named as voluntary return. On the other hand, it should be recognised that it is time to reconsider efforts regarding the integration of those who do not want to return, which have been neglected and ignored for 14 years.

60

SPIRAL OF UNCERTAINTY: SYRIAN REFUGEES' EXPERIENCES OF TEMPORARY PROTECTION

Cansu Akbaş Demirel

This article, based on in-depth interviews, shows that the experience of Syrian refugees regarding temporary protection in Izmir is full of uncertainty and insecurity.

As part of the comparative research project entitled “Dealing with Crises and Liminal Situations: The Agency of Ukrainian and Syrian Forced Migrants in Three National Contexts, conducted at the Institute of Sociology of the University of Neuchâtel within the framework of the National Centre of Competence in Research (NCCR) On the move, we wanted to learn about the experiences of refugees from Syria under temporary protection.

“I learned slowly by asking my friends... I was 11 years old.”

The application procedures, validity period, scope and expiry conditions of the temporary protection status are unclear and changing practices make it difficult for Syrian refugees with temporary protection to imagine and plan their future, even in the very short term. Firstly, the people being interviewed emphasized how worried they were when they arrived in Izmir. They were worried about getting identity documents, finding work and things like education and health. There was no clear information for new arrivals.

Refugees who had arrived before them were very important in this regard. Thanks to them, they could access information on a wide range of issues, such as how to apply for temporary protection, how to deal with the Presidency of Migration Administration, how to enrol in a school for basic education, and how to find social support. They got this information from relatives or, in some cases, neighbours who had arrived in Izmir before them. A young woman explained that when she arrived in Izmir, she learned about bureaucratic procedures and social support mechanisms from other children she met on the street:

6 1

“There were a lot of Syrians. At first, we didn’t go anywhere. After we rented a house, we started to meet people. Information on how to get an ID card and how to enrol in school; my family didn’t understand anything. How could they do it? I learned little by little. I asked my friends and found out where we could get the ID cards. I went there. Then I came to my family and took them with me. I was 11 years old. I learned about ID cards. First, they give you a document, not a card. Then I went to a place where food was given out every day. I learned about this place. A friend told me about it. I met this friend while I was out for a walk. She showed me it.”

In the same way, the rights and opportunities people have are not always easy to predict. For example, a woman who had planned to stay with her family at a close relative’s house when she arrived in Izmir describes her disappointment when she saw where they were going to live as follows: *“I was shocked on that day. I sat and cried all day. I was asking myself, ‘What kind of a place have I come to?’ What kind of a place am I going to live in?”*

Ongoing Uncertainty: Changing Conditions and Practices

Syrian refugees have started to gain experiences in different fields as they have been living in the country for longer. People who have learned how things work from others that have come before them continue to pass on their experiences to newcomers. However, the process of learning and adapting does not end for those under temporary protection. For example, the above-mentioned young woman, who went with her family to register for temporary protection, explained that she had enrolled in school on her own as a child. When they arrived in Izmir, she went to a temporary education centre because she was not enrolled in a Turkish school. She had to change schools after these centres were closed. She had to leave the school she was attending and continued her studies at a high school by correspondence after the pandemic.

62

Although education is a recognised right for Syrians under temporary protection, this does not always mean that it can be exercised in practice. In schools, discriminatory and exclusionary attitudes towards Syrian students, sometimes from administrators and teachers and sometimes from peers, can be crucial. This situation can also vary from school to school. For example, according to one interviewee, a teacher at the school asked, “Why did you come to Turkey?”. However, in another interview, a Syrian father was touched by the fact that a teacher at his daughter’s school, together with other teachers of the same school, helped the family with furniture when they realised that there were no belongings in their apartment.

In the process, there has been a shift in attitudes towards Syrians, as well as in administrative practices. While the question of citizenship has always been uncertain, it is almost impossible to claim rights under the current conditions, let alone obtain citizenship:

“Since citizenship was opened to people with work permits, it pushed a lot of people to have work permits and it was like ‘I’ll pay the insurance, at least I might be invited to citizenship’... But let’s say, as Syrians or people under temporary protection, we weren’t fined for working without a permit. But in the last 1-2 years, they started to issue fines between 5000 to 7000 Turkish Liras for both the employers and the employees. Also, in the case of temporary protection, for example, there is an article in the Law on Foreigners and International Protection, according to which if you work without permission under temporary protection, you can be deported. This means that if a person who is working without permission and has a problem with her or his employer consults us, we say ‘Yes, you are entitled to seniority pay, annual leave, insurance contributions.’ At that point, the person gives up on claiming their rights.”

63

While the discourses about the economic crisis, the earthquakes and the elections turn society anti-Syrian, Syrians can become scapegoats against whom social anger can be easily directed. The inability to foresee where these reactions might lead manifested itself in the interviews as an inability to imagine a future. The insecurity generated by this situation is felt both in terms of the cancellation of their legal status and the fear of being sent back, as well as the threat of lynching and attacks in everyday life.

