

# THE FALL OF ALEPPO CALLS FOR NEW APPROACHES TO THE REFUGEE CRISIS

*Turkey hosts more than three million refugees, which presents an unprecedented number of problems. Refugees need protection as well as durable solutions. By maintaining the geographical limitation to the 1951 Refugee Convention, Turkey has based its asylum system on the assumption of the ongoing possibility of the resettlement of refugees to third countries. Resettlement policies worked well for years, however, for the last 10 years, it has been increasingly difficult to find countries willing to receive refugees from Turkey. In this article, the author argues that a durable solution for the three million refugees in Turkey is to develop comprehensive integration policies to enable these people to build a new life in the country. This should start with the lifting of Turkey's geographical limitation. Meanwhile, EU member states need to remember their responsibility to more efficiently share the humanitarian burden with Turkey.*

Metin Çorabatır\*



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\*Dr. Metin Çorabatır is President of the Research Centre on Asylum and Migration (IGAM), based in Ankara.

**T**he Turkish president's announcement in July 2016 that some Syrian refugees could receive Turkish citizenship caught many by surprise. It had satisfied some Syrians, but at the same time stirred panic among the host community. Although the issue was soon forgotten, the Syrian refugee crisis in Turkey remains a bitter reality that calls for an urgent solution. Could providing citizenship be a durable solution for the three million refugees in Turkey, or are there other ways which are less politically sensitive but could have an equally positive impact?

Although the granting of national citizenship continues to be a matter solely within the competence of each state to decide, it is the most durable, and often the most desirable long-term solution for a person wishing to end his/her refugee status. Article 34 of the 1951 Geneva Convention Relating to the Status of Refugees strongly suggests the following solution:

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

Many other international instruments repeat a similar recommendation with regards to countries taking up citizenship measures. From this perspective, President Recep Tayyip Erdoğan's announcement deserves to be applauded. It can be evaluated as a genuine attempt to find a durable, persistent, and sustainable solution to the Syrian humanitarian crisis, but at the same time indicates that Turkey is handling the crisis without a comprehensive strategy or a top policy-making authority. The fact that his statement triggered strong negative reactions both in the media and among the Turkish population has also shown that the issue is still highly politically sensitive. Opposition parties and groups believe that hosting so many Syrian refugees might be a Justice and Development Party (AKP) incentive for political gain. Inserting millions of new voters into the system with the potential right to vote in national and local elections, especially the upcoming referendum on Turkey's new constitution, could play out in the government's favor. Aside from these political concerns, the economic and social burden of hosting three million refugees have also fuelled negative reactions.

Nevertheless, the situation at present for Turkey's refugees – who are not only Syrian – remains desperate, and is increasing daily. The majority of refugees in Turkey reside without any substantial legal status, and without a realistic, durable solution. Meanwhile, the latest developments in Syria make the prospects of a

voluntary return even less of a possibility. After the fall of Aleppo to the hands of the Syrian regime and its allies, their dreams of returning home are becoming less and less likely. What is next? This is the most frequently asked question since the Syrian crisis entered a new phase – with a victorious dictatorial regime completely dependent on Russia and controlling most of the big cities but only about one third of the territory. Cities such as Aleppo have been demolished to a large extent. In rebel-held areas, the Islamic State of Iraq and the Levant (ISIL) still controls a large portion of Syrian territory; its recapture of the ancient city of Palmyra from the Syrian army caught the international community by surprise. The moderate opposition groups have maintained their hold of some rural areas. And around six million refugees are living in neighboring countries. The US and EU, which have both accused Assad’s regime of war crimes, now face the dilemma of negotiating with the Syrian government for the future of the country. This is why, despite the fall of Aleppo, war persists and probably will continue to do so for years to come.

*“Could providing citizenship be a durable solution for the three million refugees in Turkey?”*

Now it is both Turkey and the Western world’s responsibility to undertake radical changes in their thinking on what has to be done. It calls for paradigmatic changes in Turkish asylum and management systems. Harboring three million people, most of whom are destitute requires immediate action to avoid the continued suffering of these people, and to avoid consequences of national security, public order, and public health.

Today, Turkey not only faces the problem of coping with an unprecedented number of refugees, but also a protracted humanitarian crisis. As of 1 December 2016, 2.8 million out of more than three million refugees in Turkey are Syrians. They live, based on their countries of origin, under various statuses, as described under the 4 April 2014 Law on Foreigners and International Protection (LIFP) No. 6854. This is a huge challenge for Turkey. At the onset of their arrival in Turkey, which began in 29 April 2011 with the outbreak of the conflict, Syrian refugees were labelled “guests.” This term only changed when the LFIP entered into force a few years later in 2014, and ever since they are under “temporary protection” according to Article 91 of the law.

