

Chapter 4

Protection



4.1 Introduction

Turkey has a highly complex structure with stratified legal statuses and multiple actors in migration and refugee governance. The chapter shows how temporality is the key encompassing characteristic of Turkey’s refugee governance, which is the basis for its response to Syrian mass migration and multilevel refugee governance. In this regard, the chapter asks how strategic temporality is used as a tool for international protection in Turkey and what the consequences are in terms of the legal, political and institutional frameworks at the macro level, as well as perceptions, experiences, and strategies of policy implementers and policy beneficiaries at both meso and micro levels.

Strategic temporality appears to be at the heart of Turkey’s asylum and refugee protection regime. In this chapter, we use the official terminology of the country, “international protection,” rather than refugee protection so as not to create ambiguities in referring to related national legislation and officers’ identification of practices. First of all, the majority of beneficiaries, over 3.7 million Syrians as of 7 October 2021 (DGMM, 2021a), can only benefit from temporary protection status. On the other hand, most of the remaining non-Syrian migrant population are only given the right to remain in Turkey as a part of international protection until resettled into third-safe countries. Thus, they are not permitted long-term residence rights in Turkey and face strategic temporality. Despite the significant differences, there are essential similarities regarding international and temporary protection that are mainly based on uncertainties and temporalities. Uncertainties and temporality are reflected in refugee governance from the initial to later stages. Strategic temporality also has significant implications not only in the legal and institutional structure but also in the practices and experience of beneficiaries of this regime. In response to the stratified structure, both meso-level actors (e.g., practitioners, officers, experts, civil society representatives) and micro-level actors, refugees and

asylum seekers, navigate this strategic temporality to claim agency and feel belonging under conditions of precarity and uncertainty.

This chapter describes the complexity of policies and their implications regarding protection. It provides a comprehensive analysis of Turkey's protection regime, comparing different protection categories, including those adopted to respond to Syrian mass migration from 2011 to 2020. It raises the question: how does Turkey respond to protracted refugee situations, what are the implications of these responses, and how do they change?

The chapter analyses international protection by focusing on the gap between official policies and their implementation in practice by various local, national, and supranational actors. It examines multiple dimensions, including access to the asylum system, legal assistance, appeals procedures, and support for vulnerable groups, including the perceptions and experiences of relevant actors. In this framework, the chapter first focuses on the analytical and conceptual framework, then presents recent descriptive figures regarding the concerned populations. It then briefly maps the administrative procedures of the protection application. The following large section presents the meso and micro-level analysis from the fieldwork to show the implications, perceptions, and experiences of policy implementors, state and non-state actors, and migrants. To do this, it first addresses access to international and temporary protection and increasingly restrictive practices. Then, it focuses on the implications of strategic temporality for migrants. These include uncertainty, stratification and a lack of durable solutions. The chapter concludes by discussing the challenges and prospects of the current protection regime.

4.2 Protection Amidst Stratified Legal Statuses, Temporality and Multilevel Governance

The concept of protection is highly blurred and contested and should not be reduced only to survival and physical security. Protection is often conceived as a right. However, it requires the provision of the full range of rights, including civil, political, economic, social, and cultural. The broader definition of protection is “all activities aimed at obtaining full respect for the individual's rights in accordance with the letter and spirit of the relevant bodies of law, namely human rights law, international humanitarian law and refugee law” (UNHCR, 2011, 7).

The modern approach to protection emerged with the 1951 Refugee Convention and the 1967 Protocol, but the scope has broadened as many of those fleeing severe harm in a post-colonial context do not fit the official Convention definition of refugee status (Chimni, 2009; Feller, 2001). In general, “international protection” and “refugee protection” are used interchangeably. The UNHCR Statute uses the term “international protection” (UNHCR, 2001, 30) as a measure for those who lack protection in the country of citizenship. International protection refers to situations where the country of origin cannot provide protection, and the international

community fills the gap by providing “diplomatic protection” or, in other words, international protection (Fortion, 2011, cited in Puggioni, 2016, 7).