“Now my husband works and my children study. So, is it good? It’s good, thank God. But my children have no future. Because the Syrians are mentioned in the slightest argument. Even at the smallest thing, they bring Syria into the discussion. For example, when there’s a new decision, we’re always in a panic. Are they going to send us back, are they going to send us somewhere else? What will happen to our situation?” We are in a constant panic. For example, the simplest example: I’ve been in Turkey for 10 years, I’ve been in Izmir for 6 years, I haven’t bought a TV for 6 years. My husband used to say, ‘They might come out with something new, so they can kick us out. Don’t buy furniture or anything else, save your money. You have seen what we have been through, we should have money with us. Just in case. For 6 years there was no television in my house... My eldest daughter came to me and said, ‘Mum, everyone has a television in their house. Why is there no television in our house? My husband couldn’t stand it either. He said, ‘Let it be torn to pieces’. He said, ‘I’ll bring the television, I’ll bring the bed, I’ll bring whatever you want. But are we safe? We are not safe.’”

What’s Going to Happen Now?

The desire to migrate once more was a frequent theme in the interviews. Syrian nationals granted temporary protection who did not perceive a viable future for themselves and their offspring in Turkey sought to migrate to Europe through regular ways. The process of acquiring citizenship, whether through naturalisation or other means, did not diminish this desire.

64

Conversely, it was regarded as a means of facilitating safe passage to the EU. In this respect, for those who were citizens, Turkey was not regarded as a final settlement country. In light of the prevailing state of insecurity and uncertainty in Turkey, some refugees have considered the possibility of *“returning to Syria even if the war does not end”*.

Following the regime change in Syria in December 2024, the possibility of return has increased in comparison to the previous months. The government’s prompt response to the Turkish public’s expectations in this regard is noteworthy. In accordance with the “go-and-see” policy, individuals who have travelled to Syria and wish to return to Turkey are permitted to do so until 1 July 2025 at the latest. Consequently, it is not feasible to predict with any degree of certainty the number of individuals who will opt for voluntary return. A young father, who had previously left his children behind in Syria and had subsequently travelled to Turkey alone, provided the following statement during a discussion we had on his way back: “I will be reunited with my children. The war has come to an end. We are free.”

Recent attacks by the new regime against Alawites demonstrate that the transition of power in Syria does not necessarily entail the cessation of hostilities. This implies that, for Syrians who have temporary protection status, uncertainty engenders further uncertainty.

65

TEMPORARY PROTECTION THROUGH THE CONTINUITY AND DISCONTINUITY OF MIGRATION MANAGEMENT IN TURKEY

Ibrahim Soysüren

This article looks at temporary protection through some trends of migration management in Turkey, including both continuity and discontinuity. It underlines that the permanence of the temporary protection paves the way for problems that are unpredictable and difficult to manage.

This is the final article in a series exploring various aspects of temporary protection. Each article was written and can be read as “single and free like a tree”, as in Nazım Hikmet’s famous poem. On the other hand, the authors wrote them knowing that they would be part of a small group of trees, if not a “forest”. The main purpose of the meeting that inspired the series can be summarised as follows: to provide a modest contribution to the ongoing debate on temporary protection.

As we began our work, the [Temporary Protection Regulation](#), one of the fundamental texts governing the lives of hundreds of thousands of people in Turkey, was entering its tenth year of implementation. Meanwhile, with the discussions on the return of Syrian refugees being triggered by the fall of the regime in Syria, other reasons to reflect on temporary protection have emerged. In selecting the posts for the series, the aim was to address different aspects of temporary protection in Turkey, as well as regulations and practices at the international level and in different countries.

Why Temporary Protection?

The aim of this article is to question the need for temporary protection as an instrument of migration management and to highlight the unpredictable problems it creates. While thinking about or working on the temporary protection regime, the problems it poses, especially uncertainty, and the necessity for sustainable solutions have been frequently highlighted in various previous articles and in other publications.

66

It is important to “go back to the beginning” when trying to understand temporary protection with reference to the case of Turkey. Much has been said about the government’s discourse of “religious brotherhood” and its ambitions and dreams regarding the civil war in Syria. From this perspective, the introduction of temporary protection can be seen as an acknowledgment or a sign that the presence of Syrians in Turkey will not be temporary. It should be noted that the civil war in Syria started in 2011, and the temporary protection regulation was implemented almost three years later. Statistics show that the number of Syrians in Turkey in 2014 was around 1.5 million. The regulation refers to “foreigners arriving or crossing our borders en masse”. It defines these people as “those whose application for international protection cannot be assessed individually”. Temporary protection is therefore an attempt to manage a situation that could slip out of control. On the other hand, it is also possible to see what has happened as a circumvention of the Law on Foreigners and International Protection, which regulates migration and asylum, only months after its entry into force in April 2014.

