

# Country Report **TURKEY**

## D4.2 FINAL Country Report

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The ASILE project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870787. This report and its contents are the sole responsibility of the author(s) and the Commission is not responsible for any use that may be made of the information it contains.



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## Executive Summary

The Global Compact on Refugees (GCR) provides a political framework for protecting persons in need of asylum and complementary pathways for UN Member States. This framework includes instruments for responsibility sharing, such as resettlement and financial contributions. Through a multifactorial and relational approach, this Report focuses on the ramifications of externalisation policies of the EU and the instruments that facilitate keeping refugees and asylum seekers in the Turkish asylum regime, the instruments' impacts on those in need of international protection, and how the EU defies GCR principles. The Report aims to explore the respondents' opinions and experiences about the asylum governance system in Turkey in line with ASILE Project Work Package (WP) 4, which focuses on refugees' rights, status and vulnerabilities.

The Report is based on 34 interviews conducted with representatives of civil society organisations, authorities and other stakeholders from local / regional, national and international levels, and temporary protection status holders. The fieldwork was conducted in two phases, the first in March-June 2021 and the second in March-September 2022. This Report was completed in April 2023.

According to the Law on Foreigners and International Protection, Turkey provides international protection to all individuals in need (LFIP – Law no. 6548). Turkey, as a party to the 1951 Geneva Convention and its 1967 Protocol but maintaining geographical limitation, grants full refugee status only to Europeans. Non-Europeans can apply for and be granted conditional refugee status, and both Europeans and non-Europeans may receive subsidiary protection status if eligible. In addition, the LFIP provides a scheme for a humanitarian residence permit as a residence opportunity given to individuals who do not meet conditions for the listed statuses but who temporarily need protection.

Since the adoption of the LFIP (Article 91) in 2014, Syrians who seek asylum in Turkey have been granted temporary protection status. Until 2018, RSD procedures were operated by the UNHCR. Since then, the leading responsible institution for application, registration and status determination is the Directorate-General of Migration Management<sup>1</sup> (now Presidency of Migration Management) and its provincial sub-departments across all 81

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<sup>1</sup> During the writing of this report, the department's name changed to Presidency of Migration Management.



provinces of Turkey. As required by law, a decision on status should be issued within 6 months of registration. However, findings reveal that the application procedure may take longer and vary depending on the provincial directorates' capacity. As a result, asylum seekers may remain in limbo for years while their applications are reviewed. The quality of personal interviews, the assessment of evidence, the absence of identification of vulnerable groups, the lack of training of migration experts, and the lack of available interpreters have all been noted as major issues during the fieldwork. As human mobility from Afghanistan continues, several provincial directorates have stopped registering newcomers, mostly male asylum seekers. Syrians continue to be registered as temporary protection holders with limited mobility and are forced to stay in the cities in which they are registered.

As refugees and asylum seekers' movements towards Europe heightened in 2015, the EU and Turkey reached an arrangement (the Statement) in March 2016 on "controlling irregular crossings." Within the scope of this arrangement, it was decided that for each 'irregular migrant' returned to Turkey another Syrian would be resettled to the EU, the EU grants visa liberalisation to Turkish citizens upon fulfilment of the conditions by Turkey identified in a roadmap, Turkey's EU accession process is to be restarted, and the EU is to provide EUR 3 billion (later increased to EUR 6 billion) financial support for Turkey's migration management.

The EU's financial instruments are not confined to the 2016 Statement. A share of the conditional aid Turkey received during its EU membership negotiations (IPA funding) is still being used in migration management. There is a consensus in the field that all these political and financial instruments were built to keep refugees and asylum seekers in Turkey, whose number officially exceeds 4 million, and to prevent them from entering the EU. In Turkey, this arrangement generates challenges in accessing services and results in violations of fundamental rights, including the right to work. Research findings reveal the incompatibilities between the practice in the field and instruments presented as "best practices" by the EU in the context of the EU-Turkey Statement and funds in light of GCR principles on refugee protection and human rights.

The working rights of foreigners in Turkey are regulated through a set of legislative documents and conventions of the International Labour Organization (ILO). According to these legislations, an international protection applicant or conditional refugee can apply for a work permit 6 months after applying for international protection. Syrians who are under temporary protection can also work formally since 2016. As fieldwork suggests, the



work permit scheme is not compatible with Turkish market dynamics because of time limitations, mobility restrictions, the condition of employing one refugee for every 10 Turkish citizens and its employer-centric nature. Therefore, in practice, most refugees work informally in precarious conditions. They earn less than Turkish citizens despite working long hours. Child labour is widespread in construction, shoe manufacturing, textile sectors and agriculture, where most refugee labour is concentrated. Their grievous condition is described as hyper-precarity and deepens their vulnerabilities.

Fieldwork reveals three forms of vulnerability that refugees and asylum seekers, including Syrians under temporary protection, experience. First, *structural vulnerabilities* result from social, economic and political inequalities, such as gendered practices, dependence on the informal market and constrained mobility. Second, *temporality-based vulnerability* is mainly derived from the politico-legal dimension of the asylum regime in Turkey. Although Turkey ratified the 1951 Geneva Convention and adopted the principle of *non-refoulement*, the fact that Syrians still hold temporary protection status poses the risk of return. As for conditional refugees, temporary stay turns into a threat as they await resettlement to a third country in limbo in Turkey.

Third, during the fieldwork, it was found that the EU's attempt to formalise and control migration through the externalisation policy implemented in Turkey, via the use of the EU-Turkey Statement and the instrumentalisation of refugees, has resulted in *instrument-induced vulnerability*. This form includes vulnerabilities such as the immobility of refugees and pursuing refugees as political pawns. While the one-to-one resettlement scheme allows a minimal number of asylum seekers to find protection in the EU countries, inconsistencies between different state and international institutions in vulnerability assessment during the resettlement processes further violate the GCR principles.

Financial instruments have been criticised (1) for prioritising fast and instant applications instead of producing sustainable solutions to support the infrastructure in the cities where refugees live, (2) for fostering inequalities between different groups of people who seek asylum, (3) causing a division between Syrians and non-Syrians, and (4) for being used in the implementation of projects without assessing the qualifications and needs of beneficiaries. These issues resulting in vulnerability confine refugees and asylum seekers in a 'permanent temporariness', leaving them no other option but to hold on in Turkey with an uncertain future.



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## Introduction

During border fieldwork in August 2021, I was struck by the statement of a gendarmerie commander in Van, a Turkish border city to Iran: “We apprehend irregular migrants who are smuggled, then I call the journalists to take pictures and let them service to international press so that ‘Europeans’ see with their own eyes that we keep [those migrants] at the border. Sometimes at the expense of these people.” The statement of the border official made me realise how much the externalisation policy of the European Union (EU) and its Member States to manage migration and asylum has been internalised by the Turkish bureaucracy, even though the rule of law and human rights have been violated at many levels. This Report aims to take a snapshot of the relations between asylum and migration governance actors and the instruments employed in Turkey, with a particular focus on the EU-TR Statement of 2016.

According to UNHCR, Turkey has been the largest refugee-hosting country since 2014<sup>2</sup> and is currently dealing with protracted mobilities. Although there is a relatively integrated migration and asylum legislation since 2014, it lags far behind in being inclusive on many levels, which will be discussed in this report. As evidenced by mobility and employment restrictions, refugee rights and protection are at stake. Furthermore, the EU and its Member States are engaged in sustaining the status quo via numerous instruments. Through a multifactorial and relational approach, this report analyses the ramifications of the EU instruments that facilitate keeping refugees in the Turkish asylum regime and their impacts on those in need of protection. In order to accomplish that, we first provide background information on refugees and asylum seekers in Turkey. The report then discusses the main findings of fieldwork carried out with various stakeholders on the EU’s instrumentalisation of resources by employing a conceptual framework on vulnerability, especially in relation to employment rights, access to the labour market and decent working conditions.

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<sup>2</sup> <https://www.unhcr.org/statistics/country/56655f4d8/statistical-yearbook-2014-complete.html>



## Methodology

Research has been carried out in two phases with 34 participants in total. During the first phase of fieldwork, 15 in-depth interviews were conducted with representatives of civil society organisations, authorities such as employees at the asylum agency, local government officials etc. and other stakeholders from local / regional, national and international levels (see Table 1). A detailed list of interviewees in the first phase is presented in Annex I.

Table 1 Distribution of interviews in the first phase of the fieldwork

<b>Participant Category</b>	<b>Local/ Regional</b>	<b>National</b>	<b>European/ International</b>	<b>Total</b>
Civil society organisations	1	4	1	6
Authorities	2	1	1	4
Other stakeholders	2	-	3	5
<b>Total</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>15</b>

Source: Compiled by the author.

As the first phase of fieldwork continued from April 2021 to July 2021, five interviews were conducted face-to-face, and the others were online due to Covid-19 restrictions. While online interviews did not present any significant challenges, the benefits of gathering data through in-person interviews that allow for observation were not able to be fully realised. While the interviews were directed toward a more inclusive discussion on all migrants who need protection, most interviewees focused on Syrians who are under temporary protection as they make up the majority of refugees. Another reason is that Syrian refugees are the major subject of the EU-TR Statement, which is the focus of this report.

From March to September 2022, the second phase of the fieldwork was carried out with the participation of 19 interviewees (see Table 2). This phase included (1) individual interviews with 9 temporary protection status holders (4 female and 5 male), two civil society representatives, and one local authority representative; (2) a group interview with 7 female temporary protection status holders in collaboration with a local NGO in the city of Adana. Temporary protection status holders included agriculture workers living in remote areas in Adana, university students, and others who work in various jobs. All interviews were conducted face-to-face and in Turkish.



Table 2 Distribution of interviews in the second phase of the fieldwork

<b>Participant Category</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
Civil society representatives	1	1	2
Local authority representatives	-	1	1
Temporary protection status holders	10	6	16
<b>Total</b>	<b>11</b>	<b>8</b>	<b>19</b>

Source: Compiled by the author.

Interviews aimed to explore the respondents' opinions and experiences about the asylum governance system in line with WP4's focus on refugees' rights, status and vulnerabilities. A common question form and interview guide were prepared in advance by the WP4 coordination team to ensure consistency on themes and issues covered by each country team. Questions were customised to focus on specific instruments and issues in Turkey, such as EU instruments in general and the EU-TR Statement in particular. When adapting the questions to the Turkish context, ASILE themes of effectiveness, fairness and consistency with international and regional human rights and refugee law standards are observed. The data obtained from the interviews were analysed thematically with the conceptual framework from the related literature<sup>3</sup>.

Having undergone reviews in both its interim and final versions, the report examining the access of Syrians and other international protection applicants to the Turkish labour market and the impact of European policies has received commendation from external reviewers Meltem İneli Cığır, Gamze Ovacık, and an anonymous reviewer. Meltem İneli Cığır lauded the report's in-depth analysis, consideration of recent developments, and original arguments that significantly contribute to the existing scholarly discourse. While affirming the adequacy of the literature review, she provided insightful suggestions for enriching the analysis with specific sources. Gamze Ovacık commended the report's innovative approach in comprehending how law and policy shape refugee rights on the ground, particularly emphasizing the lens of vulnerability. This accolade was coupled with constructive feedback on structural and content organization, emphasizing the necessity for a more explicit introduction and conclusion. Echoing the positive sentiment towards

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<sup>3</sup> Confidentiality and anonymity were safeguarded in line with the ethical norms set in the ASILE data management plan. Instead of using pseudonyms to anonymise personal data, interviewees were coded, and while reporting the research findings, no identifiers were used to reveal their identity.





the report's novel approach, an anonymous reviewer stressed the significance of emphasizing the vulnerability lens in the conclusions, providing recommendations to further enhance the report's structure and clarity. Mindfully incorporating the valuable suggestions from these evaluators into both the interim and final versions of the report, revisions were meticulously crafted to enhance its academic rigor and clarity. These revisions specifically targeted recommendations concerning literature inclusion, structural refinement, and content organization, culminating in an improved and more comprehensive final rendition of the report.

## Conceptual framework

The fieldwork conducted has identified three distinct forms of vulnerability. The report relies heavily on this analytical device to substantiate its arguments and offers a more comprehensive understanding of vulnerability in the context of forced migration, building upon existing definitions. In line with the aims of WP4 in the ASILE project, refugees' status, right to work and vulnerabilities in Turkey are discussed. An approach is taken to understand refugees' vulnerabilities, emphasising how the concept cannot be squeezed into a fixed definition.