The issue of who holds primary responsibility for international protection is highly controversial. Answers range from the international community to the representative of the refugee regime, the United Nations High Commissioner for Refugees (UNHCR), host states, prospective asylum countries or all or none of the above. The leading actors in the asylum regime are governments, in accordance with the common norm that it is “the duty and responsibility of states to respect, protect and fulfil the human rights of refugees within their borders” (Purkey, 2013, 693). The treatment of refugees affirms the legitimacy of an international order of nation-states in which everyone must belong somewhere, and it supports the role of states (Malkki, 1996). However, legal uncertainties allow states to evade protection responsibilities, as international law is dominated by the state sovereignty-oriented approach, and states are only bound by their consent (Jubilut et al., 2018). States can take advantage of legal ambiguity to distance themselves from a protection responsibility towards asylum seekers. One way of endorsing legal ambiguity is through stratification and differentiated inclusion, as discussed below.

Regarding stratified legal statuses, stratification is about “differential life chances – who gets what and why” (Jasso, 2011). Status-based differentiation and attached legal statuses function by defining conditionalities of entry and delineating categories of migrants (Meissner, 2018, 293). They create differences among citizens and non-citizens and beneficiaries of international protection and foreigners. The proliferation of categories and legal statutes attributed to migrants lead to legal precarity, becoming the core of strategic temporality as a governance strategy. For migration control purposes, states categorise migrants in particular ways, and some foreigners find themselves under international protection. Even under the same category, some are less protected than others (Könönen, 2018). Statuses also result in differential inclusion concerning the preconditions of residence and access to rights, such as the labour market, healthcare services, and education.

Immigration law and refugee protection regimes are an extension of borders as Dauvergne (2008, 7) states: “migration law is at its core a border construction site”. They are the main instruments in the differential inclusion of non-citizens, which defines the system of boundaries and contributes to the increasing differentiation of immigrants. Although status differentiation operates largely based on undocumented and temporary, more status multiplication has engendered horizontal stratification. In addition, legal statuses and related procedures and conditions regarding protection result in additional traceable inequalities and discrimination among migrants and refugees. The condition of precarity in which refugees are embedded can be regarded as a common thread, and the pervasive uncertainty that they face encompasses, in many instances, every stage of the national migration system. These conditions are traceable in various stages, from rescue operations and providing succour to the refugee status determination (RSD) procedure and the set of entitlements bestowed on asylum seekers after they obtain protection or permission to stay.

In this framework, temporality, stratified legal statuses and legal ambiguity are at the heart of refugee protection and its refugee governance in Turkey, and they are used as a strategy to control and manage refugee situations. The Turkish legal framework uses international protection, defined and framed by the Law on Foreigners and International Protection (LFIP). A complicated and highly fragmented structure of legal statuses enables these stratifications. Along with existing dichotomies and categories such as volunteer versus forced migrants and regular versus irregular migrants, there are also conditional refugee and temporary protection beneficiaries. These categorisations reflect the strategic aim of states to redefine, control, manage and include or exclude migrants. Borders function for controlling movement and separating citizens from foreigners, but differentiation continues through the legal statuses as migrants enter national space and these differences define restrictions and impediments. Our discussion of the legal framework in Chap. 2 showed that a key component of stratification is the construction of formal devices of inclusion and exclusion concerning rights.

Temporality is also visible regarding both the existence and the roles of actors providing international protection in Turkey. The institutional structure in the protection field can be best described with the multilevel governance (MLG) framework. MLG focuses on several policy levels, including global, supranational, regional, national, and local, with each helping to form migration policies. MLG explores how these policy-making levels interact, contradict, and compromise and have been systematically theorised through four modes of multilevelness: centralist, localist, multilevel, and decoupled mode (Scholten & Penninx, 2016).

