



Long Road to Return II DURABLE SOLUTIONS FOR THE SYRIAN REFUGEES IN TURKEY

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INTRODUCTION

In March 2016, the members of the European Council and the Turkish government signed the EU-Turkey Statement. In this document Turkey committed to prevent irregular migrants from crossing to the Greek islands and take back irregular migrants who make the crossing. In return, the European Union promised Turkey EUR 6 billion for the reception of Syrian refugees. Moreover, through the so-called one-to-one mechanism, the EU would resettle one Syrian refugee from Turkey to the EU for every Syrian refugee returned to Turkey.

Today Turkey is hosting nearly 4 million people, more than 3.6 million of whom are Syrian refugees. For the past 5 years Turkey has been the country hosting most refugees in the world. Turkey receives almost 4 times as many Syrian refugees as all EU Member States combined.¹

Although enormous efforts are being made by the Turkish government, Turkish citizens, local NGOs, international organizations and the European Union, the situation in the field remains very precarious for most Syrians in terms of poverty, housing, health, etc. Moreover, the presence of the large number of refugees in a context of economic crisis is causing increasing tensions among the Turkish population. Syrian refugees are under increasing pressure to go back, while the situation in Syria is not ready for that. The Turkish government deserves recognition for the efforts it has made, but this does not relieve it of its duty to respect international law and to not send people back to a war zone.

As the Syrian conflict continues, there is also a growing awareness that a large number of Syrian refugees will remain in Turkey. Steps are gradually being taken towards the integration of Syrian refugees into Turkish society. Although these efforts come rather late, it is not yet too late. Significant progress has been made in some areas, such as education. But Turkey cannot meet this challenge alone. The support of the international community is indispensable.

In this report we will be looking for durable solutions for the Syrian refugees in Turkey and the role the EU can play in this context. The success of these solutions is crucial not only for the Syrian refugees, but also for Turkey and Europe. This report follows the Long Road to Return report of November 2018 on durable solutions for Syrian refugees in Lebanon.²

In this report we focus on the three internationally recognised durable solutions³ for Syrian refugees promoted by the United Nations:

- Safe, voluntary and dignified return to Syria;
- Local integration in Turkey;
- Resettlement to EU Member States.

The basic principle is a shared international responsibility in the hosting of refugees as agreed by the United Nations' Member States in the New York Declaration on Refugees and Migrants⁴ and the Global Compact for Refugees⁵.

In European member states and Belgium, the importance of 'hosting refugees in the region' is on the political agenda. On the eve of the Global Refugee Forum in Geneva on 17 and 18 December 2019, which should lead to new international efforts following the Global Compact on Refugees, this report offers concrete recommendations for the EU and the Member States in response to the largest refugee crisis ever that is currently taking place.



Although each refugee context is unique, lessons can be learned from how refugees are hosted in Turkey for other situations of long-term displacement. The search for durable solutions for Syrian refugees in Turkey therefore deserves all political priority.

METHOD

This report was produced on the basis of literature research, a survey among 300 Syrian refugees in 3 provinces (each time among 100 persons in Gaziantep, Istanbul and Hatay) via a specialised research organisation supplemented with interviews and focus groups during a field visit in Istanbul, Ankara, Gaziantep and Hatay in September-October 2019.

Interviews were conducted with UNHCR staff in Ankara and Brussels, the International Organisation for Migration, World Food Programme, World Health Organization, academics (Prof. Dr. Murat Erdogan (Turkish-German University Istanbul), Prof. Omar Kadkoy (TEPAV, Ankara)), human rights organisations and lawyers, international NGOs⁶, actors who support the Turkish government through bilateral cooperation in the reception of Syrian refugees (such as the German development agency GIZ), the EU delegation in Turkey, the representation of European Member States in Turkey, local civil society organisations, Kizilay (Turkish Red Crescent) and advisors of the main opposition party (CHP). In total, 11.11.11 spoke to 32 experts.

Two focus group meetings with Syrian refugees were held in Gaziantep (6 persons) and Hatay (eight persons).

11.11.11 also delivered a separate questionnaire (see Annex I) to UNHCR Turkey with questions on the role of the UNHCR in the return and resettlement of refugees. Unfortunately, we received no answers from the UNHCR.

Although the residence situation and living conditions of non-Syrian refugees and other migrants in Turkey are even more precarious than those of Syrian refugees, we only focus on the Syrians in this report.

COLOPHON

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DURABLE SOLUTION 1: SAFE, VOLUNTARY AND DIGNIFIED RETURN

Safe, voluntary and dignified return is one of the three internationally recognised durable solutions. Every refugee has the right to return to his or her place of origin. At the same time, refugees should not be forced to return to a place where their lives are in danger. However, in recent months there have been more and more cases of Syrian refugees being forced to return, while in northern Syria the conditions for a safe, voluntary and dignified return have not or hardly been met. In addition, there are serious risks that Turkey will want to redraw the demographic map of northern Syria, while militias supported by Turkey are accused of attempts of ethnic cleansing.

1. REFUGEES UNDER PRESSURE TO RETURN

1.1. Recent developments in north-eastern Syria

On 9 October 2019, the Turkish army, together with extremist pro-Turkish militias, launched Operation Peace Spring to create a so-called *safe zone* in north-eastern Syria. After an initial ceasefire between Turkey and the Syrian Democratic Forces (SDF) on 18 October, Russia and Turkey concluded a Memorandum of Understanding on a joint approach in north-eastern Syria on 22 October 2019.

This Russian-Turkish agreement froze the 'status quo' in the area of the Turkish Operation Peace Spring and provided for the immediate deployment of Russian military police and Syrian border guards on the Turkish-Syrian border (excluding the border areas covered by Operation Peace Spring), the removal of Kurdish YPG fighters from the entire border area (up to 30 km deep) within 150 hours, and the final deployment of Russian-Turkish patrols in the border area (excluding the area of Operation Peace Spring and the city of Qamishli, with a depth of 10 km). **Point 8 of the Memorandum** also states that "*joint efforts will be launched to facilitate the return of refugees in a safe and voluntary manner.*"⁷

The creation of a so-called Turkish safe zone could lead to even more pressure on the 3.6 million Syrian refugees in Turkey to return to Syria. Even before the start of the Turkish operation in north-eastern Syria, Turkish President Erdogan stated on 13 July 2019 that his government will 'encourage' Syrians to return⁸. In September 2019, Erdogan stated several times that he wants to create a safe zone in north-eastern Syria in order to be able to return 1 to 2 million Syrian refugees⁹, and that Turkey expects the European Union to help build new houses in such a safe zone.¹⁰

During the United Nations' General Assembly (24 September 2019), the Turkish President proposed a plan to build 140 villages, each with a capacity to accommodate 5,000 refugees, and 10 districts, each with a capacity to accommodate 30,000 refugees. In total, Erdogan wants to build 200,000 houses so at least 1 million Syrians can be sent back to a zone in north-eastern Syria that is 444 kilometres wide and 32 kilometres deep. Erdogan also stated that if the safe zone is extended to Raqqqa and Deir ez-Zor, up to 3 million Syrians could return.¹¹ Erdogan threatened to open the gates for Syrian refugees who want to flee to Europe, if European countries refuse to cooperate in his return plan.¹²



On 1 November 2019, the Turkish President also presented his plan to UN Secretary-General António Guterres. The latter stressed that the basic conditions for a voluntary, safe and dignified return had to be met, but also promised Erdogan that the United Nations would study the Turkish plan.¹³ It is unclear what the scope is of the Turkish 'return plan' proposed to Guterres by Erdogan. Erdogan initially talked about sending 1 to 2 million Syrians back to a safe zone of 444 km wide and 32 km deep, but the current zone under Turkish control is only 120 km wide.