According to the UNHCR-IDC Vulnerability Screening Tool<sup>4</sup>:

*Situations of vulnerability are not fixed and will change over time with changing circumstances. Certain categories of people, such as children, are readily accepted as vulnerable and in need of special care, support and protection, while for other people their individual circumstances and context are the main determinates of vulnerability. Vulnerability is shaped by personal (internal) factors and environmental (external) factors. These factors can be multiple and intersect so as to entrench and exacerbate risks of harm.*

As framed above, vulnerabilities may exist, change and evolve from different social structures. **Structural vulnerability** refers to categorical disadvantages of individuals or groups that emerge from societal processes, such as the labour market and legal system. It involves all sorts of social, economic and political practices that put an individual or a

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<sup>4</sup> <https://www.unhcr.org/protection/detention/57fe30b14/unhcr-idc-vulnerability-screening-tool-identifying-addressing-vulnerability.html>



group in a disadvantaged status irrespective of their individual or group characteristics. Moreover, structural vulnerability “is particularly relevant to the discussion of labour exploitation risks, and how migration laws and practices often place asylum seekers, refugees and others with limited migration statuses at risk of extreme labour exploitation” (Costello and O’Cinnéide, 2021, p. 21) leading to precarity. In this sense, **precarity**, defined as casual, flexible, subcontracted, temporary, contingent and part-time work, is produced by the structural characteristics of the neoliberal economic system (Standing, 2001). When precarity is combined with another structural vulnerability, such as legal barriers to the right to work, legal restrictions of movement, and debt bondage, it produces **hyper-precariousness** which is akin to forced labour<sup>5</sup>. The situation of individuals at the intersection of precarious employment and immigration status can be understood as one of hyper-precarity, hence producing forced labour (Lewis et al., 2014; Lewis and Waite, 2015).

Another concept that is employed in this research is externalisation. According to Crisp (2020), **externalisation** is a migration management strategy whereby states instigate measures beyond their own borders in order to prevent or deter the entry of foreign nationals who lack the requisite legal entry permission and who are thought likely to apply for asylum. The interception of asylum seekers before their arrival at the border, offshore detainment and processing; sanctions on transport companies; promising countries financial aid and other incentives in exchange for their cooperation in stopping the flow of asylum seekers are the most common forms of externalisation. Externalisation is the result of states deciding to forgo the duties they agreed to as signatories to the 1951 United Nations Refugee Convention. If asylum seekers arrive in a country that has signed the Convention, the authorities must accept their claim for refugee status and, if they qualify as refugees, grant them refugee status. To avoid such obligations, states try to prevent the arrival of such people before they arrive at their borders. Externalisation methods make it

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<sup>5</sup> According to ILO, the main indicators of forced labour are abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions, and excessive overtime. As it is indicated in the booklet defining forced labour, “The presence of a single indicator in a given situation may in some cases imply the existence of forced labour. However, in other cases you may need to look for several indicators which, taken together, point to a forced labour case. Overall, the set of eleven indicators covers the main possible elements of a forced labour situation, and hence provides the basis to assess whether or not an individual worker is a victim of this crime” ([https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_203832.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf)).



difficult for people to exercise their right to seek asylum and expose them to further human rights violations. It also encourages refugees to go on dangerous routes involving human traffickers, smugglers, and corrupt government officials.

Spijkerboer (2018) argues that externalisation is part of a broader global infrastructure of migration control that involves various actors and technologies, and that it has profound implications for the rights and welfare of migrants and refugees. He suggests that the externalisation of migration control should be understood as a form of territorial expansion by states that seek to extend their reach beyond their borders and into the territories of other states. Similarly, the Refugee Law Initiative Declaration on Externalisation and Asylum (2022) emphasises the negative consequences of externalisation for the protection of refugees and asylum seekers. It states that externalisation measures often violate international and regional human rights and refugee law, and that they undermine the right to seek asylum and the principle of non-refoulement. Cantor, Tan et al. (2022) also highlight the legal and ethical implications of externalisation for access to territorial asylum and the protection of refugees. They argue that externalisation measures such as offshore processing and interception at sea may contravene international law and lead to human rights abuses.

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## 1. Background

### 1.1 Turkish asylum regime and protection statuses

As the number of individuals forcibly displaced around the world due to conflict, violence, and persecution reaches new highs, Turkey continues to host the highest number of refugees in the world. Turkey presently has nearly 3.6<sup>6</sup> million Syrian refugees registered under ‘temporary protection’, as well as close to 320 000<sup>7</sup> people of concern from other countries, including Afghanistan, Iraq and Pakistan.

Turkey is a signatory to the 1951 Refugee Convention and its 1967 Protocol, which maintains the 1951 Convention’s geographical limitation, making resettlement to a third country the preferable long-term solution for refugees arriving as a result of events outside of Europe.

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<sup>6</sup> Data obtained from PMM website: Accessed from <https://en.goc.gov.tr/temporary-protection> 27 on 22 December 2022.

<sup>7</sup> <https://www.unhcr.org/tr/en/refugees-and-asylum-seekers-in-turkey>



In other words, Turkey is essentially not recognising refugees from outside Europe as Convention refugees. Turkey has been reforming its laws and institutions in order to create an effective national asylum system that meets international standards (İneli Ciğer and Yiğit, 2020). The Law on Foreigners and International Protection (LFIP), Turkey's first-ever asylum law, was approved by Parliament in April 2013 and entered into force on April 11, 2014. The LFIP establishes the Presidency of Migration Management<sup>8</sup> (PMM) as the main organisation in charge of policy-making and processes for all foreigners in Turkey, and it lays out the major pillars of Turkey's national asylum system. The EU's involvement in the reform has been emphasised within academic literature. According to Ovacik (2020, p. 74), "it is known that during the drafting process of the Law on Foreigners and International Protection, there was extensive technical and financial support from the EU and Member States. As a result, the new normative framework is largely aligned with the EU framework."

In terms of international protection categories, Turkey grants *refugee* status to those who come from Europe and applies the Convention definition with geographical limitation. While the LFIP states that it applies the principle of *non-refoulement*, *conditional refugee* status is granted to asylum seekers who originate from outside Europe. Their status is conditional until they are settled in a third country. As a third status, *subsidiary protection* is the form of protection granted to persons who do not qualify as refugees or conditional refugees, but who, upon returning to their country, will be subjected to the death penalty or execution of the death penalty, torture, inhuman or degrading treatment or punishment, and those who would face a serious threat owing to indiscriminate violence in an armed conflict. In addition, the law also provides a scheme for a *humanitarian residence permit* as a residence opportunity given to people who do not meet conditions in the above-mentioned statuses but need protection temporarily.

As a part of its technical cooperation with the Turkish government, UNHCR used to register asylum seekers wishing to apply for international protection in Turkey and also carried out mandate refugee status determination procedures which ceased as of September 2018. Since then, those who wish to apply for international protection in Turkey must contact the Provincial Directorates of Migration Management (PDMM) in the cities upon their entry

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<sup>8</sup> Directorate General of Migration Management's (DGMM) name was changed to Presidency of Migration Management (PMM) by Presidential decree dated 29 October 2021.



to the country. According to Article 78 of LFIP, migration experts at PMM and PDMMs commence registration and further processing of the international protection applications claimed by individuals. According to the LFIP, the decision should be issued within 6 months from registration. However, as was mentioned during an interview with a migration law practitioner (TR15) who has previously worked as an RSD officer at UNHCR, the application process may be lengthened and vary according to capacity shortages of PDMMs. So, in practice, applicants may spend years in limbo while their applications are processed. In addition, “the quality of interviews, the assessment of evidence, the lack of identification of vulnerable groups, the lack of training of migration experts as well as the lack of available interpreters have been reported as particular concerns<sup>9</sup>.” The interviewee also mentioned that some PDMMs even stopped registering newcomers as the protracted migration from Afghanistan continues, creating a de facto dispersed border. During the fieldwork, it was observed that most vulnerable applicants, such as unaccompanied children and single women / mothers, are prioritised for registration, but for the most part (single and young) men’s applications are not registered, which is a major violation of the law.

In October 2014, Turkey passed the Temporary Protection Regulation<sup>10</sup> (TPR) in line with LFIP, which lays out the rights and obligations, as well as the procedures, for persons granted temporary protection in Turkey, namely Syrian refugees. Syrians, who were considered “guests” until the enactment of the regulation in 2014, were able to access certain rights only after this date. These rights include access to the labour market. Syrians who were included in the international protection system, albeit temporarily, could only have a work permit as of January 2016. As was revealed in an in-depth interview with a migration governance practitioner (TR5), slightly more than 50 400 Syrians (out of 900 000 of working age) under TP had obtained work permits by April 2021<sup>11</sup>.

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<sup>9</sup> <https://asylumineurope.org/reports/country/turkey/asylum-procedure/procedures/regular-procedure>

<sup>10</sup> Temporary Protection Regulation, (Official Gazette No. 29153 of 22 October 2014).

<sup>11</sup> No official statistics are available on the number of work permits issued for TP status holders. The only relevant statistics of 2021 by the Ministry of Labour and Social Policies mentions here (<https://www.csgeb.gov.tr/media/90062/yabanciizin2021.pdf>) that 91 500 work permits were issued to Syrians (including those not under TP).



Refugees constitute a small number of independent tradesmen and craftsmen, most of whom are irregular and establishing companies with Turkish citizens. But the majority of them work in very precarious conditions and informally by doing paid labour for others (Şanlıer Yüksel and İçduygu, 2018). The leading sectors in which they work are manufacturing sectors such as textile, shoe-making, food, and construction and agriculture sectors (Siviş, 2021a). Agriculture stands out as the sector where informal employment is the highest in the region, especially close to the Syrian border and where it mostly women and children who work. Therefore, the agricultural sector constitutes the most important source of income, especially for vulnerable groups. According to the Temporary Protection Regulation on Work Permits, Article 5(4), TP holders are exempt from obtaining a work permit for seasonal agricultural and husbandry sectors. This exemption allows them to work in these sectors without needing a work permit, provided that they obtain a certificate of temporary protection and register with the relevant authorities. This exemption is significant as it enables TP holders to participate in the labour market in these sectors without being subject to the same regulatory hurdles and administrative burdens as other foreign workers. It also provides a measure of flexibility for employers who may require additional labour during seasonal periods. However, it is worth noting that this exemption is not necessarily practised as the agriculture sector heavily relies on informal labour.

## 1.2 Outlining EU Instruments to control asylum in and out of Turkey

A Joint Action Plan was declared in October 2015 and a statement was signed between the EU and Turkey on 18 March 2016, following the political crisis and the moral panic that began with the crossing of asylum seekers to Europe using the Mediterranean route in the summer of 2015<sup>12</sup>. The focus of the Statement, more commonly known as the “EU-TR Deal”, was the return of all new ‘irregular migrants’ who crossed from Turkey to the Greek Islands as of 20 March 2016, and one person in need of protection would be settled in EU countries from Turkey for each Syrian returned to Turkey (one-to-one formula). In addition, Turkey should take the necessary measures to prevent the formation of new irregular migration routes by sea or land to the EU; revitalising Turkey’s EU accession process, provided that the guaranteed criteria are met; visa liberalisation for Turkish citizens to the

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<sup>12</sup> EU-Turkey Statement of 18 March 2016, in European Council Press Release 144/16 of 18 March 2016.



EU. It was decided that the Voluntary Humanitarian Admission Plan, in which the EU Member States would participate on a voluntary basis, would be put into practice when the irregular migration between Turkey and the EU was greatly reduced or ended.

In particular, within the scope of the “financial assistance from the EU for Syrian refugees (FRiT funds – Facilities for Refugees in Turkey)” article of the Statement, with the support of United Nations Agencies, European Union member countries’ development agencies and international donors, activities of civil society and public institutions are supported. The EU has committed to accelerating the payment of the EUR 3 billion originally allocated under FRiT and activating an additional EUR 3 billion by the end of 2018 when the resources are approaching full use. These supports ensure that the reforms implemented in cooperation with local authorities, chambers of industry and business institutions and which aim to alleviate the pressures of the Syrian crisis on local economies and labour market turn into action. It is aimed at supporting regional development with economic integration. Syrians and simultaneously Turkish citizens, very few other nationalities such as Iraqis over time are supported by strengthening the local economy, such as increasing the participation in the formal job market, supporting Syrian and Turkish companies and enterprises in areas such as entrepreneurship, innovation, production techniques, marketing, business development and business management within the scope of training and consultancy services, creating new rights-based job and livelihood opportunities for all.