Along with the initial definition, Hooghe and Marks (2001) also suggest two types of MLG focusing on the dispersion of migration governance across multilevel jurisdictions: MLG Type I and Type II. Type I MLG refers to fixed and established jurisdiction at various levels – local, regional or international that are more or less permanent. Type II MLG, by contrast, consists of specialised jurisdictions that mainly operate across the levels. It also reflects a more complex and fluid patchwork of overlapping jurisdictions. In this regard, it accommodates crisis and provides a framework for understanding how crisis influences institutional and actor interactions. It allows states to invite non-state actors into the process on a case-by-case basis in times of crisis, returning to the normal state of affairs once the crisis is over. Therefore, in particular, MLG II consists of temporality. In the case of MLG II, those new actors do not challenge the state's power in any policy domain and are, in fact, "licensed" to operate in their domains by the state itself (Gökalp-Aras, 2020). They mainly undertake the role of care provision within the state's broader remit to "care for and control" subject populations as the final arbiter (Ibid.). Type II recognises the temporal dimension – that the processes of becoming, changing and transforming – are at the heart of the protection field, as observed in Turkey's case.

Within this dynamic institutional context based on temporality, asylum seekers remain in legal limbo for many years, and even those with refugee status cannot become citizens automatically. The Turkish state, similar to other hosting states, plays a role in the spatial and temporal dimension of uncertainty that displaced people experience because states identify, and often marginalise, refugees and

create measures to maintain this uncertainty. In the case of Turkey, Syrians are left to uncertainty in terms of the temporary protection regime since this type of protection does not necessarily give asylum seekers a sense of protection. Instead, they experience a sense of “existential limbo”: “a subjective and temporal state of being in which the asylum system, in the present moment, is understood as the locus of suffering and in which life and meaning-making are defined by a sense of immobility” (Haas, 2017, 75).

This chapter demonstrates that temporality is a central feature of the protection field of Turkey’s refugee governance. This temporality generates a situation in which forcibly displaced Syrians and non-Syrians find themselves in ad hoc arrangements and subject to the dominance of short-term changes, exceptions (or derogation from norms) and in-betweenness. This policy choice is strategic because temporality is related to the politics of forced migration at domestic, regional and global levels. In other words, the temporality approach is believed to serve the interests of the country. While Chap. 1 discussed the conceptual roots of temporality, Chap. 2 looked at how legal and institutional levels manifest strategic temporality and Chap. 3 explored temporality in the reception. This chapter mainly focuses on international and temporary protection in theory and practice.

4.3 Descriptive Figures Regarding International and Temporary Protection in Turkey

According to recent figures provided by the UNHCR, as of September 2021, Turkey hosts the world’s largest refugee population, with 3.6 million Syrians under temporary protection and 330,000 refugees and asylum seekers under international protection (UNHCR, 2021).¹ The official figures of Turkey note that as of 7 October 2021, there are 3,718,332 Syrians under temporary protection in Turkey (DGMM, 2021a) (Fig. 4.1).

Figure 4.2 shows the current situation in the ten most populated cities. As can be seen, the cities in which we conducted field research (except Ankara) are the top ten, and their ranking remained the same at the time the fieldwork was conducted between June 2018 and November 2018. Even though Ankara is not among the top ten provinces regarding the Syrian population, It is a capital city where ministries, state agencies and headquarters of all IGOs and many NGOs locate there; hence it is important to conduct interviews with stakeholders there, as explained in the Introduction chapter.

¹ UNHCR documents reflects Syrians under temporary population also as “refugees”. The international and temporary protection division is given, then 3.6 million Syrians are given as refugees; while the applicants of international protection are given as “asylum seekers”. On the other hand, approximately 10,000 Iraqis and Afghan is mentioned as “refugees” (UNHCR, 2021). On the other hand, Table 2.1 in the Chap. 2 provides figures according to the Turkish official statements.