All this takes place against the background of an increasingly hostile public and political climate towards Syrian refugees in Turkey, as evidenced by several recent opinion polls. In September 2019, 48% of the Turkish population believed that return was the most effective way to deal with Syrian refugees, while 73% believed that Syrian refugees had a negative impact on the Turkish economy.¹⁴ In July 2019, the percentage of Turks who were unhappy about the presence of Syrian refugees rose to 67.7%, compared to 54.5% in 2017.¹⁵ Between 2016 and 2019, the percentage of Turks who want to live with Syrians in the same city dropped from 72 to 40%.¹⁶ In another recent poll (July 2019), 82.3% of respondents agreed with the statement "all Syrians must be sent back".¹⁷ This changing public and political climate is also reflected in a significant increase in xenophobic rhetoric and in attacks against Syrian refugees and their property.¹⁸

1.2. Forced deportation in Turkey

After the provincial administration of Istanbul (where at least 500,000 Syrians reside) stated on 21 July 2019 that Syrians not registered in the province should return to the Turkish province where they were initially registered by 20 August (later extended to 30 October), there has been a significant increase in the number of raids, arrests and forced deportations of Syrian refugees in Istanbul and beyond.¹⁹

Human Rights Watch (HRW) and Amnesty International, as well as Syrians for Truth and Justice, published reports in October 2019 documenting dozens of cases in which Syrian refugees have been forced to return since early 2019. Amnesty also explicitly states that the actual number of forced deportations may be much higher than the number of cases documented by the human rights organisation.²⁰ According to Syrians for Truth and Justice at least 23,713 registered and non-registered Syrians were returned to Syria between July and September 2019. Such forced deportations are a clear violation of the principle of non-refoulement and therefore a flagrant violation of international law.

However, the Turkish government explicitly rejects any accusation of forced deportations. It argues that there is only voluntary return, and claims that any voluntary return is monitored by the UN refugee agency UNHCR and by NGOs.²¹

Several testimonies collected by NGOs over the past few months contradict this. It clearly shows that Syrian refugees in detention centres are forced to sign a 'voluntary' return document. Several of these refugees were also mistreated by the Turkish security services or denied access to medical care. NGOs also collected testimonies showing that Syrians were misled into signing voluntary return documents. For example, to let Syrian refugees sign voluntary return documents, they were led to believe that they were signing a registration document, an acknowledgement of receipt of a blanket in a detention centre or even a document confirming that they wanted to stay in Turkey. In some cases Syrian refugees were also forced to sign a document which they were not allowed to read, or were forced to choose between voluntary return or indefinite detention in Turkey.²² By the end of August 2019, the Istanbul Bar Association, a Turkish rights organisation, had already filed at least 180 complaints against the behaviour of police officers in detention centres.²³



One should also emphasize that the forced return of Syrian refugees and violations of the principle of non-refoulement are not a new phenomenon. Since 2015, when Turkey closed its border with Syria to new Syrian refugees, there have been several cases of Turkish border guards shooting or mistreating refugees who are trying to reach Turkey.²⁴ Human Rights Watch has stated in early 2018 that Turkey was stopping thousands of Syrians at the border and sending them back to the Syrian province of Idlib.²⁵ Moreover, already in October 2016, Turkish President Erdogan issued an emergency decree (Presidential Decree No 686) providing for a number of exceptions in which the Turkish government considers that it does not have to comply with the principle of non-refoulement under international law. With this measure Turkey claimed the right to forcibly return refugees to their country of origin for reasons of 'public order', 'security' and 'terrorism'. This emergency decree was consolidated in Law No 7070 in February 2018 and is increasingly used to justify the forced deportation of refugees.²⁶

1.3. The European Union's role in forced deportations

Research by the Global Detention Project (GDP) shows that there are at least 24 removal centres in Turkey. In addition, refugees are held in cells in airports, police stations and ad hoc detention sites near the Turkish-Syrian border.²⁷ The GDP states that at least 6 of these removal centres have received²⁸ EU funds in the past, worth at least €55 million²⁹. Investigations by the GDP and investigative journalist Melvyn Ingleby show that several of these EU-funded removal centres were used to force Syrian refugees to return 'voluntarily'.³⁰

After the EU and Turkey signed the EU-Turkey Statement in March 2016, a further €60 million was made available for migration management projects in Turkey, including the setting up of a new removal centre.³¹ In this context, the GDP talks about 7 centres that are currently being renovated or built with EU support³², and makes a devastating judgement: "The controversial EU-Turkey refugee deal expanded Turkey's detention estate with the help of EU funding and has subsequently led to an increase in detentions and summary deportations of refugees and asylum seekers."³³



1.4. Role of the United Nations in forced deportations

The Turkish government states that there are only voluntary return movements, and claims that the UN Refugee Agency UNHCR and NGOs monitor every voluntary return.³⁴ Thus, according to the Turkish government, more than 350,000 Syrians have 'voluntarily' returned since 2016. However, several reports point to the lack of access of the UNHCR and NGOs to Turkish detention and removal centres, which calls into question the UNHCR's capacity to verify that all return movements were indeed voluntary. For example, Amnesty International points out that it is unclear how often a voluntary return interview takes place, and how often the UNHCR is present at such interviews to verify that Syrians make a voluntary return decision.³⁵

Figures from the UNHCR itself suggest a limited presence: in 2018 the UNHCR said it was present at the voluntary return interviews of 10,395 Syrian families, and in the first 6 months of 2019 the UN refugee organisation was present at the interviews of 6,025 families.³⁶ Moreover, the UNHCR does not communicate publicly about the results and outcomes of these interviews. UNHCR staff in the field indicate that the lack of access is not only due to a lack of capacity in the organisation, but also to a lack of access to the centres with sometimes lengthy bureaucratic procedures. For this reason, the organisation systematically advocates with the Turkish government to facilitate access to the centres. According to UNHCR there is no policy of the Turkish government to forcibly send people back to Syria. It cannot rule out individual cases of forced repatriation, but it has no knowledge of large-scale forced repatriations.³⁷



The Turkey Country Report (2018) of the European Council on Refugees and Exile (ECRE) also points to the lack of a clear legal basis for access to Turkish removal centres. ECRE explicitly states that the UNHCR does not have full and unhindered access to such centres, but has only developed working modalities with the Turkish authorities to visit the removal centres on a 'regular basis'.³⁸ The UNHCR also stated at the end of 2016 that it "will not have unhindered and predictable access to pre-removal centres in Turkey".³⁹ A similar complaint can be found in the annual Turkey Human Rights Report (2018) of the U.S. State Department: "Refugee-focused human rights groups alleged that authorities prevented migrants placed in detention and return centers from communicating with the outside world, including their family members and lawyers, creating the potential for refoulement as migrants accept repatriation to avoid indefinite detention."⁴⁰

Critics also accuse the UNHCR of not making a clear public statement against the treatment of Syrian refugees in Turkey and the Turkish violation of the principle of non-refoulement.⁴¹ For example, a recent report by Amnesty International states: "UNHCR does not engage in public advocacy on forcible returns or make public statements about Turkish policies and practices. Several Turkish lawyers and civil society staff members expressed frustration at the perceived silence and inaction on the part of UNHCR Turkey with regards to deportations to Syria".⁴² Criticism of the absent role of the UNHCR in Turkey, especially when it comes to expulsions, is also echoed by several international NGOs in the field.⁴³

In addition, critics claim that the UNHCR maintains too close ties with the Turkish government. This is suggested, for example, by a UN employee in the British newspaper *The Guardian*: "People's rights are being violated right under the nose of the UN and we're not doing the right thing because there is a worrying amount of pressure on maintaining good relations with the Turkish government." A second UN employee puts it, also in *The Guardian*, as follows: "The UN has to toe a line while operating in Turkey. If we want to run projects without government restriction then it's best not to offend them, even if that means not publicly condemning the deportations outright – even if they contravene international humanitarian law."⁴⁴ Investigators who 11.11.11 spoke to in the field also deplored the lack of statements from the UNHCR about the reports on forced return and pointed to the great pressure that the Turkish government is putting on the organisation.⁴⁵



2. UN CRITERIA FOR A SAFE, VOLUNTARY AND DIGNIFIED RETURN

2.1. UN criteria for safe, voluntary and dignified return

Since 2016, there has been a limited number of voluntary return movements of Syrian refugees in Turkey. Between early 2016 and 30 September 2019, the United Nations registered a total of 77,072 refugees who voluntarily returned to Syria from Turkey.