The Statement was contested by many (i.e. Peers and Roman, 2016; Carrera, den Hertog and Stefan, 2017; GAR, 2021; Heck and Hess, 2017; İneli-Ciğer and Ulusoy, 2020; Ovacık, 2021) and labelled as ‘experimental’ (İçduygu and Millet, 2016). These criticisms include the fact that the Statement becomes a means of ignoring the violations of externalisation policies that emerged by employing the rhetoric of responsibility-sharing. Researchers claim that it also serves as a model for possible instruments to be utilised in countries other than Turkey to reduce the number of migrants arriving in the EU. The Statement is also criticised for not being accountable because it does not have the legally binding nature of an international agreement. Furthermore, as Ovacık (2020, p.75) aptly puts it, “the question of whether Turkey qualifies as a safe third country is not asked with genuine interest in the protection of refugees, but rather unilaterally by EU states seeking to externalise migration control.”

One of the important structural changes in the asylum regime in Turkey was the handover of the refugee status determination process, which UNHCR de facto carried out, to the Directorate-General of Migration Management (now PMM) in September 2018. As a result



of this organisational transformation and the changes in LFIP in December 2019, many financial instruments from the European Union and/or member countries were directed to projects such as strengthening RSD processes, the registration renewal system, establishing a system of alternatives to administrative detention, the establishment of reception and removal centres. The financial instruments provided by the EU are not limited to the 2016 statement. Some of the conditional support given by Turkey during its accession negotiation to the EU (IPA funds) continues to be used in migration management. It is observed that they are mainly used in organisational capacity-building programmes and border security enhancement projects in line with the EU’s externalisation policy. Table 3 summarises the EU instruments implemented in Turkey for migration and asylum.

Table 3 EU instruments implemented in Turkey

<b>Political</b>	<b>Legal</b>	<b>Financial</b>
Accession Partnership Agreement 2001	Agreement between the EU and TR on the readmission of persons residing without authorisation, 2013	EU Trust Fund in Response to the Syrian Crisis (Madad Fund) 2014
EU-Turkey Joint Action Plan, October 2015	Law on Foreigners and International Protection (LFIP), 2014	The instrument for Pre-accession Assistance II (IPA II) 2014-20
EU-Turkey Statement, March 2016	Temporary Protection Regulation (TPR), 2014	Facility for Refugees in Turkey (FRiT) 2016

Source: Tan and Vedsted-Hansen, 2021, p. 26.

## 2. Findings

### 2.1 The state of refugees in Turkey

As noted in the background section earlier, Turkey continues to host the largest number of refugees worldwide, as the number of people forcibly displaced across the world due to the Syrian revolution, conflict, violence and persecution hit record levels. In the last 30 years, the number of refugees and asylum seekers in the country has risen from 1.1 million to almost





6 million which makes up 7 % of the total population<sup>13</sup>. Refugees and asylum seekers account for 65 % of the total international migrant community<sup>14</sup>. Turkey currently hosts more than 3.5 million registered Syrian refugees who are under ‘temporary protection’, along with close to 320 000 refugees, asylum seekers and irregular migrants of other nationalities. Over 98 % of Syrian refugees live across Turkey in 81 provinces. About 500 000 Syrian nationals have been born in Turkey since 2011 (TR5). As revealed by a migration governance practitioner (TR5) during the in-depth interview, although TPR has closed the path to citizenship, 140 000 Syrian nationals have acquired ‘exceptional’ Turkish citizenship by April 2021. In August 2022, the Minister of Interior stated that 211 000 Syrians acquired Turkish citizenship as of December 2021 (including those before 2011)<sup>15</sup>. “Exceptional citizenship” is a term used to describe a particular type of citizenship status granted to some Syrians in Turkey. This status was introduced in 2016 and allows certain Syrians who have lived in Turkey for a certain period of time and meet other eligibility criteria to apply for Turkish citizenship. This citizenship status is considered “exceptional” because it is granted outside of the normal channels of acquiring Turkish citizenship, which typically requires a longer residency period and other requirements.

Afghans, Iraqis and Iranians are the major groups of asylum seekers after Syrian nationals. Since 2014, the implementation of the LFIP has permitted access to protection, education and health care for persons holding international or temporary protection on equal grounds to Turkish citizens. This has improved access for asylum seekers to education and needed health services and medicines. Despite these positive developments, however, asylum seekers including Syrians continue to face challenges in securing the health and educational opportunities they need (Kaya et al., 2021).

## 2.2 Right to health

Migrants’ entitlements to health services in Turkey are slightly more inclusive, probably the most inclusive right, since Law no. 5510 includes asylum seekers and persons with International Protection Application within the General Health Insurance coverage. Regardless of status, most residents now have access to emergency and primary health care services (free of

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<sup>13</sup> <https://worldmigrationreport.iom.int/wmr-2020-interactive/>

<sup>14</sup> <https://www.goc.gov.tr/guncel-veriler>

<sup>15</sup> <https://www.bbc.com/turkce/articles/c1rereyd3oro>



charge). Regulation 2015/8, 12.10.2015 “Circular about Conducting Health Services for Foreigners under Temporary Protection”<sup>16</sup> substituted the previous regulation by changing the conditions regarding access to secondary health services. However, this policy has been slightly changed with the change in the LFIP in 2019 and time limits were introduced, and international protection holders above the age of 18 are only covered by the state for the first year following their registration with the authorities<sup>17</sup>. According to MIPEX 2020 data<sup>18</sup>, Turkey scored 69 points in terms of health services which read slightly favourable. Under the SIHHAT project, 175 migrant health centres (MHC) have been established across 29 provinces since 2017 through the FRIT scheme, which employs Syrian health professionals<sup>19</sup>. But apart from migrant health centres, non-Syrian asylum seekers still complain about the language barrier and discriminatory attitudes they face, especially in public hospitals (TR11).

### 2.3 Right to work

Turkey is a party to more than 50 conventions adopted by the International Labour Organization (ILO)<sup>20</sup>. Turkish labour legislation framework reflects the standards and principles laid down in these conventions, including social security, occupational safety and health, child labour and labour inspection. The working rights of foreigners in Turkey are regulated through a set of legislative documents, including the Law on the Work Permit for Foreigners (law no. 4817) dated 2003, Law on International Workforce (law no. 6735) dated August 2016, Work Permit Regulation on Applicants and International Protection Beneficiaries (April 2016) issued by the Ministry of Labour and Social Security, and Regulation Related to Work Permit of Syrians Who Are Under Temporary Protection (January 2016) issued by the Ministry of Labour and Social Security.

According to these legislations, an international protection applicant or conditional refugee can apply for a work permit 6 months after the applying for international protection. Refugee or subsidiary protection status holders can work dependently or

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<sup>16</sup> [https://www.afad.gov.tr/kurumlar/afad.gov.tr/2311/files/2015\\_8\\_Gecici\\_Koruma\\_altindaki\\_Yabancilara\\_Iliskin\\_Saglik\\_Hizmetlerinin\\_Yurutulmesi.pdf](https://www.afad.gov.tr/kurumlar/afad.gov.tr/2311/files/2015_8_Gecici_Koruma_altindaki_Yabancilara_Iliskin_Saglik_Hizmetlerinin_Yurutulmesi.pdf)

<sup>17</sup> <https://www.goc.gov.tr/uluslararasi-koruma-kapsamindaki-yabancilarin-genel-saglik-sigortalari-hakkinda>

<sup>18</sup> <https://www.mipex.eu/turkey>

<sup>19</sup> <http://www.sihhatproject.org/faaliyetler.html>

<sup>20</sup> <https://www.ilo.org/ankara/conventions-ratified-by-turkey/lang-tr/index.htm>



independently after obtaining their status. The ID to be given to an asylum seeker or a person with subsidiary protection status also replaces a work permit. But this does not necessarily mean international protection holders can work in every job in Turkey. The jobs and occupations that foreigners cannot work in are determined by various regulations. Thus, foreigners cannot work as dentists, nurses, pharmacists, veterinarians, lawyers, notaries, private security officers, customs consultants, tourist guides, and divers or captains in territorial waters<sup>21</sup>. These professions are solely dedicated to Turkish citizens. In addition, according to Article 11 of the Law on the Work Permit for Foreigners<sup>22</sup>, access to the labour market may be limited according to the situation in the job market and developments in working life, for a certain period, in agriculture, industry or service, when required by sectoral and economic conditions. This framing is quite vague and creates further administrative barriers to asylum seekers' enjoyment of their rights. However, these restrictions do not apply to asylum seekers and subsidiary protection status holders who have resided in Turkey for 3 years or who are married to a Turkish citizen or have a Turkish citizen child.

Even though the forced movements of Syrians to Turkey started in April 2011, they have only been able to enjoy work-related rights from January 2016 onwards. Many scholarly works (Al, 2016; İneli Cığır, 2017, p. 561; Baban et al., 2017, 2021) list a series of barriers to obtaining a work permit. First, according to the Regulation Related to Work Permit of Syrians Who Are Under Temporary Protection, those who want to employ Syrians under temporary protection can apply for a work permit or work permit exemption 6 months after the temporary protection identity document is issued. Therefore, the work permit is employer-centric. Second, there must be at least 10 Turkish personnel for each Syrian who will work. The number of Syrians to be employed cannot exceed 10 % of the total personnel. Third, the regulation imposes mobility restrictions as Syrians can only get work permits in the provinces where they are registered. The only exception to these barriers is seasonal agriculture work and husbandry. Permission of the governorships must be obtained to remove the quota application for Syrian refugees who work as temporary agricultural workers or who will be dealing with agriculture and animal husbandry. So, all the working rights are top-down and centralised, agriculture work is localised according to the needs.

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<sup>21</sup> <https://www.csgb.gov.tr/uigm/calisma-izni/turk-vatandaslarina-hasredilen-meslekler>

<sup>22</sup> <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.4817.pdf>



In an analysis of the discrepancy between the work permit regulation and its implementation at the city level, Siviş (2021b) emphasises the role of local actors and their cross-institutional collaboration:

*[T]he work permit regulation fails to address local socio-economic dynamics in terms of both Syrians' well-being and natives' concerns. From my standpoint, a lack of a labour market integration policy and coordination with the local authorities creates a context where local actors implement what I call "integration work" in line with their own institutional and/or organisational logics. A lack of overarching implementation and evaluation mechanisms allows the emergence of alternative policy frames at the local level. This integration work can be implemented by local actors in collaboration with external funders, NGOs and other public institutions.*

Although the right to work on paper appears to be regulated, the actual implementation of the regulations is far from being inclusive. According to PMM data<sup>23</sup>, almost 20 % of the Syrian population is between 10 and 18 years of age. The schooling rate is very low, especially at the secondary education level, which is a marker that most of these youngsters are in the labour market, mainly in the informal labour market (Pinedo Caro, 2020). According to TURKSTAT data<sup>24</sup>, in Turkey, 720 000 children are working, and 30.8 % of them work in the agriculture sector. In the labour market, asylum seekers are establishing their own businesses in very small numbers, some are working as independent craftsmen, though irregularly, but the majority of them are employees who do paid labour for others, mainly in the informal market. We observe a concentration in jobs that do not require qualification, high informality, depend on social aid, and very precarious conditions (Siviş, 2021a, 2021b).

Just to clarify, although the temporary protection scheme has provided access to the labour market since 2016, as of April 2021, only 50 400 Syrians were granted work permission throughout Turkey (TR 5). This means all others depend on aid and informal precarious working conditions and live under extreme poverty. As was observed during the fieldwork, most of the refugees work in construction, shoe manufacturing, textile sectors and also in agricultural work. Regarding the part on non-inclusiveness of the right to work, the fact that work permits were regulated 5 years after the Syrians' mobility in

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<sup>23</sup> <https://www.goc.gov.tr/gecici-koruma5638>

<sup>24</sup> <https://data.tuik.gov.tr/Bulten/Index?p=Child-Labour-Force-Survey-2019-33807>



2011 meant that many Syrians had already entered the informal labour market, which could have made it difficult to formalise their work permit status. The low number of work permits issued for Syrians (around 50 000) compared to the total number of Syrians of working age (above 950 000 as per PMM data)<sup>25</sup> supports this argument.

Some of the interviewees who hold temporary protection status (TR20, TR29) stated that they had previously held better positions / jobs in their home countries, indicating a clear downward occupational mobility. During the group interview, one respondent (TR27) underlined that many Syrians' skills are not recognised and they have to undergo vocational training provided through projects in Turkey. TR25, a young female TPS holder, mentioned that students have no hope of finding jobs after graduation both due to the lack of formal jobs and the high unemployment rate in Turkey. Pursuing career opportunities in transnational companies such as export / import companies is a widespread practice for new graduates because of their language skills as they can speak Arabic, Turkish and English.