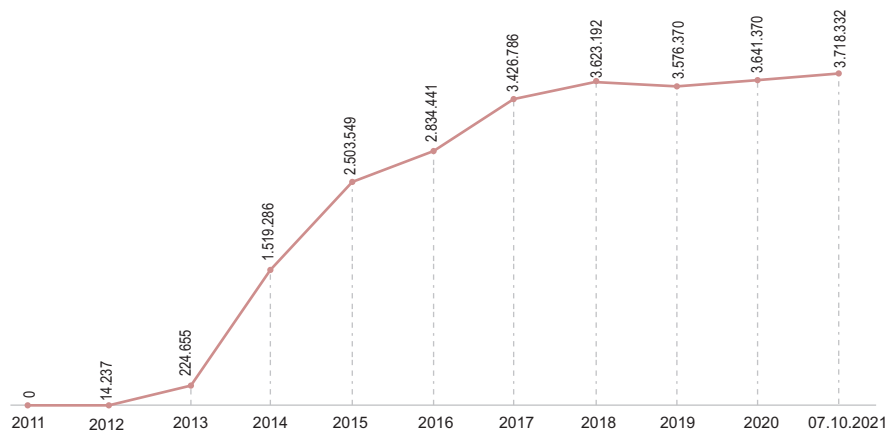


Fig. 4.1 The number of Syrians under temporary protection status in Turkey
 Source: DGMM. (2021a). Statistics: *Temporary protection*. “International Protection”, <https://en.goc.gov.tr/temporary-protection27>. Accessed 16 October 2021

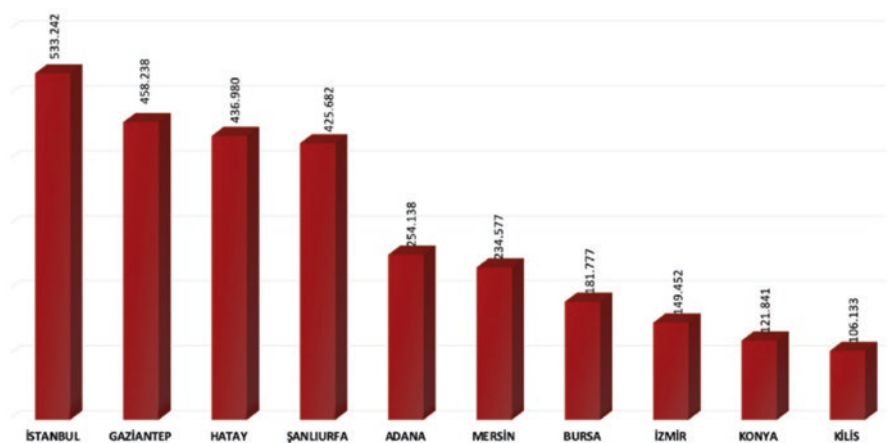


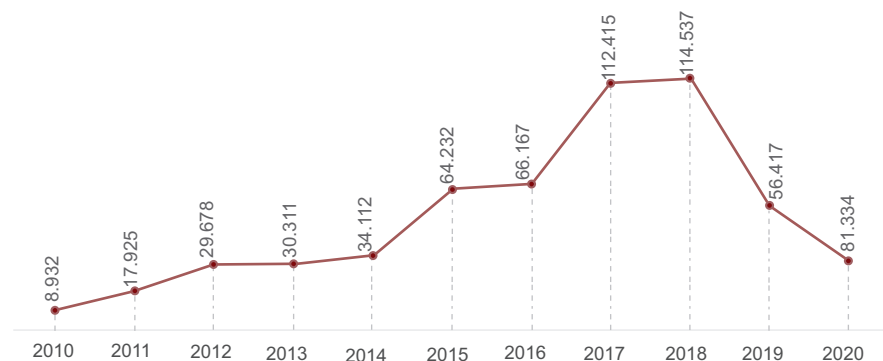
Fig. 4.2 Ten provinces with the highest number of registered Syrians in Turkey
 Source: DGMM. (2021a). Statistics: *Temporary protection*. “International Protection”, <https://en.goc.gov.tr/temporary-protection27>.