RETURNS IN FIGURES

Number of UNHCR registered Syrian refugees in Turkey: **3.676 million**⁴⁶

Number of returning Syrian refugees from Turkey* 2016-2019: **354.000**⁴⁷

Number of returning Syrian refugees from Turkey* 2016-2019: **77.072**⁴⁸

(*according to the Turkish government)



According to the UN refugee organization UNHCR, three central criteria must be met before large-scale return programmes can take place (emphasis added).⁴⁹

There is talk about a legal framework guaranteeing the rights of refugees. This legal framework should also include guarantees of unhindered access to returnees themselves and to the location of return.

There is clear evidence that a list of 21 UN criteria ('thresholds') for safe, voluntary and dignified return has been met, and that such progress is substantial and durable. These criteria include security safeguards against torture, persecution and detention, and against the presence of unexploded remnants of war; mechanisms for claiming property rights; access to basic services; full freedom of movement and ability to return to the place of origin; the existence of an amnesty scheme; and the capacity of the UNHCR to monitor the situation of returning refugees without restrictions.

Refugees themselves actively and widely request support from the UNHCR to return. The UNHCR should also be able to confirm the voluntary nature of return movements.

On 9 October 2019, the then European High Representative for Foreign Affairs, Federica Mogherini, stated that it is highly unlikely and difficult to imagine that the above UN conditions for return are currently met.⁵⁰ This was also echoed by UNHCR, which has stated that "sufficient guarantees are not yet in place as to allow for large-scale facilitated voluntary repatriation" to Syria, while the International Organization for Migration IOM has stated that "present conditions are not conducive to organized returns and repatriation of Syrian refugees in safety and dignity".⁵¹ Previously, UNHCR has warned about the catastrophic impact of premature return, stressing that "premature return, induced by negative push factors, could have a devastating impact on refugees and further destabilize Syria and the region".⁵²

The forced return of Syrian refugees to Syria could also lead to a new movement of Syrian refugees towards Europe. This was also stated during a European Council of Ministers at the beginning of October 2019. "Imagine that you're a refugee in Turkey, you're Syrian -- the risk exists that you might be transported one day ... into north-east Syria. That's a factor that could generate a wave towards Europe," said the Luxembourg Foreign Minister Asselborn after the council meeting.⁵³

2.2. Situation in northern Syria

It is obvious that many Syrians cannot be sent back to the province of Idlib or to areas under the control of the Syrian government. Idlib is an active war zone where schools and other medical facilities are under deliberate attack.⁵⁴ Between 29 April and 29 August 2019, at least 1,089 civilians were killed (1,031 of them by the Syrian Regime and its allies) and 400,000 people fled, according to the United Nations.⁵⁵ The UN chief of humanitarian affairs talks about a "humanitarian nightmare like we've never seen before".⁵⁶ In addition, civilians in Idlib are at serious risk of arrest, detention and torture by extremist armed groups such as Hayat Tahrir al-Sham.⁵⁷ Many Syrians are also at great risk of arrest, torture and forced conscription by the Syrian government, and therefore will not want to return to areas of north-eastern Syria that are (partly) controlled by the Syrian government.⁵⁸

The situation in Afrin (north-western Syria) also offers some important warnings and lessons for the part of north-eastern Syria occupied by Turkey since the completion of Operation Peace Spring.⁵⁹ Afrin was conquered in early 2018 by the Turkish army and an alliance of pro-Turkish Syrian militias who also participated in Operation Peace Spring, and has been under Turkish control ever since.

Reports from the United Nations and human rights organizations such as Amnesty International show a devastating picture of the security situation in Afrin since March 2018.⁶⁰ The UN Commis-



sion of Inquiry on Syria documented an “omnipresent” state of arbitrary arrests, detention and looting. Dozens of armed groups are fighting each other, including Ahrar al-Sham, the Amshad Brigade, Faylaq al-Sham, Jaish al-Nukhba, Jaish alSharqiya, Jabhat al-Shamiya, Nur al-Din al-Zenki and the Sumina Shah Brigade. Attacks with car bombs and improvised explosive devices and accidents involving unexploded landmines and explosive remnants of war regularly cause civilian casualties. Militias supported by Turkey are guilty of torture, kidnappings, extortion, looting and confiscation of private property, and are accused of war crimes by UN investigators.⁶¹ Several of these groups also try to forcibly impose their extremist ideology, especially on women and girls.⁶² According to the UN, Turkey has neither the capacity nor the willingness to control these armed groups.⁶³

Since the start of the Turkish operation Peace Spring, militias supported by Turkey have committed, as in Afrin, of serious human rights violations and even war crimes in north-eastern Syria.⁶⁴ A recent report by Amnesty International refers to ‘damning evidence’ that Turkish troops and militias supported by Turkey are committing war crimes in north-eastern Syria, showing an ‘utterly callous disregard’ for civilian lives.⁶⁵

In addition, several observers point out that there is a real chance that the Kurdish YPG will transform into an underground guerrilla movement that attacks areas in north-western and north-eastern Syria that are now under Turkish control.⁶⁶ Reports from the US Pentagon and the United Nations also warn that many ‘dormant cells’ of IS sympathisers are still active in north-eastern Syria.⁶⁷ A similar story can be heard from Metin Corabatir (Research Center on Asylum and Migration and former spokesperson of the UNHCR in Turkey), who warned that “even if Turkey manages to control the region, there will be spillovers, perhaps suicide attacks and it won’t be a comfortable zone”.⁶⁸ Such warnings seem to be happening in the field right now. On 2 November 2019, for example, at least 13 civilians were killed in a car bomb attack in Tal Abyad, a city on the border between Turkey and Syria.⁶⁹



3. DANGER OF ‘DEMOGRAPHIC ENGINEERING’

Turkey accommodates more than 3.6 million Syrian refugees, and wants to return at least 1 million of these refugees to a safe zone under Turkish occupation in north-eastern Syria. However, 83 percent of Syrian refugees in Turkey do not come from the north east⁷⁰, which is why critics accuse Erdogan of wanting to redraw and manipulate the demographic map of the area (demographic engineering)⁷¹. For example, a group of 11 Syrian and regional human rights organisations warns that Turkish plans could lead to ‘enforced demographic change and further conflict, endangering both returning refugees and the local population’.⁷²

In this way Erdogan would like to ‘Arabize’ the area, to the detriment of the Syrian Kurds and other minorities in the area. The European Union, through the then High Representative Federica Mogherini, also warned about demographic engineering on 9 October 2019: “Any attempt at demographic change would be unacceptable. The EU will not provide stabilisation or development assistance in areas where the rights of local populations are ignored.”⁷³

Leading lawyers also point out that the Turkish ‘return plan’ is contrary to international law. They invoke Article 43 of the Hague⁷⁴ Convention (1907), which remains one of the foundations of modern international law:

“On the one hand, (article 43) entrusts the occupant with the duties and powers to restore and ensure public order in the territory; but on the other, it requires it to respect the legal (and physical) status quo ante (the so-called “conservationist principle”). The conservationist principle, at



least on most views, prohibits measures aiming to radically transform the occupied territory (“transformative occupation”) (...) Granted, Turkey argues that it only aims to “restore” the demographic reality in the territory, not to transform it. Yet, reportedly, most of the refugees it seeks to resettle are from other regions in Syria. It is one thing for an occupant to allow the return of specific displaced individuals, or groups, to their homes; indeed, this might even be the occupant’s obligation under the duty to restore public order. It’s entirely different to facilitate the movement of hundreds of thousands of other people into the territory, even if purportedly to “restore” the demography there (...) Even taking a view that supports the widening of the occupant’s authority to make infrastructural changes, this would only apply to changes enacted for the benefit of the local population in the occupied territory. This seems to exclude movement of others into the territory, even if they are nationals of the occupied state.”⁷⁵

This evolution towards demographic engineering is already taking place in parts of north-western Syria which were attacked by Turkey in January 2018. A report by research organisation IMPACT, with the financial support of 11.11.11 and based on months of field research in the area, shows that the original, predominantly Kurdish, population in Afrin is widely discriminated against and is the victim of numerous human rights violations by pro-Turkish extremist militias. In this way the demographic map is being redesigned, to the disadvantage of the Syrian Kurds.⁷⁶

Housing stands out the most. Many people who are originally from Afrin are prevented from returning to their homes, or live under the constant threat of eviction, seizure, raids and looting by pro-Turkish militias.⁷⁷ Moreover, Arab Syrians, who were internally displaced themselves by fighting in other parts of Syria, often occupy ‘uninhabited’ houses of displaced civilians, whose property papers have often been lost or destroyed.⁷⁸

The United Nations stated in June 2018 that attempts to prevent Syrian Kurds from returning to their property in Afrin “may be an attempt to change permanently the ethnic composition of the area.”⁷⁹ A recent report of the Wartime and Post-Conflict in Syria Project also speaks of the demographic dimension of the Turkish occupation of Afrin:

“Turkey and its allied armed factions are pushing (Kurds) to leave by tightening security measures against them (...) On the other hand, the movement of forcibly displaced people from Ghouta, Homs and Daraa to Afrin might be considered part of a Turkish plan to settle these groups permanently, with the aim of shifting the ethnic population structure in favour of Arabs and Turkmens (...) Turkey has imposed a subtle demographic shift by importing new Arab refugee populations to supplant displaced Kurds.”⁸⁰



DURABLE SOLUTION 2: LOCAL INTEGRATION IN TURKEY

The war in Syria has been raging for more than 8 years. More than 6 million people fled the country. Turkey hosts the largest number of Syrian refugees by far: 3,680,603. Their number is increasing every day. Not only do new refugees from Syria continue to arrive in Turkey. Between May 2011 and May 2017, 224,000 Syrian children were born in Turkey.⁸¹ According to the Turkish authorities, that number has now grown to over 500,000.⁸²

Permanent residency

The permanent residence of a large number of Syrians in Turkey seems inevitable. Syrians are now spread across all 81 Turkish provinces. Most Syrians have meanwhile built a new life in Turkey.⁸³ Researchers assume that at least half of the Syrians will remain in Turkey.⁸⁴ This is also shown by the results of the survey that 11.11.11 carried out among 300 Syrian refugees. 47% of people say they will stay in Turkey.⁸⁵ According to experts, the plans to accommodate millions of refugees in a safe zone in northern Syria are unrealistic.⁸⁶ 61% of Syrians say they will not return to Syria until the war is over and good governance is in place. Even with an - unlikely - return of stability and security in the short term, it is virtually impossible to send millions of Syrians back to Syria against their will. Such a displacement is only possible with enormous force.⁸⁷

In this context of long-term displacement, it is crucial that reception goes beyond meeting the most urgent needs. There is a need for a sustainable integration of the refugees into Turkish society.

Despite the political rhetoric, the Turkish government is also aware that a large number of Syrians will remain permanently in Turkey. A study by the Turkish Ombudsman in 2018 predicts that within 10 years the Syrian population will grow to 5 million people and that it will be necessary to “develop policies aimed at the permanent residence of these people”.⁸⁸

This requires action on language, housing, integration into the labour market and education. These efforts came late because no one was prepared for a stay longer than a few months. Gradually and without much publicity, the Turkish government is taking the first steps towards integration. For example, the temporary refugee education centres were phased out and Syrian pupils were integrated into the Turkish education system. The number of people acquiring Turkish nationality is also increasing. Many local governments are committed to integration rather than isolating the Syrian population.⁸⁹

Outside the camps

Most of the refugees stay in the southern provinces on the border with Syria. Provinces such as southern Hatay, Gaziantep and Sanliurfa each host more than 300,000 refugees. The western provinces of Istanbul (+500,000) and Izmir also host more than 100,000 Syrian refugees.⁹⁰ The vast majority (98%) of Syrian refugees live outside official refugee camps in urban areas.⁹¹ They live side by side with Turkish citizens, rent on the Turkish housing market, send their children to Turkish schools and work on the same labour market in order to survive. In recent months tensions between Turkish citizens and Syrians have increased. (See also Durable Solution 1) In addition, the Turkish economy has been in dire straits for several years now, with sky-high inflation. Unemployment reached its highest level in the last 10 years in April 2019.⁹² In this context, the social cohesion between the Turkish and Syrian population requires extra attention.

Provincial breakdown⁹³:

The challenge for Turkey goes beyond providing temporary humanitarian aid, it is about the social and economic future of the country. If no answer is found to the needs of the refugees and the concerns of the - often vulnerable - Turkish communities, this entails major risks for the social, political and economic situation of the country and ultimately the region.

For this integration to succeed, a decisive approach is needed as soon as possible. The living conditions of Syrian refugees in Turkey turn red on different parameters. Still, it's not too late. In some areas, such as education, the Turkish government, with the support of the international community, showed that it is possible to make impressive progress. Continued support from the international community is needed to make it a success.

We discuss access to residence and protection, freedom of movement, work and income, and education and reflect on the European Union's efforts.

UNHCR Turkey:

Provincial Breakdown Syrian Refugees in Turkey

as of 10 October 2019



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Creation date: October 2019 Sources: UNHCR, DGM Author: UNHCR - Turkey Feedback: IMTurkey@unhcr.org

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1. RESIDENCE AND PROTECTION

Syrians do not receive protection as 'refugees' from the Turkish government, as Turkey applies a geographical limitation to the UN Refugee Convention which stipulates that only people from Europe are eligible for protection. Turkey undertook to reduce this limitation in due course in the context of its accession talks with the EU, but has not yet taken concrete steps to do so.⁹⁴ In April 2013, Turkey adopted its own legal framework for the protection of asylum seekers and refugees from outside Europe with the so-called Law No 6458 on Foreigners and International Protection.⁹⁵ In October 2014, Turkey also introduced a temporary protection measure specifically for refugees from Syria: the Temporary Protection Regulation⁹⁶ Both the UNHCR and IOM were consulted during the elaboration of this legislation.⁹⁷

The beneficiaries of this temporary protection have the right to reside in Turkey, shall not be penalised for illegal entry or stay and shall be protected against refoulement.⁹⁸ Beneficiaries also have access to, inter alia, the labour market and social assistance (under certain conditions, see also 2.6), health and education. Beneficiaries of temporary protection do not have the right - even after long-term residence - to convert the status of temporary protection into Turkish nationality.