One key finding is that younger temporary protection status holders (TR25, TR16), who are in their early 20s, complain not only about Turkish but also Syrian employers as they also lean on informality. So, class-based inequalities continue to manifest themselves in almost all contexts, pushing working-class asylum seekers into hyper-precarity by almost every mechanism.

*No, not only Turkish employers, but Syrians also employ workers informally. You would think that they have had similar experiences and would understand. But unfortunately, this is not the case. All employers are trying to find a way to pay their workers less (TR25).*

Seasonal agricultural work, which is already primarily informal, segmented and defined by high levels of precarity at both the social and the economic level, is one of the few income-generating options for Syrians in Turkey. One respondent referred to this migrant intensity as the “refugeeisation of the agricultural labour market” (TR33). As mentioned in the interviews conducted with a regional NGO (TR8), in regions such as Çukurova, those agricultural workers live in plastic-covered makeshift tents on the periphery of the city,

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<sup>25</sup> <https://www.goc.gov.tr/gecici-koruma5638>



have very poor working conditions, work for 7 days, 11 hours a day and a high rate of child labour is one of the realities faced.

So, the state's policy of no-policy on settlement turns into de facto settlements, not-regulated whatsoever. In most cases, even the basics of hygiene cannot be met in these conditions. Lack of water, soap and even proper toilets are just ordinary cases observed in the field. Children cannot attend school, and workers are paid informally and much lower than minimum wages. In addition, especially in these agricultural areas, given that intermediaries between employers and workers abuse the conditions of migrants, we face hyper-precarity. All participants interviewed in those remote areas came from rural areas of Syria; therefore, have no previous experience of urban life, further signifying 'residential segregation' in the spatiotemporal context.

*I was a farmer in Syria. When I first came to Turkey from Idlib in 2012, I didn't speak any Turkish, so I relied on Turkish agricultural intermediaries called "elci" to find work. We go to Antep in summer and Adana in winter to work. We have no set working hours, sometimes we work 14 hours a day. When schools were closed during Covid, my two sons started working with me in citrus. Now schools are open, but they continue to work. At the end of each day, the agricultural intermediary gives us a wage card, which is proof of the work we did that day. When it is time to get paid, we give the wage cards to the broker (TR16).*

The impact of the Covid-19 pandemic was one of the issues raised by both refugee interviewees and other stakeholders:

*Administrative procedures related to regular migration and international protection came to a halt, and the economy was badly hit. Consequently, migrants and refugees were put in a particularly vulnerable position. We observe loss of employment and income in the majority of migrant and refugee households (TR33).*

During the second phase, which is considered to be the post-pandemic period, the discussion focused on the effects of the Covid-19 pandemic specifically on Syrian agricultural workers, particularly in areas where the number of Syrians is significantly higher. Fieldwork shows that the pandemic negatively affected agricultural labour market conditions. Still, regarding its economic impact, there is no significant difference between a refugee and local agricultural workers. Also, the economic impact of the pandemic on refugees in the agricultural labour market was less than in the urban labour market



(UNHCR, 2021). According to participants (TR21, TR23, TR26, TR28), the pandemic created more economic vulnerabilities for urban workers than agricultural workers.

Apart from the agriculture sector, participants who hold temporary protection status also provided insights on working conditions. Wage inequality, rising inflation and unemployment rates were key issues discussed during the collective interview. A key finding was about the practice of a cooperative based on social and solidarity economy. Although fair and equitable governance and practices are involved, women who hold temporary protection status stated during the group interview that they believe they are paid less than Turkish employees, even though they are not mistreated in other ways. Baban, Ilcan and Rygiel (2021) examine Syrian refugees' legal status, the spaces in which they live and work, and their movements within and outside Turkey as the three dimensions of precarity. Their analysis of multi-layered precarious lives can be reconsidered as an indicator of 'the condition of hyper-precarity'.

## 2.4 Implementation of instruments related to the 2016 EU-Turkey Statement

### 2.4.1 Resettlement

The EU's effort to regulate asylum through the externalisation policy has been practised via the Statement. As a political instrument, the one-to-one return formula of the Statement claims to be designed in order to take into account the UN vulnerability criteria. The United Nations High Commissioner for Refugees (UNHCR) describes resettlement as "the transfer of refugees from an asylum country to another state, that has agreed to admit them and ultimately grant them permanent residence" (UNHCR, 2020). Although this definition does not directly mention vulnerability, it refers to vulnerability due to temporality as it targets permanent residency as a condition for resettlement. Even though the Statement targets the resettlement of the most vulnerable 72 000 refugees depending on different categories such as gender or age, just over 36 000 Syrians have been resettled to a Member state by December 2022, according to PMM<sup>26</sup>. This figure accounts for less than 1% of the total Syrian refugee population in Turkey. Table 4 depicts the number of Syrian refugees who are resettled in the scope of the Statement:

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<sup>26</sup> PMM, <https://en.goc.gov.tr/temporary-protection27>



Table 4 Number of Syrian refugees who left Turkey in the scope of the “One-to-One” formula (as of 01.12.2022)

Country	Total		
Germany	15390	Austria	213
France	5745	Luxembourg	206
Netherlands	5520	Lithuania	102
Sweden	3152	Bulgaria	85
Finland	2749	Romania	108
Belgium	1795	Estonia	59
Spain	1000	Latvia	46
Portugal	456	Slovenia	34
Italy	396	Denmark	31
Croatia	250	Malta	17
		<b>Total</b>	<b>37354</b>

Source: PMM, <https://en.goc.gov.tr/temporary-protection27>, accessed on 19.04.2023.

Resettlement is not based on individual application. UNHCR is constantly reviewing the situation of refugees in the most vulnerable situations, as referred by the Presidency of Migration Management, to determine whether they meet UNHCR’s resettlement criteria (for details, please see *Mobility and Resettlement* part of this report’s findings).

#### 2.4.2 Financial instruments

Financially, the EU and Turkey’s collaboration on migration management and shared responsibility for providing aid to refugees in Turkey is described in the EU-Turkey Joint Action Plan and the EU-Turkey Statement<sup>27</sup>. The EU Facility for Refugees in Turkey (FRiT) is a financial assistance programme assisting both refugees and host communities defined in the Statement and has a total budget of EUR 6 billion, divided into two equal tranches of EUR 3 billion, partially by direct payments from EU Member States (external assigned revenues) and partly from the EU budget. This facility, committed by the European Union, is sent to Turkey in exchange for the projects, not as direct funds. There is a special committee established for this financial support programme. The committee meets

<sup>27</sup> A detailed analysis of financial instruments is made as part of WP5 of ASILE project, and the report on the case of Turkey is prepared by Ovacik, Ineli-Ciger, Ulusoy and Spijkerboer (2022), [https://www.asileproject.eu/wp-content/uploads/2022/08/D5.2\\_WP5-Turkey-Country-Report-Final.pdf](https://www.asileproject.eu/wp-content/uploads/2022/08/D5.2_WP5-Turkey-Country-Report-Final.pdf).





periodically and evaluates the projects, reviews new projects and conducts audits on existing projects. All EUR 6 billion are already contracted; approximately 70 % of that amount is funded as the projects are approved according to the EC's Strategic Midterm Evaluation<sup>28</sup> of the Facility for Refugees in Turkey published in July 2021. These financial instruments affect approximately 1.8 million Syrians<sup>29</sup>.

FriT is implemented in six different priority areas: Humanitarian assistance, education, health, socio-economic support, municipal infrastructure and migration management. Municipal infrastructure is supported in the second tranche. According to the interview conducted by an international organisation representative (TR2), humanitarian assistance is mainstreamed into the other priority areas because it is envisaged as a multifactorial delivery mechanism. Financial instruments of the EU-TR Statement are distributed by the contracting authorities. Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) manages the non-humanitarian actions contracted under the Instrument for Pre-Accession (IPA II). Directorate-General for European Commission Humanitarian Aid & Civil Protection (DG ECHO) manages the largest share of the FRiT actions under the humanitarian assistance category and ECHO staff in the TR office is in charge of the daily coordination of actions and monitoring. The EU Delegation (EUD) to Turkey in Ankara is responsible for grant contracts signed with the Turkish ministries and agreements with international financial institutions. As implementing partners, the Turkish public administration (Turkish line ministries implementing FRiT's direct grants, or being beneficiaries of actions implemented by international financial institutions), including the relevant entity on the side of the Government of Turkey are responsible for the supervision of the FRiT. Other implementing partners of FRiT actions are UN Organisations, NGOs, and EU Member States' implementing development agencies. The majority of the funds are implemented directly by UN Agencies and international financial institutions, whereas Turkish authorities and NGOs are involved indirectly in most projects. The EU Delegation to Turkey monitors the implementation of the non-humanitarian, longer-term actions such as projects on education and health, whereas DG ECHO's country office monitors the

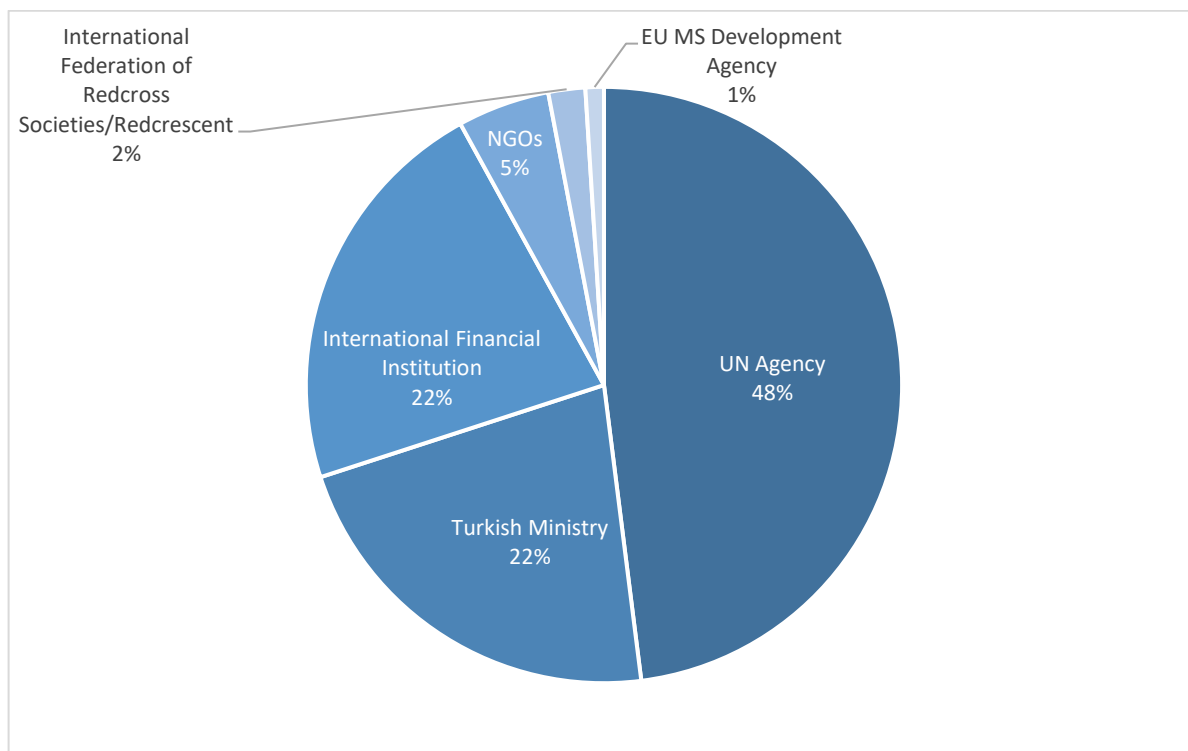
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<sup>28</sup> [https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-09/strategic\\_mid-term\\_evaluation\\_annexes.pdf](https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-09/strategic_mid-term_evaluation_annexes.pdf)

<sup>29</sup> [https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-09/frit\\_factsheet.pdf](https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-09/frit_factsheet.pdf)

implementation of the humanitarian actions such as the Emergency Social Safety Net (ESSN). Figure 1 illustrates the distribution of implementing partners:

**Figure 1 Types of implementing partner**



Source: European Commission’s Strategic Midterm Evaluation, Annex 5, p. 11.

As is underlined by an international organisation representative (TR2), the FRiT programme “is unprecedented in scale and target population. It has made a great contribution to stopping irregular migration flows. Furthermore, the basic needs of refugees have been met, and health and education services have been increased. The EU give particular importance to transparency in the use of funds and the observance of human rights.”