The term “temporary protection” suggests that Turkey perceived the Syrian refugee crisis as a temporary phenomenon. Indeed, not only Syrians under temporary protection were thought to eventually return to their home country – Turkey provides

asylum for refugees from many other non-European countries, including Iraqis, Iranians, Afghans, and African states. This is because although Turkey is a signatory of the 1951 Geneva Convention Relating to the Status of Refugees, it maintains a geographical limitation which means it does not assume an obligation to provide asylum seekers and refugees coming from non-European countries with full refugee status. Refugee status is linked with a list of rights which were enshrined in the 1951 Refugee Convention to enable refugees to start a dignified new life in the country of asylum, which is considered to be the most common durable solution. Two other notable long-term solutions are voluntary repatriation and resettlement to a third country. Resettlement to a third country applies when conditions for voluntary repatriation does not exist or when the host country does not or cannot offer a full refugee status. Turkey's case fits the latter, due to geographical limitation.

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Since Turkey provides only temporary protection for all refugees of non-European origin, there is no other durable solution than for them to be resettled in countries which accept their full refugee status. For years, the UNHCR has been resettling tens of thousands of refugees from non-European countries.

However, today, resettlement is not a practical possibility, as governments which have been accepting refugees from non-European countries have stopped accepting them. The UNHCR is now able only to resettle a few thousands of refugees which are considered the “most vulnerable,” such as unaccompanied minors, people with disabilities, or people suffering chronic illnesses.

This creates tremendous consequences for Syria's neighbors, including Turkey, although Turkey has the most advanced asylum system in comparison with the other refugee receiving countries such as Jordan, Lebanon, Iraq, and Egypt. Turkey has traditionally been respectful to the *non-refoulement* principle, which is the essence of the contemporary international protection system. Under this principle, Turkey does not force people back to places where their life or liberty is at risk. Turkey has an asylum law, entered into force in 2014, and a civilian asylum institution, the Directorate General on Migration Management (DGMM). To ensure a secure and just system, there are also built-in guaranties such as the judicial appeal system for those whose asylum application is rejected. It is obvious that the influx of refugees and the decreased capacity of national institutions creates problems for both Turkey and Syrians refugees. However, problems with integration and capacity remain.

Of course, hosting three million refugees for six years is an incredible burden for any country. Germany for example, has announced to resettle only slightly more than 900 Syrian refugees in 2017. Sweden will take only 300. The average number of other EU countries' quotas are much more embarrassing, varying between five to 100 people, while Turkey has generously been

hosting three million refugees for years. The DGMM, which was created in 2013 and completed its establishment in all of 81 provinces as well as some important sub-provinces, was initially designed for individual protection cases, and not for such a mass influx. Other ministries which need to play a bigger role in this crisis include the education, labor, health, and housing ministries, although they are inadequately equipped. However, the essential problem of the Turkish asylum system is related to its inability to make a paradigmatic change to lift the geographical limitation it maintains to the 1951 Refugee Convention. As long as the geographical limitation is upheld, integration becomes an impossible option in legal terms. As long as the geographical limitation remains, millions of people would continue to stay in Turkey without a status in the sense of the 1951 Refugee Convention. They cannot enjoy their basic rights.

*“As long as the geographical limitation is upheld, integration becomes an impossible option in legal terms.”*

According to international refugee law, refugees should be granted a secure and durable form of legal residency status upon recognition, such as permanent residence. Granting refugees permanent residence is one of the most effective tools to equip them to start a new life in the host country. As long as their status remains in limbo, it is impossible for them to establish themselves in their new society. Long-term residence permits enable refugees to learn the language of the host country, which is crucial for finding employment, enjoying their educational rights, and communicating with the locals. Furthermore, access to adequate housing and social harmonization are crucial elements for any integration scheme, with equal access to social assistance and benefits, (primarily health care) also of prime importance.

Turkey has definitely been trying to fulfill its humanitarian obligations. Billions of US dollars have been spent for Syrians since their arrival in 2011. Free health care, the right to access education, and limited work permit opportunities are just some of the Turkish state's achievements. So far 11,000 Syrians have received a work permit. More recently, the World Food Program and Turkish Red Crescent Society initiated a one-year cash assistance program with EU funds through what is called

“Kızılay (Red Crescent) Carts” to support one million Syrian refugees. However, these efforts in most cases is of charitable nature and not on a rights-based approach. As a consequence, they are far from being satisfactory and sustainable.

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This is why Turkey needs a paradigmatic change in its approach to the refugee issue. The starting point needs to be to the complete implementation of the international refugee law, without any limitations. Only this will enable refugees to become gradually less dependent on state funds, and will eventually allow them to become active contributors in the Turkish economy. Lifting Turkey’s geographical limitation and recognizing the basic rights of refugees is the only possible exit strategy, and is less politically sensitive than naturalization.

On the other hand, Western countries and the US also need a similar paradigmatic change in their approach to the current humanitarian crisis. They need to be much more generous in carrying the burden. They have to encourage and support more strongly the efforts and generosity of large refugee hosting countries like Turkey, Jordan, and Lebanon. More resettlement and relocations options need to be created with increased funds allocated for the welfare of refugees in host states. The basic principle of the international refugee regime and the understanding that the refugee problem is of global nature should only be addressed internationally, as indicated in Paragraph 4 of the 1951 Refugee Convention.