The Act of 2013 also set up the migration and asylum agency, Directorate General of Migration Management (DGMM).⁹⁹ DGMM is responsible for registration and decisions on the granting of protection status. By the end of 2018, DGMM took over all protection tasks from the UNHCR. The UNHCR now only provides operational and technical support.¹⁰⁰ The EU provides significant financial support for strengthening the capacity of DGMM through the EU Turkey Facility.¹⁰¹

According to the UNHCR, the European acquis in the field of asylum and migration is clearly visible in Turkish asylum legislation thanks to this reform.¹⁰² Moreover, as a member of the Council of Europe, Turkey is a party to the European Convention on Human Rights (ECHR) and is bound by the provisions and case law of the European Court of Human Rights (ECtHR). Turkish human rights lawyers and experts see the legal framework as a big step forward. However, they point to serious problems in their implementation and the lack of possibilities to legally enforce rights.¹⁰³ In practice, it often turns out to be impossible for Syrians to gain access to protection in Turkey. In 2018 Turkey completed the construction of a 764 km long wall along the border with Syria. In recent years, Istanbul and several southern provinces have, temporarily or permanently, suspended the possibility of registering new refugees. According to Human Rights Watch, this is a clear attempt by the Turkish government to deny refugees their right to protection.¹⁰⁴ The non-refoulement principle is also compromised (see also Durable Solution 1).

Uncertainty about the temporary nature of the protection status is also a cause for concern. People who have been living in Turkey for eight years still have no prospect of legal permanent residence. Access to Turkish citizenship¹⁰⁵ is based only on the initiative of the Turkish government and completely arbitrary. Individual cases indicate that especially highly educated people are eligible.¹⁰⁶ A participant in the focus groups: "Our legal status is unclear. We don't know when our temporary protection will end. The events in Istanbul create great uncertainty in our community. Including people who had stayed there for many years were deported. We don't know what will be next."¹⁰⁷

2. FREEDOM OF MOVEMENT

Applicants for temporary protection in Turkey are assigned to a particular province. Turkish legislation explicitly provides that the government may impose restrictions on freedom of movement. Any



movement outside one's own province requires written permission from the Turkish authorities and may last maximum thirty days. People who violate this rule and do not stay at their legal registration address may lose their protection status and also risk severe - and sometimes arbitrary - sanctions such as administrative detention in a removal centre. According to the European refugee organization ECRE, the level of punishment is highly dependent on nationality, sexual orientation, gender identity or simply the relationship between the persons involved and the officials of the Turkish government.¹⁰⁸ However, the lack of employment in certain provinces means that many Syrians go to economically interesting provinces such as Istanbul to work without being registered there.¹⁰⁹ To combat this informal employment, the Turkish government provides opportunities to work in other provinces. But in practice there are many obstacles that complicate this (see also 2.3).¹¹⁰

The lack of freedom of movement causes great dissatisfaction among Syrians who want to work or study in other provinces.¹¹¹ According to HRW, the combination of the registration ban in certain provinces and the travel ban forces Syrians either to stay illegally in one province or to travel illegally to other provinces, thus risking detention and deportation.¹¹²

Freedom of movement is a crucial element in international law and the UN Refugee Convention. It is therefore important that the Turkish authorities make efforts to guarantee this right also for refugees.

3. WORK AND INCOME

Access to employment is one of the main challenges for the integration of Syrian refugees into Turkish society. Successful integration into the Turkish labour market is needed so that refugees are no longer dependent on humanitarian aid but can provide for themselves. In this way they can also contribute to the Turkish economy and thus defuse tensions with the Turkish population. Promoting self-reliance is one of the three objectives of the Global Compact for Refugees.¹¹³

Simultaneously to the temporary protection measure, the Turkish government provided a system for Turkish employers to be able to recruit Syrians based on a work permit. However, many obstacles are limiting the access to the formal labour market. For example, Syrians may in principle (with some exceptions in certain sectors) only represent 10% of the employees within a given company. Syrians are only allowed to work in the province where they are registered. Work permits are only possible after 6 months of residence and are only valid for 1 year. Although most Syrians work, they do so mainly in the informal labour market where abuse is widespread. Of the 2 million Syrians of working age, an estimated 1 million are at work.¹¹⁴ According to the UNHCR, by the end of 2018 only 60,822 work permits had been issued to Syrians.¹¹⁵ This is only a fraction of the number of people who are actually working.¹¹⁶

This is also shown by the survey we carried out among 300 Syrian refugees in Istanbul, Hatay and Gaziantep. Only 10% of those questioned have a work permit and 38% of those questioned say that access to the labour market is poor to very poor. For only 8%, legal work is the most important source of income. For 63% of those surveyed, the informal economy is.¹¹⁷ Of the 14 persons of working age in the focus group interviews, only 1 person had a work permit. For women, access is especially difficult. Only 15% of Syrian women earn an income through work.¹¹⁸

Syrians working in the informal economy are vulnerable to discrimination and all kinds of abuse. They have no access to social security and often work below the minimum wage. Highly educated people are often employed in low-skilled, poorly paid jobs.¹¹⁹ A large number of vulnerable families rely on child labour as a survival strategy.¹²⁰ Children collect garbage, beg, sell water or handkerchiefs on the streets and are employed in factories. International clothing brands also came into disrepute in



this respect.¹²¹ An increasing number of women rely on sex work. Access to the justice system in case of violence and abuse is minimal.¹²² The Syrian Barometer of Prof. Dr. Murat Erdogan indicates that most Syrians face poor working conditions and poor payouts. The perception that Turks are exploiting the Syrians is prevalent among 54.6% of Syrians.¹²³

One of the participants in the focus group discussion who worked in the clothing industry testifies about the problems in the workplace. “Syrians are systematically paid less than Turkish workers. I got 30 TL (5 euro) less per day than my Turkish colleagues. In addition, wages are poorly paid because we have nowhere to turn to with our complaints. I was promised 70 TL (11 euro) per day, in the end I only got 50 TL. Usually the Syrians also work longer days than the Turks. We weren’t paid for overtime. Moreover, in periods when there is less work, we get sacked from one day to the next”.¹²⁴

Poverty and food security

The difficult income situation creates poverty and a lack of food security. 59% of Syrians in Turkey live below the poverty line, 12% of those live in extreme poverty.¹²⁵ Food security is also a concern. According to a World Food Programme study, 34% live in a state of food insecurity and 66% are at risk of food insecurity.¹²⁶

ESSN

An important source of income is the Emergency Social Safety Net (ESSN), which provides the basic needs of 1.7 million refugees with monthly credit card cash transfers. ESSN is an innovative instrument of humanitarian aid embedded in the national social security system. Per member of the family, nuclear families can receive 120 TL (19 euro) per month. The EU invested €1.725 billion in the programme. This is the largest aid programme ever financed by the EU. 48% of those surveyed in our survey receive this support. For 17% of the interviewees it is their main source of income. But a small minority (4%) of respondents say they are not familiar with the programme or do not know how to apply for support.¹²⁷

58% of the respondents who receive ESSN support indicate that they are not completely satisfied with the programme. 36% is satisfied. In particular, the limited amounts are mentioned as a short-coming. But 23% indicate that ESSN allows them to meet all their basic needs. Nevertheless, its importance should not be underestimated. For some of the people who participated in the focus groups, ESSN is the only source of income. For the others it is a very welcome addition. According to participants in the focus groups, ESSN offers a stable and predictable income where other forms of income are very unstable. One participant declares: “I have a family with 6 children. We get 720 TL a month. I don’t see how we’d survive without it.” ESSN is primarily used to pay rent.¹²⁸

4. EDUCATION

Syrian refugee children in Turkey have the right to enrol in free public schools. Significant progress has been made in the field of integration in education in recent years. Of the 3.6 million Syrian refugees, an estimated 1.6 million are under the age of 18. The enrolment rate increased from 30 to 62.5 percent since 2014. This progress is largely due to the phasing out of separate education centres for Syrians and their integration into mainstream education.¹²⁹ Through the EU Turkey Facility, the EU invested €104 million in the Conditional Cash Transfer for Education programme (CCTE), which provides financial support to 410,740 families on condition of a regular attendance at school.¹³⁰



Both the focus groups and the survey show great satisfaction with the Turkish education system. A 17-year-old Syrian explains: “Turkish education is better than in Syria. People start with equal rights here. There’s respect for the students, students are listened to. In Turkey there is a lot of respect for students and parents.” 86% of those surveyed cited access to education as good to very good.¹³¹ It should be noted, however, that the majority of those questioned in the survey are registered under temporary protection. This is not (yet) the case for many Syrians in Turkey. They have virtually no access to education. It is estimated that 350,000 Syrian children cannot attend school.¹³² Moreover, many children cannot go to school because they have to work to earn an income (see also 2.3).