One of the most effective programmes is the Emergency Social Safety Net (ESSN) which has provided 1.8 million refugees with monthly cash transfers to help them cover food, shelter, and transportation needs and was implemented by the Turkish Red Crescent. By introducing the Complementary Emergency Social Safety Net (C-ESSN) Project in 2021, it is aimed to meet the basic needs of the “most vulnerable” who cannot be directed to livelihoods and the labour market through a cash-based assistance project. The project is designed to include not only Syrian refugees but also other migrants with International Protection Status, International Protection Status Application and Humanitarian Residence



Permit who are disadvantaged to be directed to the labour market<sup>30</sup>. Another successful programme according to interviewees is the Conditional Cash Transfer for Education<sup>31</sup> (CCTE) that has provided cash transfers every two months to families with children who have an 80 % school attendance rate (EC, 2021).

Indeed, the contribution of EU financial instruments in reaching to humanitarian aid and in accessing health and education rights for Syrian refugees and local communities is immense. “Improving the health status of the Syrian population under temporary protection and related services provided by Turkish authorities” (SIHHAT) project, a EUR 300 million direct grant to the Turkish Ministry of Health, aims to guarantee that Syrian refugees have general access to health care services through 175 migrant health centres in more than 20 cities and provide employment opportunities to Syrian health care professionals. According to Omar Kadkoy<sup>32</sup>, financial aid in health area has a profound impact, but also carries sustainability concerns:

*This serves two purposes: One, it alleviates pressure on the Turkish public health sector and it ensures that health services provided for the citizens of Turkey are not affected by more patients going to the hospitals. Of course, these Migration Health Centres do not provide full services, they only provide outpatient services. Secondly, patients can communicate in their own language so they do not go through any misdiagnosis or they are able to perfectly tell what sort of issues they have. This is something very good but the long-term question about this would be the funding of the health centres. Turkey's Ministry of Health said that they are committed to the continuation of these health centres but then again, we know that under FRIT around EUR 300 or 400 million went to the Ministry of Health to oversee the funding of similar activities, which is a lot of money. If we are not able to commit to a similar amount maybe the quality of services will fall behind and this is critical (GAR, 2021, p. 117).*

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<sup>30</sup> <https://platform.kizilaykart.org/en/t-suy.html>

<sup>31</sup> [https://civil-protection-humanitarian-aid.ec.europa.eu/news-stories/stories/helping-refugee-children-turkiye-go-school-conditional-cash-transfer-education-ccte\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/news-stories/stories/helping-refugee-children-turkiye-go-school-conditional-cash-transfer-education-ccte_en)

<sup>32</sup> Omar Kadkoy is analyst in TEPAV, a Turkish thinktank and his quotation is from GAR (Göç Araştırmaları Derneği) (2021). 5. Yılında Avrupa Birliği – Türkiye Mutabakatı. GAR - Rapor No. 5. Available at <https://gocarastirmalaridernegi.org/attachments/article/207/gar-ab-tr-mutabakat%C4%B1.pdf>, 10 August 2021.



One of the main objectives of the FRIT is to include school-age children in the formal education system in Turkey. To improve access to education rights, in addition to the CCTE programme outlined earlier, the “Promoting Integration of Syrian Children into Turkish Education System (PICTES)” project has been implemented under the non-humanitarian track. The project facilitates Syrian children’s integration into the Turkish educational system. It provides incentives for the recruitment of Turkish language instructors, Arabic language teachers, and counsellors as part of this action. It also involves psychosocial support and social cohesion programmes. Especially during the second phase of the project, non-Syrian refugees from Afghanistan, Yemen, Somalia, Iraq and Palestine also became beneficiaries of the programme. Slightly more than 700 000 refugee children have benefited from the programme and been integrated into formal education. This figure accounts for about 72 % of total refugee children aged 5-17 in Turkey<sup>33</sup>. Although the percentages of those attending primary and secondary schools are relatively high (79 % and 78 % respectively), participation of refugees in high school education remains at 38 %<sup>34</sup> across the country. This is a significant indicator that high school-age refugee youth are in the informal labour market instead of attending school.

During the fieldwork, institutions committed to social and solidarity economy such as cooperatives appeared as promising practices. One example was established by 30+ partners in a highly populated Turkish province in 2020 with the principles of solidarity, equality and productivity of Turkish, Syrian, Persian and Afghan women in partnership with the International Labour Organization (ILO) and Metropolitan Municipality, and supported by EU financial instruments. The cooperative aims to create employment opportunities in different production fields and ensure women’s empowerment by running an access to livelihoods project. This project’s scope includes open-field agriculture, greenhouse cultivation, mask sewing, mushroom cultivation, and dried fruit and vegetables. One representative of the cooperative (TR33) believes that gender-based vulnerabilities can be addressed through employment, childcare and mobility opportunities through “targeting solid and concrete outputs”. Half of the cooperative’s employees are women, and during the interviews, participants noted that to work in a women’s cooperative in two highly

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<sup>33</sup> PICTES, available at <https://piktes.gov.tr/Home/ProjeninCiktisi> , 11.10.2021.

<sup>34</sup> Ibid.



patriarchal communities provides a very important opportunity for participating in the public sphere.

According to participants TR33 and TR34, the cooperative project was established and operated as a business, which is different from other EU-funded projects that were set up as associations. This means that the cooperative was structured and operated with a business model in mind, with the goal of achieving profitability and financial sustainability in the long term. By operating as a business, the cooperative was able to generate income and become self-sufficient, which is a key factor in ensuring the sustainability of the project. In contrast, projects that are established as associations are often dependent on external funding and donations, which can be unreliable and difficult to secure in the long term. The participants' comments suggest that the decision to structure the cooperative as a business was a deliberate choice made by the project organisers, and it has been successful in ensuring the sustainability of the project beyond the initial funding period.

Within the scope of both tranches of FRIT, several projects are supported in the socio-economic priority area. These projects are listed in Table 5.

Table 5 List of projects on livelihoods and aimed at enhancing formal working conditions within the framework of the EU Facility for Refugees in Turkey (updated on 31/01/2022)<sup>35</sup>

Funding Instrument	Implementing Partner	Title & Description	Amount Committed in €
<b>Second tranche for 2018-2019</b>			
Instrument for Pre-Accession Assistance (IPA) Special Measure 2019 on health, protection, socio-	Ministry of Family, Labour and Social Services	Improving the living standards of the most vulnerable refugees through basic needs support (C-ESSN)	245 000 000
	International Centre for Migration Policy Development (ICMPD)	ENHANCER - Enhancement of Entrepreneurship Capacities for Sustainable Socio-Economic Integration	32 502 249

<sup>35</sup> Data is retrieved from The EU Facility for Refugees in Turkey website: [https://ec.europa.eu/neighbourhood-enlargement/system/files/2022-02/Facility%20table\\_January%202022.pdf](https://ec.europa.eu/neighbourhood-enlargement/system/files/2022-02/Facility%20table_January%202022.pdf)



economic support and municipal infrastructure	Expertise France	VET4JOB - Improving the employment prospects for the Syrian refugees and host communities by high-quality VET and apprenticeship in Turkey	30 000 000
	Kreditanstalt für Wiederaufbau (KfW)	Social and Economic Cohesion through Vocational Education in Turkey –II	75 000 000
	Kreditanstalt für Wiederaufbau (KfW)	Empowering the private sector to foster social and economic cohesion in Turkey	75 000 000
	The World Bank	Agricultural employment support for refugees and Turkish citizens through enhanced market linkages project	50 217 751
	The World Bank	Support to transition to labour market project	80 000 000
	The World Bank	Formal Employment creation project	80 000 000
	The World Bank	Social Entrepreneurship, empowerment and cohesion in refugee and host communities in Turkey project	42 280 000
<b>First tranche for 2016-2017</b>			
EU Trust Fund	Gesellschaft für Internationale Zusammenarbeit (GIZ)	Qudra – Resilience for Syrian Refugees, IDPs and host communities in response to the Syrian and Iraqi crises	18 207 812
EU Trust Fund	Danish Red Cross	Addressing Vulnerabilities of Refugees and Host Communities in Five Countries Affected by the Syria Crisis	32 399 356
EU Trust Fund	Association for Solidarity with Asylum Seekers and Migrants (ASAM)	Enhanced Support to Asylum Seekers Affected by the Syrian and Iraqi Crises in Turkey	9 937 867
EU Trust Fund	Concern Worldwide	Building Tomorrow (BT) – Quality Education and Livelihoods Support for Syrians under Temporary Protection in Turkey	17 280 000
EU Trust Fund	UNDP	TRP - UNDP Turkey Resilience Project in response to the Syria Crisis	50 000 000



EU Trust Fund	Türkiye Odalar ve Borsalar Birliği (TOBB)	Living and Working Together: Integrating SuTPs to Turkish Economy	15 000 000
EU Trust Fund	UN Women	Strengthening the Resilience of Syrian Women and Girls and Host Communities in Iraq, Jordan and Turkey	5 529 078

Source: Compiled by the author, [https://ec.europa.eu/neighbourhood-enlargement/system/files/2022-02/Facility%20table\\_January%202022.pdf](https://ec.europa.eu/neighbourhood-enlargement/system/files/2022-02/Facility%20table_January%202022.pdf).

The transition from emergency humanitarian aid to development mechanisms can be observed in the second tranche of FRiT after 2018. In terms of socio-economic development, FRiT funds Turkish language classes for refugees in the non-humanitarian track since the language barrier is a major hurdle to successful integration. In addition, FRiT initiatives provide vocational training, job search and counselling services to both refugees and members of host communities in order to increase their employability and labour market integration. Coaching services and micro-grants are available to help entrepreneurs succeed. Furthermore, to strengthen the capacity of the Turkish employment agency and the Turkish Ministry of Labour and Social Services, institutional support is being provided by providing counselling and job assistance, as well as monitoring the provision of work permits and employment services. Livelihood and self-reliance projects are being funded in the form of vocational training, recognition of vocational qualifications, support for the implementation of the legal framework on access to the labour market and fostering refugee entrepreneurship. One specific project contracted through IPA Special Measure 2019 is the “Agricultural employment support for refugees and Turkish citizens through enhanced market linkages project” that aims to improve the resilience of Turkish citizens who are farmers or workers and refugee groups living in Turkey by providing technical and financial support<sup>36</sup>. According to Kirişci (2020):

*An agricultural focus is also suitable because large numbers of Syrian refugees are already employed in this sector, particularly in the largely agriculture-based economies of the Turkish provinces near the Syrian border. At present, their employment is marked by informality and deep precarity. Such a compact would help draw the refugees into the formal economy. It would also create opportunities to better use the*

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<sup>36</sup> <https://www.tarimkredi.org.tr/media/njuebk5k/environmental-and-social-management-framework.pdf>



*agricultural experience and skills of refugees who have fled the northern, rural parts of Syria at a time when the Turkish agricultural sector suffers from labour shortages and structural challenges, such as ageing among farmers.*

Supporting the agriculture industry appears to be particularly promising due to the enhanced work options it provides for Syrian refugees. However, the view cited above pursues a utilitarian and instrumentalist approach to the issue as many refugee agricultural workers may be, in fact, over-qualified for these kinds of jobs and not suited or willing to do them, particularly when knowing that they will be under precarious situations and caught there for an indeterminate period or ‘permanent temporariness’. However, as raised in many interviews (TR3, TR4, TR8, TR9), the main challenge is the fact that the majority of the agriculture sector is based on informal mechanisms triggering conditions such as low wages, inhumane living conditions, housing problems, inability to access basic rights such as education and health, being invisible on the edge of urban space and worst of all, child labour. As will be discussed further, structural problems inherent to the EU financial instruments, and also to Turkey, hinder extending sustainable and holistic solutions sufficient to eliminate the problems listed here.

### **2.4.3 Visa liberalisation**

One of the actions agreed upon in the Statement was the visa liberalisation that will enable Turkish nationals to travel freely in Europe by the end of 2016<sup>37</sup>. However, the EU and its Member States, which operated externalisation mechanisms on the grounds of political developments in Turkey, continued to instrumentalise immigrants in order to keep them in Turkey. Turkish government discourse is to blame the EU for not keeping its promise about visa liberalisation however it is often not mentioned that Turkey did not fulfil the benchmarks in the visa liberalisation roadmap, which are preconditions for visa liberalisation. Therefore, visa-free travel was never implemented<sup>38</sup>. The EU continues to outsource its gate-keeping role to Turkey through all these instrumentalising and externalising policies. “Instrumentalisation” refers to using or manipulating a particular process, policy, or situation for specific purposes or objectives. In the context of the report, when mentioning “externalisation and instrumentalisation policies,” it refers to how the EU employs certain policies or strategies with Turkey to achieve its migration-related goals.