In this context, I would like to highlight the established practices behind this choice for a legal form that is less legally binding and easier to change. I am referring to the way in which migration and foreigners are managed by regulations or circulars (some of which are kept secret) that give the administration a very wide margin of manoeuvre. In a way, this is a situation in which the old habits of the police are reproduced or maintained by the newly established “civil” administration.

67

How to Understand the Return to the Old while Implementing the New?

To better understand temporary protection, it is first necessary to place it in the context of the continuities and discontinuities of migration management. In this regard, the adoption of the Law on Foreigners and International Protection and the establishment of the General Directorate of Migration Management can be considered as a historical discontinuity with the past. This was a significant change for an area that, since the Ottoman Empire, had been managed by the police with (or without) regulations of dubious legality. However, it was precisely during this period, in relation to the presence and management of the largest migrant community in the country, that the temporary protection regime was put into practice with a directive that granted very broad powers to the administration, in accordance with its established reflex. Consequently, while a so-called ‘civil’ migration management organisation, created on the basis of a specific legal framework and considered as a discontinuity, had been implemented, a situation of recourse to the past instruments emerged. Upon retrospection, it becomes evident that this was indicative of the fact that the long-standing management approach was not to be forsaken. Consequently, the implementation of temporary protection can be regarded as a phenomenon in which established management practices were reproduced, concurrently with a historical shift in the governance of migration.

With the dynamics of continuity and discontinuity in mind, one can refer to the concept proposed by the French philosopher Michel Foucault governmentality (gouvernementalité). According to one of the definitions, governmentality is “the encounter between techniques of domination exercised over others and techniques specific to the individual”. The former “determine the behaviour of individuals, subjecting them to certain ends or domination, objectifying the subject”. The latter, on the other hand, leads to “a certain number of operations carried out by individuals, alone or with the help of others, on their bodies and souls, their thoughts, their behaviour, their way of being” (Foucault, 1994b: 785).

68

They therefore force individuals to conform to the requirements by power.

From this point of view, temporary protection is a flexible regulation and practice that allows the authorities to act arbitrarily. On the other hand, it forces the refugees to meekly accept the “fate” that has been envisaged for them. It also presupposes that they must behave as expected, i.e. not ask for new rights, a more secure status or a permanent solution.

Unpredictable Problems Due to Permanent Temporariness

One of the most important issues to be considered in the implementation of temporary protection in Turkey is the rejection of permanent or sustainable solutions. Moreover, the time has turned the initial rejection into an impossibility in the meantime. At the political level, even the mere consideration of such solutions can provoke negative reactions. In this context, it is necessary to point out the increasingly evident trend away from the approach that sees refugees as persons with rights and states as institutions which are obliged to provide rights-based sustainable solutions, as embodied in the 1951 Geneva Convention. As a symbol and instrument of this tendency, temporary protection finds its place more easily in legal approaches and practices that are in line with the spirit of the neoliberal era, which increasingly favours authoritarianism and reinforces precarity.

Despite the convenience it offers to administration in migration management, it should be stressed that temporary protection has in fact begun to create unforeseen problems as it has been extended over many years.

69

We conducted in Izmir the Turkish part of our comparative research project entitled Dealing with Crises and Liminal Situations: The Agency of Ukrainian and Syrian Forced Migrants in Three National Contexts. During this fieldwork, and particularly during our interviews with representatives of civil society organisations and legal professionals, the sentence ‘They have become locals’ with regard to Syrians was frequently used. It was employed to refer to people who could lose their status at any moment and be sent back to Syria. “They” were seen as “locals” through observation of social reality, but it was also clear that people were talking about a “local” from which refugees could be sent away at any moment. Indeed, when the regime in Syria collapsed, the first thing that came to most people’s minds was *‘They should go back’*.

Furthermore, it is imperative to acknowledge that the provision of temporary protection may, in certain situations, result in cases that could be categorised as statelessness, particularly in relation to children and young individuals born in Turkey, whose number is estimated to be in the tens of thousands. The legal status of these individuals is precarious, contingent on a status that is subject to revocation at any time. Moreover, the state of Syria, from which their parents come, remains unaware of their existence. Examining the situation of children whose families have chosen to stay in Turkey despite the revocation of their temporary protection status reveals that they are effectively living without legal recognition and are essentially invisible. Furthermore, it is crucial to acknowledge that some of them were likely already stateless in Syria. To paraphrase Hannah Arendt, a growing number of people do not even have the right to have rights.

70

Wrapping up

As I pointed out above, we began by asking the following question, which is actually more than one question: ***Who, what and how much does temporary protection protect?*** If the previous articles have convinced the reader that it is important to ask the question being discussed, and if they have made the reader think more about it, this means that the goal of this collective effort has been achieved to some extent.

Finally, I would like to stress that understanding and reflecting on temporary protection and its implementation does not mean being interested in an issue related to “others”. The “story” of our shared life is incomplete if we do not understand it. Therefore, it is also your story. *De te fabula narratur.*

71

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72

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Temporary Protection Regime I 2025

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