The challenges remain great. According to Unesco, there is a need for 80,000 additional teachers to meet the needs.¹³³ The Turkish government plans to build 57 new schools by 2021.¹³⁴

Although refugees also have access to higher education under the law, this is difficult in practice. There are an estimated 500,000 Syrians between the ages of 18 and 25.¹³⁵ Only 27,606 Syrians are enrolled in higher education.¹³⁶ Several participants in the focus groups indicate that they want to send their children to university, but that the costs are too high and access to scholarships very low.¹³⁷ Through a number of NGOs Syrians can also apply for a scholarship. One of those NGOs is SPARK, which is also financed through the EU Turkey Facility. They were able to send 1311 students to the university via a scholarship. In addition to lack of funds, SPARK points to language and the lack of appropriate documents as the main barriers to accessing higher education. In addition, the capacity of universities is limited. Access to higher education is not easy for many Turks either. In this context, it is important to remain vigilant about possible social tensions between the Turkish population and refugees.¹³⁸

5. THE EU TURKEY FACILITY



The reception of 3.6 million refugees requires major efforts on the part of the Turkish authorities. According to the Turkish government, Turkey has already spent EUR 37 billion on hosting Syrian refugees.¹³⁹ In addition, the EU provides significant financial support. In the EU-Turkey Statement, the EU committed itself to paying twice an amount of 3 billion for the reception of refugees in Turkey. The first payment of The EU Facility for Refugees in Turkey provides funding for projects until mid-2021. The second payment will allow projects to be funded until mid-2025 at the latest, although funding for most projects will end much earlier. EUR 2.6 billion has already been spent. More than 4.2 billion projects have already been contracted out.¹⁴⁰ Most of the money goes to large international aid organisations such as the UNHCR, IOM, WFP, WHO and NGOs, but also to the Turkish government departments of education, health care and migration for capacity building. Local authorities also receive funding.¹⁴¹ The money is generally spent on justifiable priorities such as education, medical care language, legal assistance and providing a social safety net. Although there is room for improvement in terms of effectiveness, the European Court of Auditors is also convinced that the Facility makes a substantial difference and responds to the right priorities.¹⁴²

Yet there are also projects that raise certain questions. The Turkish Coast Guard and the DGMM are financed through the Facility for migration management projects. According to the European Court of Auditors, it was not sufficiently demonstrated that migration management should be a priority.¹⁴³ The question is whether migration management belongs at all in a fund that has to assist refugees. Through pre-accession assistance, the EU has also financed several return centres. (See also DS 1) It is crucial that European support does not in any way contribute to sending people back to Syria against their will and to other human rights violations.

EUR 6 billion is a large sum. Nevertheless, a quick calculation shows that this amount is rather modest compared to the existing needs. Spread over 3.6 million refugees, it amounts to EUR 1,630 per person over a period of 6 years. This means less than 1 euro a day. Given the enormous needs,



there are already serious deficits. In October 2019 funds were available for only 32% of the needs identified by the UNHCR.¹⁴⁴ UNICEF faces an urgent funding shortfall of 32% for its work in Turkey.¹⁴⁵ IOM also indicates that there is already a shortage of funding. A second problem they face is the lack of multi-annual funding to allow long-term planning of activities.¹⁴⁶ This is confirmed by several international aid organisations in the field. The lack of long-term funding creates operational problems and makes it difficult to recruit and retain the right staff.¹⁴⁷

Until 2021, funding for the projects in progress is assured. The future after 2021 is uncertain. For the IOM refugee programme, funding is guaranteed until 2020, after which it is uncertain.¹⁴⁸ International NGOs in the field are also very concerned about the situation after 2021.¹⁴⁹ Although many policymakers in theory attach importance to the reception of refugees 'in the region', this appears to be a lot more difficult in practice. For the second payment of EUR 3 billion, the EU Member States proved unwilling to put the amount they had originally promised on the table. The agreement was that the money would come for two thirds of the EU Member States, just as for the first letter. Leaked documents showed that many Member States were no longer willing to do so in 2018.¹⁵⁰ In the end, the key was reversed and Member States only paid EUR 1 billion. The other 2 billion comes from the EU budget.¹⁵¹ As a result, the European Commission had to withdraw funds from, among others, the Humanitarian Aid Fund.¹⁵² It is therefore very uncertain that after 2021 Member States will be prepared to put sufficient resources on the table.

Continued funding from Europe will be much needed in the coming years to make the reception of refugees in Turkey a success. It is clear that the Turkish authorities are unable and unwilling to implement programmes such as ESSN without external funding. Abruptly withholding these funds would have dramatic consequences for 1.6 million Syrian refugees. If the European member states are serious in their plea for quality 'reception in the region', they must also make financial commitments in return.

Opinion polls indicate that Turkish public opinion is becoming more hostile towards Syrian refugees. In this context, it is important that European support does not lose sight of the vulnerable Turkish population and that the social cohesion between the two communities is strengthened. This means that the EU makes efforts to strengthen services in places where a high number of refugees generate more competition. In this way, local services can respond to increasing demands. Projects that focus on the economic empowerment of Syrian women are best accompanied by efforts to make vulnerable Turkish women economically stronger as well, etc.





DURABLE SOLUTION 3: RESETTLEMENT TO EU MEMBER STATES

In the New York Declaration for Refugees and Migrants adopted by all UN Member States in September 2016, they committed themselves to “a more equitable sharing of the burden and responsibility for hosting and supporting the world’s refugees.” A crucial instrument in this context is international resettlement. Resettlement is primarily an instrument to provide protection in third countries to vulnerable refugees whose safety, health or fundamental rights are not guaranteed in the first country of reception. In addition, it is a way for rich countries to show solidarity with developing countries that today receive 86% of the refugees. In the New York Declaration, UN member states committed themselves to increase the number of resettlement sites and to work towards ‘fully meeting the annual resettlement needs identified by the UN refugee organization UNHCR’.

1. INCREASING NEEDS, DECREASING SUPPLY

The UNHCR resettlement programme in Turkey is currently the largest in the world.¹⁵³ Over the last 6 years, more than 106,500 places have been offered for resettlement. 63.000 people could actually be resettled. Nevertheless, given the large number of refugees in Turkey, only a fraction of them can participate in the programme. According to the UNHCR, 10% of the 4 million refugees in Turkey are in acute need of resettlement. In 2018 barely 9,000 refugees, a large majority of whom were Syrians, were resettled from Turkey.¹⁵⁴ That’s 0.2% of the refugees in Turkey. So although Turkey is the champion in absolute figures, the resettlement rate is lower than the global average of 0.4%. This makes it clear that resettlement is not an accessible option for most refugees in their search for protection. At the current rate, the most vulnerable group alone will take more than 40 years to resettle.