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<sup>37</sup> EU-Turkey Statement of 18 March 2016, in European Council Press Release 144/16 of 18 March 2016.

<sup>38</sup> [https://www.ab.gov.tr/the-visa-liberation-dialogue\\_51819\\_en.html](https://www.ab.gov.tr/the-visa-liberation-dialogue_51819_en.html)





Specifically, “instrumentalisation” in this context implies using Turkey as a tool or means to achieve objectives related to controlling migration, managing asylum seekers, or other strategic goals. The EU’s approach involves utilising policies and agreements with Turkey to achieve its migration control and management objectives, and this utilisation can have various implications and effects, which are further discussed in the report, particularly in relation to vulnerabilities faced by migrants and refugees in Turkey.

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### 3. Vulnerability

The concept of ‘vulnerability’ is absent in Turkish asylum laws, and the closest conceptualisation is the framing as ‘person with special need’ in the Law on Foreigners and International Protection (No. 6458). According to Article 3 of the LFIP, a person with special need is “out of those applicants and international protection beneficiaries, an unaccompanied minor; a disabled person; an elderly person; a pregnant woman; a single mother or a single father with an accompanying child; or a person who has been subjected to torture, rape or other serious psychological, physical or sexual violence”<sup>39</sup>. Although LFIP mentions that persons with special needs shall be given priority with respect to their rights and actions, the conceptualisation is simply inadequate. During the fieldwork, interviewees described vulnerability as “people who need to be aided first” (TR5), “people who are disadvantaged and/or disfranchised” (TR11), “fragile” (literal translation for Turkish word *kırılgan* – TR8 and TR12), “sensitive groups” (literal translation for Turkish word *hassas gruplar* – TR33 and TR34). Migrant participants defined vulnerability as a “heavy load or burden on shoulders” (TR25) or “hit by various conditions” (TR30).

The fieldwork investigated how local authorities and NGOs conduct vulnerability assessments for international protection holders. While it was stated that each specific context is evaluated in itself, they also mentioned that they employ “household needs assessment” reporting to identify vulnerability (TR24, TR33). Seven dimensions emerged in assessing household vulnerability: (1) income and resources; (2) access to services such as health, legal aid, education; (3) food security with necessary caloric and nutritional content; (4) household composition such as single parent, female headed etc.; (5) skills and livelihood in order to have resources for self-reliance; (6) debt burden; (7) access to digital tools and digital literacy. When the participants’ experiences in the field are asked about,

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<sup>39</sup> <https://en.goc.gov.tr/kurumlar/en.goc/Ingilizce-kanun/Law-on-Foreigners-and-International-Protection.pdf>, Article 3(1), p. 2.



**women-headed households, Afghan refugees** who have difficulty in accessing registration and the **newcomers** who are under the pressure of multi-dimensional precarity are revealed as the most vulnerable groups. One interviewee (TR12) mentioned that the asylum regime should recognise the unique vulnerability of LGBTI refugees and asylum seekers which currently is not the case.

One of the participants (TR14) underlined that the categorisation of vulnerability is streamlined in the ESSN scheme. As was mentioned earlier, the Complementary Emergency Social Safety Net (C-ESSN) Project aims to meet the basic needs of the “most vulnerable” who cannot be directed to livelihoods and the labour market through a cash-based assistance project. Unlike other regular aid programmes, demographic criteria are applied in C-ESSN. According to the programme’s application manual, these criteria are:

1. Households with one or more disabled individuals (disability rate must be 40 % or higher and must be proven with a disability report from an authorised state hospital);
2. Households where there is no person between the ages of 18 and 59 and at least 1 person aged 60 and over;
3. Households with only 1 individual between the ages of 18 and 59 and at least 1 individual under the age of 18 (includes if there is a single parent / individual aged 60 and over.)

Regarding the EU’s role in the asylum regime, the externalisation and instrumentalisation policies embed different levels of vulnerabilities in Turkey. Our research reveals three levels of vulnerabilities: (1) Structural, (2) Temporality-based, and (3) Instruments-induced vulnerabilities. In this last section of the report, these three categories are discussed through an in-depth analysis of fieldwork and interviews.

### 3.1 Structural vulnerability

More than four million asylum seekers, refugees and temporary protection holders share resources with the host community in Turkey, which is currently in an economic and political crisis. While a protracted stay should include policies to support integration, the government’s and other power holders’ policies and discourses that are built on return increased tension within the host community, leaving refugees and asylum seekers vulnerable to discriminatory actions. Moreover, the concentration of refugees in poor neighbourhoods means that job opportunities, accommodation resources and services are shared with those who have difficulties accessing them. Thus, structural vulnerability is not



only derived from migrants and non-migrants coming into contact but there is a class-based intersectional issue that the lower class has to share the limited resources (TR10). In addition, the facts that the organisational structure and the legal regulations regarding migration and asylum regime is relatively new in Turkey, that the political governance is structurally centralised in Turkey and that local governments are functional mostly as implementing bodies are structural problems in terms of governance.

As was revealed during the interviews, the most obvious structural vulnerability resulting from the asylum regime itself is the practice of geographical limitation to the 1951 Geneva Convention making those who seek asylum vulnerable to constantly changing regulations and to living in limbo. Furthermore, according to a civil society representative (TR11), non-Syrians who are conditional refugees or hold subsidiary protection do not enjoy similar rights and support as Syrian nationals who are under temporary protection status do. For example, non-Syrian asylum seekers have limited access to health services or weekly signature obligations at PDMMs as a control mechanism which is a practice implemented to ensure the conditional stay of refugees in the cities they are registered in. It is not only conditional refugees who cannot leave the city, temporary protection beneficiaries also cannot leave the city without written permission and cannot change the city of residence, except for certain conditions. An asylum seeker who has a first-degree relative in another province can request a change of residence based on their kinship. Another reason for a change may be a serious health problem, although, in practice, it is difficult to obtain these permissions. Administrative and judicial actions are taken against the refugee and asylum seeker who delays the signature obligation without an excuse or leaves the city of residence without permission (TR15). As per LFIP and its implementing legislation, the reasons for implicit withdrawal of international protection applications cause the termination of assessment of IP applications. Also, renewal after withdrawal is a basis for IP assessment under an accelerated procedure. In total, failure to obey these obligations increases the risk of removal.

The dependence of the Turkish economy on the informal market is described as the most fundamental structural vulnerability by the majority of interviewees, especially concerning refugees' access to the labour market, which is in line with available literature (Baban et al., 2017; Şanlıer Yüksel and İçduygu, 2018; Ertörer, 2021). The fact that Syrians did not have the right to work formally until the regulation in 2016, and that after this date, they continued to work informally for reasons such as the lack of recognition of qualifications, the dominance of the informal market and the need for cheap labour, further deepening



their precarious conditions. Syrian and non-Syrian refugees in particular are experiencing hyper-precariousness in sectors such as textile, shoe-making, construction and agriculture, where they work most. According to civil society practitioners (TR8, TR11, TR14), child labour is a major practice in these sectors, and those practices are not regularly inspected, and are even ignored. Violation of children's rights is observed not only in the form of labour but also in not being able to attend formal education, not being able to access healthy living conditions and sometimes being unaccompanied. Refugees' right to work and contesting work rights practices are discussed in the WP4 deliverable by Costello and O'Cinnéide (2021)<sup>40</sup>.

As was outlined earlier, health services are seen as the most accessible right. Yet, the Public Health Management System classifies 'irregular migrants' as "stateless persons". While the ability to access health care services is a significant development, patient monitoring has been noted to be challenging. The continued possibility of irregular migrants and refugees registered in other provinces being reported to law enforcement authorities is a key challenge in this regard. As a result, the threat of deportation may make asylum seekers and refugees more hesitant to seek medical help in public facilities (Karadağ and Üstübici, 2021). The urgent need for steps to assist in reducing this risk has been repeatedly addressed by civil society practitioners and professionals working in the field of migration.

Vulnerabilities related to gender were discussed during the collective / group interview, especially since both Syrian and Turkish communities are quite patriarchal. Younger female temporary protection status holders in particular (TR25) talked about how gender-based pressure is increased both in private and also in public spaces after their flight to Turkey. Interestingly, one respondent (TR33) mentioned that 'being a woman in itself' provides a problematic context for the assignment of vulnerability. While acknowledging that women and children are more profoundly affected by war and flight, he noted that it means constantly trapping them in a discourse of "victimised and helpless". The feminist critique of the UN vulnerability criteria similarly underlines that it reproduces the logic of masculinist protection (see Bilgiç, 2018 and Sözer, 2021). When a male temporary protection holder may not be eligible for the one-to-one resettlement scheme (TR11) or in a state of limbo situation a Congolese refugee has not been resettled for 7 years (Şanlıer

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<sup>40</sup> Available at [https://www.asileproject.eu/wp-content/uploads/2021/07/CostelloOCinneide\\_RightToWorkASILE\\_10May2021.pdf](https://www.asileproject.eu/wp-content/uploads/2021/07/CostelloOCinneide_RightToWorkASILE_10May2021.pdf), 16 July 2021.



Yüksel and İçduygu, 2018) are practices of this protection strategy. As Sözer (2021, p. 2775) puts it, “local humanitarian actors uniformly present Syrian ‘women and children’ as the most vulnerable; yet, their identification of particular ‘vulnerable women and children’ is informed by and enhances their own gendered, ethnonational, religious, political ideologies.”

### 3.2 Temporality-based vulnerability

This category is heavily embedded in structural vulnerability. However, both the temporary protection regime for Syrian nationals and the conditional refugee status and subsidiary protection schemes for non-Syrians cause vulnerabilities due to the temporality of their structures. Therefore, our analysis of fieldwork reveals that this category should be assessed separately.

Although Turkey ratified the 1951 Geneva Convention and adopted the principle of *non-refoulement*, the fact that Syrians still hold a status such as *temporary protection* poses the risk of being returned. The issue of repatriation is often kept on the policy agenda as a threat in both domestic and foreign politics which provokes hostility of local communities towards Syrians. Furthermore, although those who seek asylum and come from countries other than Europe do not directly experience the risk of being sent back, temporality turns into a threat as they await resettlement in Turkey (in limbo) to a safe third country. These conditions, combined with the precariousness of everyday life, caused refugees seeking better lives to leave Turkey irregularly (Baban et al., 2017; Ertörer, 2021). According to an interview with a migration governance practitioner (TR5), qualified refugees and asylum seekers in particular moved towards Europe and the number of Syrians living in Turkey with a PhD or equivalent degree is less than 300.

The most distinctive vulnerabilities triggered by temporality can be observed in refugee inclusion. The most obvious ones are the hesitance in Turkish language learning which prevent refugees from accessing even basic rights, such as health services and education. Most women do not speak and/or learn Turkish which causes them to stay away from the public space. Another visible vulnerability in relation to temporality is the discrimination towards refugees that is reinforced by the perception that they are not and “should not be” permanent (TR10). Turkish officials could not manage to inform the public to counter rising negative views toward the refugees. Especially because of the political and economic crisis, there is a huge anti-immigrant sentiment in Turkey, and refugees have been mentioning this a lot. When asked how this trend impacts their lives, first, they stated their



daily practices were not impacted much. All participants were living in relatively migrant-condensed neighbourhoods within migrant networks. But when discussed in-depth, female participants especially (TR18, TR29, TR30) complained of discriminatory practices towards their children at school, both from their peers and teachers, but mostly from fellow Turkish parents. Another participant (TR16) mentioned that a political party built solely on an anti-immigrant discourse is highly visible in both traditional and new media and that such discourses could be decisive in the upcoming elections. The issue of migration in Turkey is now mostly framed by both the government and the opposition around 'sending Syrians back' and this suggests that structural vulnerabilities may deepen.

Data on attitudes towards migrants can be found in opinion polls conducted intensively before the 2023 presidential elections. For example, in April 2022, 74 % of the respondents agreed with the statement, "it has become harder to find a job because of asylum seekers and wages have decreased" in the monthly nation-wide survey conducted by the Yöneylem Social Research Center<sup>41</sup>. In the same month, 92.9 % of the respondents agreed that asylum seekers should be sent back to their countries after the necessary conditions are met. In the September 2022 survey, when asked about the most important problems of Turkey, Syrian and Afghan asylum seekers ranked fifth with 9.8 %, after the economic crisis, inflation and livelihood problems, problems in the education system and injustice<sup>42</sup>.

Moreover, the temporary protection scheme restricts Syrian nationals' mobility in and out of Turkey. They are supposed to live and work in the provinces where they are registered, and they may only travel if they are given permission by the provincial directorates of migration management. Thus, they cannot enjoy opportunities because of constrained mobility or even immobility: "Not being able to travel for work, as formal working opportunities are very low, and we can only live in the cities where we are registered" (TR16). Another issue came up from a student as she was not being allowed to travel abroad, such as through the Erasmus+ programme (TR25). This is a form of discrimination, especially because Syrian nationals are treated the same as other international students but cannot receive the same opportunities. Even worse, no matter how long the Syrian refugees stay in Turkey, the temporary protection status does not pave the way for the

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<sup>41</sup> [https://yoneylemarastirma.com/pdfFiles/tsp\\_Nisan\\_2022.pdf](https://yoneylemarastirma.com/pdfFiles/tsp_Nisan_2022.pdf)

<sup>42</sup> [https://yoneylemarastirma.com/pdfFiles/tsp\\_Eylul\\_2022.pdf](https://yoneylemarastirma.com/pdfFiles/tsp_Eylul_2022.pdf)



citizenship option and long-term residence or settlement, except for exceptional citizenship which is not a transparent process at all.

In terms of status, since all mobility options are closed for temporary protection status holders, they feel “trapped” (TR23). ‘Exceptional citizenship’ seems to be one open door. A participant (TR25) talked about her experience with the exceptional citizenship process. She applied at the invitation of the PDMM located where she is registered. Her application was terminated in the 5th stage of a total of 9 stages without an explanation. The only way to get an answer is to file with a lawyer, but she mentions that “this is a very expensive road” for her. She was planning to apply to do a master’s in Germany after getting her citizenship, but now there is no way out. As such, the temporary protection scheme is an obstacle to the realisation of the complementary pathways promoted by the GCR.

One important finding is that statuses are highly politicised, resulting in new vulnerabilities. For example, before the pivotal presidential election in 2023, whole return discussions sacrificed to political ambitions feed temporality-based vulnerabilities severely. As temporary protection status is prolonged for 8 years now, and as there are no concrete provisions for a more dignified change in the statuses of Syrians, almost all participants expressed more concern for children and young people than for themselves. It was also mentioned that returning to Syria might be an option (TR22, TR25, TR 31, TR32), especially given the current economic and political climate in Turkey.

Another temporality-based vulnerability concerns conditional refugees’ access to health care. The Turkish government amended the LFIP in 2019 to impose a temporal limit on access to health care. According to the amendment in Article 89 of LFIP, international protection holders above the age of 18 are only covered by the state for the first year following their registration with the authorities, according<sup>43</sup>. This has a significant impact on the lives of non-Syrian asylum seekers (Karadağ and Üstübcü, 2021).

### 3.3 Instruments-induced vulnerability

As stated earlier in the conceptual framework and at the beginning of this section, definitions of vulnerability and the way in which they are interpreted and practised by relevant actors tend to refer to the conditions that asylum seekers and refugees are already

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<sup>43</sup> <https://en.goc.gov.tr/kurumlar/en.goc/ingilizce-kanun/Law-on-Foreigners-and-International-Protection.pdf>



in. These conditions are listed as being “minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence” by the European Commission<sup>44</sup>. However, the fieldwork shows us that the economic and political contexts of the activities carried out in order to improve the conditions of migrants and refugees and to create sustainable and lasting living spaces can also create vulnerability. As became clear during the in-depth interviews, the EU instruments themselves and their implementations in the field may cause intrinsic vulnerabilities due to the externalisation policy of the EU and instrumentalising refugees for the sake of this policy (see Öztürk, 2022).

### **3.3.1 Mobility and resettlement**

The statement is framed as an instrument to stop ‘irregular migration’ and its discourse is structured on “extraordinary and temporary conditions”. However, trying to stop the border crossings with brutal methods was not enough to end irregular crossings. Deaths on the Mediterranean route decreased but did not end. According to IOM<sup>45</sup>, 1 577 people died in the first 9 months of 2021 alone and more than 22 863 missing migrants have been recorded since 2014 in the Mediterranean. As well as the Mediterranean route, the West Asian route witnessed deaths while crossing to Turkey from Iran, Iraq and Syria<sup>46</sup>. According to a migration law practitioner (TR15), it is clear that this will continue after the developments in Afghanistan.

Since 2016, irregular entries into the EU have decreased by more than 90 % (EC, 2021), 30 470 Syrian refugees in Turkey were resettled to an EU country (Table 4), 2 139 migrants<sup>47</sup> were repatriated to Turkey (PMM, 2021), and 4 030 migrants voluntarily returned to Turkey (EC, 2021). Political tensions between Turkey and the EU arose during the process, raising concerns about the “Statement’s fate”. Tensions emerged primarily as a result of disagreements over visa liberalisation and financial obligations. According to an

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<sup>44</sup> [https://ec.europa.eu/home-affairs/pages/glossary/vulnerable-person\\_en](https://ec.europa.eu/home-affairs/pages/glossary/vulnerable-person_en)

<sup>45</sup> <https://missingmigrants.iom.int/region/mediterranean>

<sup>46</sup> <https://missingmigrants.iom.int/region/western-asia>

<sup>47</sup> PMM, <https://en.goc.gov.tr/return-statistics>





interviewee (TR3), Turkey attempted to threaten the EU by using migrants as pawns. Tensions reached their peak with the developments that took place in March 2020, when the Turkish state announced that it had decided not to prevent the migration of immigrants to Europe as a political move. After the announcement of this decision, the asylum seekers who headed for the Greek border could not enter to Greece after Greece increased its border security and they were stuck in the buffer zone between the two countries, resulting in pushbacks and inhumane conditions at the Greek-Turkish border. Later, they dispersed within Turkey after the borders were completely closed due to the Covid-19 pandemic. According to a local authority representative (TR9), the deal carries the colonialist motives and externalisation policies that become a threat to refugees as is outlined by Crisp (2020). Furthermore, since Syrians are not legally defined as refugees in Turkey, having temporary protection status is the ultimate obstacle in their search for a better life outside of Turkey, which is coined as “contained mobility” by Carrera and Cortinovis (2019). They describe the terms as “an approach combines aspects on containment ... with others on mobility, yet a kind of mobility that presents highly selective and restrictive features” (p. 5). This highly selective mobility can be observed in complementary pathways as the EU receives more qualified immigrants (TR10).

As is outlined at the beginning of this section, Turkish asylum laws lack a clear definition of ‘vulnerability’ and tools to assess vulnerability, especially in terms of resettlement. According to a migration governance practitioner (TR5), PMM uses the vulnerability criteria for specific groups, namely women and children which is different than the UN’s standards. But, UNHCR collaborates with PMM in resettlement processes. It should be noted that the receiving countries have the final decision on resettlement in the one-to-one scheme. Welfens and Bekyol (2021, p. 1) argue that “on paper and in practice vulnerability as a policy category designates some social groups as per se more vulnerable than others, rather than accounting for contingent reasons of vulnerability”. According to their research, first of all, refugees can apply to the resettlement process through the referral of NGOs such as ASAM or with the referral of PMM itself. Following PMM’s assessment at this initial stage, UNHCR conducts its own vulnerability assessment. Although the economic potential of the applicant is evaluated at this stage, it can still be said that gendered categories predominate in vulnerability assessment. After this stage, the admission state’s vulnerability assessment comes into play. Welfens and Bekyol (2021), in their research in which they examined Germany as an admission state, observed that the evaluation of the applicant as a potential security threat or having integration difficulties prevents resettlement. Beyond its practice, the UN’s definition of vulnerability rather



normatively charged within gendered, ethnonational, religious, political ideologies (Sözer, 2021).

### 3.3.2 *Financial instruments*

The EU-TR Statement induces immobility of refugees not only in terms of the one-to-one scheme but also from the implementation of FRiT funds and other financial instruments, such as IPA funds. A significant portion of these funds is used to prevent the crossing of immigrants from the Syrian and Iranian borders, which means raising and externalising the borders via building walls, increasing technological surveillance and increasing militarisation of the borders (Drakopoulou, Konstantinou and Koros, 2020). The request of the gendarmerie commander, who captured Afghan refugees on the Iranian border, to be documented and shown to Europeans, which was quoted at the beginning of this report, should be analysed precisely in this context. The use of funds has been contested widely by civil society. Furthermore, criticism of the implementation of the funds comes not only from rights-based institutions and civil society but also the European policy-makers themselves. In July 2021, just after the mid-term report on the FRiT funds was published, the European Parliament's Committee on Civil Liberties, Justice and Home Affairs mentions that cases of human rights violations by both parties have taken place under the EU-TR Statement and called for the EU "to review the EU-Turkey Statement in order to guarantee compliance with human rights standards and to ensure that the humanitarian aid and support provided by the FRT is not threatened by political volatility" (LIBE, 2021, p. 8).

As outlined earlier, FRiT funds are distributed via projects, which leads to 'project fetishism', a condition that can be defined as implementing a project to get a share of the financial pie, rather than using the project instrumentally to realise the actions. An international organisation representative (TR6) has criticised both themselves and Turkish stakeholders for this loophole. This led to misuse of financial resources, for example in the form of vocational training projects. Both during the first phase and the second phase of the fieldwork, many respondents mentioned that a small number of temporary protection status holders became professional trainees by participating in different trainings in different livelihood and employment projects over and over again. These funds become a mechanism supporting informality as the same people are recruited for every other project leading to instruments-induced vulnerability.

According to a local authority representative (TR9), "This trend has now been realised and more people are shifting towards projects that support entrepreneurship. But millions of



euros were spent before it was recognised.” Furthermore, most projects did not support infrastructures at the local level which resulted in unsustainable project outcomes, especially during the first tranche, leaving municipalities with large refugee populations more vulnerable in managing urban challenges resulting from unexpected population growth due to protracted migration. In addition, it was stated in the fieldwork that local-level bureaucrats did not want to implement the projects because they did not receive personnel wages from these projects which they perceive as a burden on top of the daily workload they already have to do (TR8).

Another challenge raised during the fieldwork was the refugees’ dependence on cash assistance and the Emergency Social Safety Net (ESSN) Programme funded by the European Union Civil Protection and Humanitarian Aid (ECHO) and implemented in partnership with the International Federation of Red Cross and Red Crescent Societies (IFRC), the Turkish Red Crescent (TRC) and Ministry of Family and Social Services. According to many interviewees, cash assistance is a burden to be employed formally, because it is cut when one is formally employed. It was also stated that cash assistance should be terminated over time, remaining a scheme that will continue only for the most vulnerable (TR14). Projects funded under FRiT have been criticised for some time now as not supporting refugees’ self-reliance and leaving them vulnerable to informal market and precarious conditions.

Despite the optimistic views (Kirişçi, 2020) claiming that comprehensive projects for the agricultural sector, where refugees work intensively, are valuable both for EU-TR trade and that it will be possible for refugees to access formal business resources, the newly implemented projects in agriculture may also have drawbacks. A civil society representative (TR8) mentioned that although one of the main challenges is the high rate of informality in agriculture, the projects aim to improve the resilience of Turkish citizens who are farmers or workers and refugees and can prevent informality. Because the wages are very low, the conditions are hyper-precarious, and the amount of ESSN is very low, both Turkish citizens and refugees prefer formal employment. But the main problem is that agricultural labour is cyclical, seasonal and mobility is very high. Therefore, “I am sceptical of the success of the training actions aimed at large target groups in these projects. Because we do not know whether the person who receives hazelnut harvesting training will work in orange packaging next season.” (TR8).

One key finding was about the removal centres. As the EU monitoring system of the EU-Turkey Statement requires, there are periodical inspection visits to the removal centres. A



civil society representative (TR24) mentioned they were invited to those visits, but in fact, the visits are not designed to meet the detained refugees. The inspection documents are prepared beforehand, and they are expected to sign those documents as soon as the visit ends, so they would not be able to intervene. So, it is a double-edged situation: They cannot report the violations in the removal centres and since they cannot report, they do not want to take part at all, so they refuse to attend the inspection visit every time.