Many Syrian refugees realise that resettlement is not a viable option. Only 36% of the 300 respondents surveyed consider seeking protection in European countries. Within that group, 62% of people see resettlement as a possible option. 1 in 4 is considering crossing via a human trafficker.¹⁵⁵ From the 2 focus group discussions with Syrian refugees in Hatay and Gaziantep it appears that most people do not know how or through which channel they can apply for resettlement. Even very vulnerable people who belong to the target group for resettlement have no idea how they can get selected for it. A Syrian woman from the province of Idlib who has been living in Turkey for 6 years explains: “I have a daughter with a serious eye disease. The operation costs more than EUR 3,000 in Turkey. We’ll never be able to afford that. I know this operation would be possible in Europe for a lot less money. However, I have no idea how to apply for that.”¹⁵⁶

In recent years, the number of resettlement pledges from Turkey has continued to decline.¹⁵⁷ Neither was the Voluntary Humanitarian Admission Scheme which, according to the EU Turkey Statement, would be set up to relieve pressure on Turkey as soon as arrivals were substantially reduced, ever activated. In addition, a number of Member States decided in the middle of the programme to put the included commitments temporarily ‘on hold’. People who had already gone through long and intensive selection procedures were thus left out in the cold. This has also been the case in Belgium a number of times in recent years. These decisions slow down the resettlement process and often put vulnerable people in difficult situations. Although the UNHCR stresses that the Belgian services quickly informed the UNHCR about the problem¹⁵⁸, it is clear that this type of delay causes operational problems in the field, as family situations can change rapidly.

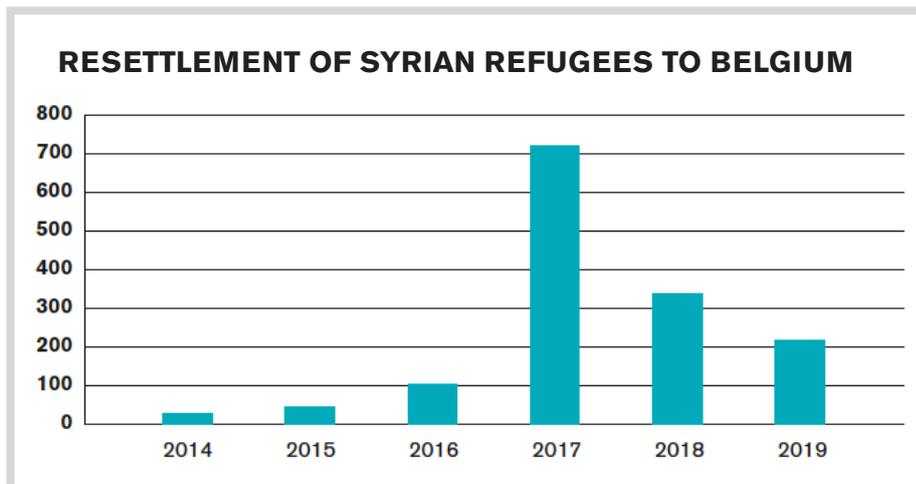


2. RESETTLEMENT TO BELGIUM

In Belgium, the federal government decides on the annual number of people to be resettled to Belgium. The selection procedure is carried out by the Office of the Commissioner General for Refugees and Stateless Persons. Fedasil, together with the IOM, is responsible for arranging the journey, medical screening and a cultural orientation before departure with information about the trip, employment, education, etc.

Upon arrival, the refugees are accommodated in Fedasil centres specializing in the reception of resettled persons. The stay in the centre lasts about six weeks and gives access to material assistance and a reception program adapted to their needs. After their stay in the centre, the resettled refugees are accommodated in a local reception initiative (LRI) for a maximum of six months. During this transition phase, they put their administration in order, look for a private home and start their integration process.

Also in Belgium, resettlement figures from Turkey show a negative trend over the last 2 years. In 2017, 721 people were resettled from Turkey (all under the one-to-one mechanism of the EU-Turkey Statement). Afterwards, the number dropped sharply in a general context of declining resettlement figures.



Belgium undertook to resettle 2,000 refugees during the period 2018-2019.¹⁵⁹ Unfortunately, these commitments were not fulfilled. By the end of September 2019 only 1,113 people had arrived. In 2019, only 233 people arrived, while the government had committed to having another 850 people this year. According to the Office of the Commissioner General for Refugees and Stateless Persons, there is little chance of any more people arriving this year.¹⁶⁰

Reception crisis

As a reason for the decline in the Belgian resettlement figures, the government refers to the lack of places to accommodate the asylum seekers. Since the summer of 2019, the Belgian reception network has been facing serious shortages due to an ill-considered reduction in the number of reception places. In 2016, the government decided to save 22 million at Fedasil, the federal agency that organises the reception of asylum seekers. At that time, Belgium still had almost 34,000 shelters. The government decided that the number of places would be reduced to less than 17,000 by the end of 2018. Specialist personnel was also made redundant. The idea that our country would need fewer shelters clashes with the increasing number of refugees in the world and the increasing need for resettlement. The civil society warned from the start for a premature reduction of the number of places.¹⁶¹



This demonstrates the need for a flexible reception model with an adequate buffer that takes into account a fluctuating arrival of asylum seekers. The government can control the financial costs of asylum reception capacity by avoiding a yo-yo effect in the reception. In times of understaffing, reception capacity can also be used to increase efforts for resettlement and as a temporary safety net for recognized refugees until they find their own housing solution.

In 2017 and 2018, the CGSV organised 7 selection missions to Turkey. 189 vulnerable people who have already passed a selection procedure in Turkey are at risk of being excluded due to the suspension of resettlement.¹⁶² Moreover, if these people no longer arrive in 2019, this means that Belgium will not be able to make use of the European budgets (foreseen to encourage Member States to resettle) for this group.

Lack of legal framework

There is currently no legal framework for resettlement: neither for laying down the Belgian resettlement commitments, nor for the resettlement procedure. The lack of clear political commitment over a longer period of time makes resettlement missions less predictable and complicates efficient planning. The absence of a legal framework meant that both former State Secretary for Asylum and Migration Theo Francken and current State Secretary Maggie De Block could unilaterally decide to put the resettlement of refugees 'on hold'. By working out a legal framework, we can avoid such scenarios as much as possible.¹⁶³



CONCLUSION AND RECOMMENDATIONS

The presence of more than 3.6 million Syrian refugees in Turkey poses major challenges to the country that go beyond providing temporary humanitarian assistance. Durable solutions are needed. Both in the interest of Syrian refugees and of Turkey and the European Union.

Although enormous efforts are being made by the Turkish government, Turkish citizens, local and international NGOs, and the EU, the situation in the field remains very precarious for most Syrians. Different parameters related to employment, poverty and food security turn dark red. After eight years of war in Syria, it is clear that a large number of Syrians will permanently remain in Turkey. Further efforts are needed to allow them to become part of Turkish society and no longer dependent on humanitarian aid. Access to legal residence, the Turkish labour market, and education is crucial for Syrians to be able to provide for themselves.

The presence of Syrian refugees is already causing increasing tensions in Turkish society. The pressure to return is increasing while the situation in Syria does not allow it. The number of forced deportations to Syria is already increasing. These expulsions constitute a clear violation of the principle of non-refoulement. Turkey's invasion of north-eastern Syria and the plan to create a buffer zone to accommodate millions of Syrians is a flagrant violation of international law that could lead to demographic engineering.

A large-scale premature return would have disastrous consequences for stability in the region. This report shows that there are insufficient guarantees to prevent such mass deportations. The Turkish government deserves recognition for the efforts it has made, but this does not relieve it of its duty to respect international law and to not send people back to a war zone. The EU holds an important responsibility. The removal centres used to force Syrian refugees to return 'voluntarily' are funded by the EU. The UN Refugee Organisation should also step up its efforts to prevent forced returns.

If no answer is found to the needs of the refugees and the concerns of the local communities, this entails major risks for the social, political and economic situation of the country and ultimately the region.

Responsibility for the reception of Syrians is a shared international responsibility. Turkey cannot meet this challenge alone. The EU has a crucial role to play in all three durable solutions.