On a different note, as clearly stated by Costello and O’Cinnéide (2021) “many of the deals only leverage better rights for one particular groups of refugees, ignoring the others”, including EU-Turkey Statement. FRiT funds are primarily designed for Syrians that induce discrimination among refugee and migrant groups in Turkey. An evident example is the SIHHAT project in the health sector and migrant health centres established under this project. Only Syrian refugees and some Turkish citizens are employed at the centres and only Syrian refugees are beneficiaries. Such a policy makes other refugees and migrants, who are already disadvantaged in accessing healthcare, even more vulnerable. As is mentioned in our interviews, “inclusion of non-Syrians” is one of the main concerns for a possible novel agreement (TR2, TR4, TR6).

In terms of monitoring the use of the funds, representatives of civil society criticised the scant attention paid to quantitative measures. A representative of a national-level NGO (TR12) stated that:

*I think the most important problem for both NGOs and those working in these NGOs is caring for the quantity rather than the quality of the service. The main concern in the funded projects is the emphasis attributed to how many beneficiaries are outreached rather than how the project contributes to the beneficiaries. On top of this, the evaluation of project employees by the NGOs and project managers, and the evaluation of NGOs by the donors, are based on continuous quantitative target indicators. If we cannot evaluate the quality rather than the quantity, we have a huge problem.*

One respondent (TR33) stated that the constant targets for “new” outputs in projects is an important problem, whereas sustainable outputs should be disseminated. Similar complaints are raised not only by local and national but also from representatives of international organisations that are donors (TR3 and TR6). Furthermore, in the Strategic



Mid-term Evaluation of the Facility for Refugees in Turkey<sup>48</sup> published in June 2021, Turkey is criticised for not executing proper needs assessment: “Turkish authorities did provide a document entitled ‘needs assessment’, however, this was considered a collection of budget lines from the overall national response rather than an actual analysis of refugee needs” (p. 7). It is clear that the use of funds without the needs and vulnerability assessments may fail to meet the demands and commitments.

As a final point, the EU-Turkey Statement has various existing and potential legal issues which are discussed by Tan and Vedsted-Hansen (2021). These include whether Turkey can be considered a safe third country (Ulusoy, 2016) and structural conditions of Greece and the asylum regime in the EU leave refugees kept in hotspots of Greek islands. In addition, as observed in the field, with the increasing number of Afghan refugees during recent months, developments such as the registration and RSD procedures are not carried out (TR15), and Turkey blocking Syrian, Iraqi and Yemeni nationals from buying flight tickets to Belarus<sup>49</sup> in mid-November 2021 are examples that the EU-TR Statement induces permanent temporariness (Bailey et al., 2002) for refugees and asylum seekers in Turkey.

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## Conclusion

Throughout this report, the treatment of refugees and migrants in Turkey in the context of Turkey’s cooperation with the EU and externalisation policies has been discussed. As revealed during the fieldwork, both EU policies and Turkish official practices under the EU-TR Statement tend to “follow a static, group-based understanding of vulnerability” (Welfens and Bekyol, 2021). Instead of looking at vulnerability in a different way, we can consider a new approach that recognises how the EU’s foreign policies directly contribute to causing vulnerability. This would be a paradigm shift in how we understand vulnerability. The EU outsources the containment of refugees to Turkey, causing Turkey to reproduce these vulnerabilities on both politico-legal and socio-economic levels.

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<sup>48</sup> [https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-09/strategic\\_mid-term\\_evaluation\\_annexes.pdf](https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-09/strategic_mid-term_evaluation_annexes.pdf)

<sup>49</sup> <https://www.theguardian.com/world/2021/nov/12/turkey-bans-citizens-syria-yemen-iraq-from-flying-minsk>



ASILE's WP4 specifically aims to map and examine country-specific asylum governance instruments and, in this Report, current EU arrangements with Turkey covering persons seeking international protection. In this context, both political and financial instruments were analysed. The most important source of reliable answers to these issues, and especially of the hyper-precarity and vulnerability discussions, is of course the refugees themselves. For this reason, in the second phase of the fieldwork, interviews with temporary protection beneficiaries were held in 2022.

This Country Report on Turkey introduces the main legal, political and financial instruments adopted in the context of EU-TR cooperation in asylum and migration matters and the challenges they raise for refugees in exercising their rights, in particular mobility and work-related rights. The report looked at these challenges and at the impact of these instruments on refugees by employing a vulnerability lens which allowed it to expose broader issues of migration governance and contemporary refugee policy. In addition, agricultural labour is focused on as a specific theme in the assessment of working rights and conditions. Vulnerabilities based on gender are discussed further, as it intersects with all vulnerability categories. During the fieldwork, no data on systematic procedures or plans for determining the criteria for selecting Syrians under temporary protection for resettlement was available. It is clear that Turkey is conducting all these processes with a lack of transparency.

The EU's externalisation policies have contributed to keeping large numbers of migrants in need of protection in limbo in Turkey by encouraging the adoption of a "technocratic approach to migration governance" (Üstübcü, 2019) that prioritises border security through both political and financial instruments. The critical problem with this policy is that it ignores the vulnerabilities of those seeking asylum. Moreover, funds raised for humanitarian programmes have contributed to varied protection statuses, contained mobility and non-transparent resettlement processes. In this context, provisional statuses such as temporary, conditional and subsidiary protection impede legal migration and asylum routes and this results in further protracting the displacement of refugees.

In conclusion, the concept of vulnerability in Turkish asylum laws is inadequate and needs to be improved. The current framing of "person with special needs" does not fully capture the range of vulnerabilities that asylum seekers and refugees may face. During the fieldwork, various dimensions of vulnerability were identified, including income, access to services, household composition, skills, debt burden, and access to digital tools. Women-headed households, Afghan refugees with registration difficulties, and newcomers under



multi-dimensional precarity were found to be the most vulnerable groups. The EU's externalisation and instrumentalisation policies also embed different levels of vulnerabilities in Turkey, including structural, temporality-based, and instrument-induced vulnerabilities. It is necessary to recognise and address these vulnerabilities if adequate protection and support is to be provided to those in need.

Structural vulnerability is a significant issue for refugees, asylum seekers, and temporary protection holders in Turkey. The concentration of migrants in poor neighbourhoods means that job opportunities, accommodation resources, and services are shared with those who have difficulties accessing them. The practice of geographical limitation to the 1951 Geneva Convention, making those who seek asylum vulnerable to constantly changing regulations, and living in limbo is another significant issue. Moreover, non-Syrians who are conditional refugees or hold subsidiary protection do not enjoy the same rights and support as Syrian nationals who are under temporary protection status. The dependence of the Turkish economy on the informal market is described as the most fundamental structural vulnerability by the majority of interviewees, especially as far as refugees' access to the labour market is concerned. Vulnerabilities related to gender were discussed, especially since both Syrian and Turkish communities are quite patriarchal. Overall, the urgent need for steps to assist in reducing the risk of vulnerabilities has been repeatedly addressed by civil society practitioners and professionals working in the field of migration.

The temporality-based vulnerability category is embedded in structural vulnerability, but it should be assessed separately due to the unique challenges it poses. The temporary protection regime for Syrians and the conditional refugee status and subsidiary protection schemes for non-Syrians cause vulnerabilities due to the temporality of their structures. Syrians' temporary protection status limits their mobility, access to basic rights, and inclusion. Discrimination towards refugees is reinforced by the perception that they are not permanent. The politicisation of statuses, particularly during the 2023 presidential election, feeds temporality-based vulnerabilities. Despite Turkey's adoption of the principle of *non-refoulement*, the risk of being returned poses a threat to Syrian nationals. The issue of repatriation is often used as a threat in domestic and foreign politics, leading to hostility towards Syrians. The precariousness of everyday life and the uncertainty of resettlement to a safe third country leads to refugees seeking better lives to leave Turkey irregularly. Overall, these vulnerabilities suggest that more dignified and permanent statuses should be granted to refugees to ensure their long-term safety and inclusion in Turkish society.



The fieldwork conducted in Turkey has revealed that the economic and political contexts of activities carried out to improve the conditions of migrants and refugees, and to create sustainable and lasting living spaces, can create vulnerability. The EU instruments themselves and their implementations in the field may cause intrinsic vulnerabilities due to the externalisation policy of the EU and instrumentalising refugees for the sake of this policy. Furthermore, the EU-TR Statement has induced immobility of refugees not only in terms of the one-to-one scheme but also from the implementation of FRiT funds and other financial instruments, such as IPA funds. Selective mobility can be observed in complementary pathways as the EU receives more qualified immigrants. Turkish asylum laws lack a clear definition of vulnerability and tools to assess vulnerability, especially in terms of resettlement. Gendered categories predominate in vulnerability assessment, and evaluation of the applicant as a potential security threat or having integration difficulties prevents resettlement. The UN's definition of vulnerability is normatively charged within gendered, ethnonational, religious, and political ideologies.

In the meantime, the EU continues to provide additional funds to support refugees and local communities in Turkey, such as through projects dealing with access to education, health and livelihoods. The EU delegation in Turkey has recently announced the transfer of the Conditional Cash Transfer for Education (CCTE) for Refugees programme from Unicef technical and coordination to the Government of Turkey<sup>50</sup>. It could be speculated that this signifies a shift in political trust of Turkey within the scope of externalisation policies. As the research reveals, financial instruments pose several challenges in the management of migration. They tend to prioritise border control and deterrence measures over addressing the root causes of migration. Secondly, financial incentives can lead to the externalisation of border controls and the outsourcing of responsibility for protecting refugees and migrants. Finally, financial instruments can create power imbalances between donor countries and recipient countries, potentially leading to the erosion of the agency of the latter. For refugees in protracted situations, the implementation of the Global Compact on Refugees will require sustained and long-term engagement from the international community, including predictable and adequate funding. Future challenges may include

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<sup>50</sup> Details can be found at <https://www.avrupa.info.tr/en/news/republic-turkiye-european-union-unicef-and-partners-mark-transition-conditional-cash-transfer>.





ensuring that host countries have the capacity to integrate refugees into their communities and addressing the root causes of displacement to achieve durable solutions.



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**Annex I. – Table of interviews**

<b>Interviewee Code</b>	<b>Date Conducted</b>	<b>Position</b>	<b>Level of Organization</b>	<b>Medium of interview</b>
TR1	30.03.2021	International Organisation Representative	International	Online
TR2	30.03.2021	International Organisation Representative	International	Online
TR3	05.04.2021	Civil Society Representative	International	Online
TR4	06.04.2021	International Organisation Representative	International	Online
TR5	26.04.2021	Migration Governance Practitioner	National	Online
TR6	29.04.2021	International Organisation Representative	International	Online
TR7	30.04.2021	Migration Governance Practitioner	Local/regional	Face-to-face
TR8	03.05.2021	Civil Society Representative	Local/regional	Online
TR9	17.05.2021	Local Authority Representative	Local/regional	Face-to-face
TR10	20.05.2021	Civil Society Practitioner	National	Online
TR11	25.05.2021	Civil Society Practitioner	National	Online
TR12	25.05.2021	Civil Society Practitioner	National	Face-to-face
TR13	10.06.2021	Local Governance Practitioner	Local/regional	Face-to-face
TR14	15.06.2021	Civil Society Practitioner	National	Online
TR15	17.06.2021	Migration Law Practitioner	Local/regional	Face-to-face



### List of Interviewees during the second phase of the fieldwork

<b>Interviewee code</b>	<b>Date conducted</b>	<b>Status/Position</b>	<b>Medium of the interview</b>
TR16	09.03.2022	Temporary protection holder	Face-to-face
TR17	09.03.2022	Temporary protection holder	Face-to-face
TR18	13.03.2022	Temporary protection holder	Face-to-face
TR19	13.03.2022	Temporary protection holder	Face-to-face
TR20	23.04.2022	Temporary protection holder	Face-to-face
TR21	24.04.2022	Temporary protection holder	Face-to-face
TR22	24.04.2022	Temporary protection holder	Face-to-face
TR23	11.05.2022	Temporary protection holder	Face-to-face
TR24	08.06.2022	Local Civil Society Representative	Face-to-face
TR25	13.06.2022	Temporary protection holder	Face-to-face
TR26	25.08.2022	Temporary protection holder	Group interview
TR27	25.08.2022	Temporary protection holder	Group interview
TR28	25.08.2022	Temporary protection holder	Group interview
TR29	25.08.2022	Temporary protection holder	Group interview
TR30	25.08.2022	Temporary protection holder	Group interview
TR31	25.08.2022	Temporary protection holder	Group interview
TR32	25.08.2022	Temporary protection holder	Group interview
TR33	22.09.2022	Local Governance Practitioner	Face-to-face
TR34	22.09.2022	Civil Society Practitioner	Face-to-face