The EU should:

- Guarantee that return to Syria will only take place in a safe, voluntary and dignified manner;
- Assist Turkey in the durable integration of the Syrian refugees into Turkish society;
- Offer protection to the most vulnerable refugees through resettlement and show solidarity with Turkey.

The EU is providing a significant amount of EUR 6 billion for reception in Turkey. This sum does not compare to the gigantic need. Spread over 3.6 million refugees it means less than 1 euro per day per person. Several aid organisations are already suffering from serious shortages.

The future after 2021 is very uncertain. Although many policymakers in theory attach importance to the reception of refugees 'in the region', this appears to be a lot more difficult in practice. For the payment of the second tranche EUR 3 billion, the EU Member States proved unwilling to put the amount they had originally promised on the table. Continued funding from Europe will be much needed in the coming years to make the reception of refugees in Turkey a success. It is clear that



the Turkish authorities are unable and unwilling to implement vital aid programmes without external funding. Abruptly withholding these funds would have dramatic consequences for the million Syrian refugees.

If the European member states are serious in their plea for quality 'reception in the region', they must also make financial and other commitments in return. The Global Forum for Refugees in December 2019 is a first important moment to turn promises into concrete commitments.

RECOMMENDATIONS

Safe, voluntary and dignified return to Syria.

1. Make clear to Turkey that any form of forced return, including pressure on Syrians to sign 'voluntary return' papers, is unacceptable and must stop immediately.
2. Demand immediate, full and unconditional access of the UNHCR and NGOs to Turkish detention and removal centres in order to verify the voluntary nature of return movements.
3. Encourage the UNHCR to play a more active and public role in the prevention of forced return and in the promotion of the principle of non-refoulement. Request the Turkish government to publish detailed dates (including age, gender, date of return and name of specific border post) on 'voluntary' return movements.
4. Request the UNHCR to carry out regular intention surveys among Syrian refugees, similar to existing intention surveys in other neighbouring countries of Syria.
5. Ensure that EU funding is in no way used to facilitate forced return, and investigate abuses in Turkish removal centres that received EU funding.
6. Encourage the further operationalisation and strengthening of the UN's Protection Thresholds for Refugee Return to Syria, through the development of measurable benchmarks and monitoring mechanisms.
7. Ensure that European funds in no way contribute to demographic engineering in the areas under Turkish control in northern Syria.
8. Ask the UN High Commissioner for Human Rights (OHCHR) and the UN Commission of Inquiry on Syria (UN COI) to pay more attention to the situation of returning Syrian refugees and the danger of demographic engineering in northern Syria, and to report regularly to the UN Human Rights Council in Geneva.

Local integration in Turkey

1. **Guarantee financial support for the reception of refugees in Turkey beyond 2021.** When doing so, ensure: multi-annual funding for aid organizations so that allows to plan activities over several years, recruit and retain the right staff, etc.;
- support that also benefits the vulnerable Turkish population and reinforces social cohesion;
 - funding public campaigns towards Turkish citizens that counters prejudices about Syrian refugees, xenophobia and discrimination;
 - support for local civil society and organisations that monitor respect for refugees' rights in the workplace;
 - the continuation and expansion of the Emergency Social Safety Net (ESSN) as long as access to the formal Turkish labour market is not ensured;
 - funding programmes promoting women's access to the labour market;
 - financing of language lessons;
 - financing of accessible legal assistance for refugees.



2. Put pressure on the Turkish government:

- to guarantee protection for all Syrians seeking protection in Turkey, with guaranteed access to registration procedures in all provinces. When allocating refugees to certain provinces, family ties, work opportunities and the preferences of the persons concerned should be taken into account as much as possible;
- to lift the geographical limitation to the Geneva Convention and work towards a full protection status for refugees from outside Europe;
- to further develop an organised policy on asylum and integration. Investigate whether Belgian asylum and integration services can also play a role in the exchange of best practices;
- to improve Syrians' access to the formal Turkish labour market. Extra attention needs to be paid to the difficult access for women;
- to facilitate Syrians' access to Turkish citizenship through transparent procedures;
- to remove restrictions on freedom of movement for Syrian refugees in Turkey.

Resettlement

1. Ensure a collective EU pledge of at least 30,000 places for resettlement by 2020.¹⁶⁴
2. Create a legal framework for resettlement, both in terms of the decision-making process for the Belgian commitment and in terms of the procedure. Make the Belgian resettlement programme structural, with commitments defined over several years.¹⁶⁵
3. Resettle at least 8,085 refugees to Belgium over a period of 3 years via a growth path.¹⁶⁶
4. Give priority to the most vulnerable profiles. Religion, ethnicity and integration potential should not be separate criteria for resettlement.
5. Work towards a flexible reception model with sufficient buffer places so that resettlement is not compromised by an increased number of spontaneous asylum applications.
6. Provide sufficient resources for housing, counselling, psychosocial care and sustainable integration of resettled refugees into our society, and include a role for civil society in this.



ANNEX 1
11.11.11 QUESTIONNAIRE TO UNHCR
13.11.2019

1. In 2018 and 2019 the Belgian government put its resettlement program ‘on hold’ due to pressure on the reception centers in Belgium. Can you provide more information on what happened to the persons that went through the selection procedure in Turkey?

- How many were selected and how many could go to Belgium at this moment?
- How many were resettled to other EU countries?
- How many are still in Turkey?
- Is UNHCR in contact with all these persons? We assume they are very vulnerable and their resettlement was an emergency solution, that is now no longer there. Is it possible to provide more information on their current situation?

2. Turkey claims that more than 350.000 Syrians have returned voluntarily to Syria since 2016.

- How many of these return movements were you able to verify, and in how many cases did you confirm that the return was indeed voluntary?
- With how many of these 350.000 returnees have you been in contact since their return?

3. According to the Global Detention Project, there exist at least 24 removal centers across Turkey, in addition to detention places in airports, camps and police offices.¹⁶⁷ Can you provide exact data on:

- How often you have had access to any of these 24 removal centers since 2016 (data per center)?
- Do you have any access to other places, besides removal centers, where Syrians are being detained before returning to Syria?
- On 23 December 2016, UNHCR has stated that it “does not benefit, at this stage, from unhindered and predictable access to pre-removal centers in Turkey”¹⁶⁸. Is this statement still valid? If not, can you specify which progress has been made since?
- Can you confirm that Turkish authorities did not, in any way, hinder UNHCR’s ability to verify the voluntariness of return movements? If not, which specific obstacles did you face in this regard?
- How many staff (exact numbers) does UNHCR have to monitor the voluntariness of returns across Turkey?

4. UNHCR has been criticized (see for example a recent rapport by Amnesty International and an article in The Guardian) of being too close to the Turkish government, and for not clearly and publicly speaking out against the deteriorating situation of Syrian refugees in Turkey.¹⁶⁹ How do you respond to this criticism?

5. UNHCR has stated that “due to the operational context”, it is not able to conduct intention surveys among Syrian refugees in Turkey.¹⁷⁰ Can you specify what are the exact contextual reasons that UNHCR does not conduct intention surveys in Turkey?





ENDNOTES

- 1 Migration Policy Institute, Thinking Outside the Camp: Syrian Refugees in Istanbul, August 2017. <https://www.migrationpolicy.org/article/thinking-outside-camp-syrian-refugees-istanbul>
- 2 11.11.11, Long Road to Return, November 2018.
- 3 UNHCR, Solutions for refugees. <https://www.unhcr.org/50a4c17f9.pdf>
- 4 New York Declaration for Refugees and Migrants, October 2016. https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1
- 5 Global Compact on Refugees, December 2018. https://www.unhcr.org/gcr/GCR_English.pdf
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**11.11.11 VECHT TEGEN ONRECHT
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