Most Syrians under temporary protection live in cities, while only 51,977 Syrians reside at seven Temporary Shelter Centres. Official statistics do not provide information about the city-based distribution of international protection beneficiaries. Table 4.1 displays the recent situation regarding residing (Fig. 4.3).

Table 4.1 Distribution of Syrians in the scope of temporary protection at the temporary shelter centres

Province	Name of temporary shelter centres	Total	Grand total
Adana (1)	Sarıçam	17.197	17.197
Hatay (3)	Altınözü	2.465	8.443
	Yayladağı	3.340	
	Apaydın	2.638	
Kahramanmaraş (1)	Merkez	9.758	9.758
Kilis (1)	Elbeyli	8.286	8.286
Osmaniye (1)	Cevdetiye	8.293	8.293
Total	51.997		
Number of Syrians under temporary protection that the scope of Shelter centres		3.666.355	

Source: DGMM. (2021a). Statistics: Temporary protection. "International Protection", <https://en.goc.gov.tr/temporary-protection27>

**Fig. 4.3** International protection applications by year

Source: DGMM. (2021b). Statistics: International protection. <https://en.goc.gov.tr/international-protection17>. Accessed 16 October 2021

While the temporary protection beneficiaries are only Syrians, the majority of the international protection beneficiaries are from Afghanistan (22,606), followed by Iraq (5875), Iran (1425) and others (1428). (DGMM, 2021b). Departing from the Directorate General Management of Migration (DGMM figures), the UNHCR states that, until 10 September 2018, the number of international protection applications reached 368,230 (UNHCR, 2019). After this date, the registrations and the RSD role were taken over by DGMM; hence UNHCR is not able to report numbers by itself. Regarding the statuses mentioned above, the procedure for protection application is very complex and subject to changes through secondary legislation. The current procedures, as of fall 2021, will be briefly explained below.

4.4 Administrative Procedure for International and Temporary Protection: From Application to the Final Decision

The legal framework and embedded strategic temporality are described in Chap. 2; however, to understand the exact working of temporality regarding refugee protection, the application and appeal process for different types of protection needs to be explained.

Registration of asylum seekers is the first critical step for status determination and access to rights. The DGMM has been the sole responsible authority for registrations for temporary protection since the beginning of the temporary protection regime, which started in Turkey in 2014. It also has the authority to verification and renewal previous registrations. Additionally, since the Fall of 2018, the DGMM has taken on the full authority for RSD procedures by gradually eliminating the parallel procedure carried out with the UNHCR for non-Syrian asylum seekers. Thus, DGMM also appears as the only responsible authority for international protection, and UNHCR's actions are limited to the delivery of counselling services to refugees and asylum-seekers. UNHCR "will continue to have access to international protection applicants and, subject to the consent of the applicant, to the information concerning the international protection application lodged by the individual with the Provincial Directorate of the Migration Management (PDMM)" (UNHCR, 2018). Also, similar to the previous task-sharing arrangement, the entire process of resettlement will be performed by UNHCR.

As part of the regular procedure, international protection applications should be on the territory and in person, which means applicants need to appear physically and personally to present their request at the assigned PDMM (Article 65(1)). Applications can also be made during administrative detention and at the border to law enforcement agencies on the territory or at border gates. However, in those cases, the competent PDMM should be notified to process the application (LFIP Article 65(2) and (5)).

The international protection application starts with registration at PDMMs, and potential applicants should approach the competent PDMM if it is a regular procedure. According to the LFIP, applications for international protection should be registered within 15 days by the PDMM, and they are expected to register in the PDMM of their assigned "satellite city," which is included in the 62 provinces where asylum seekers are allowed to stay. If the PDMM cannot register the application itself, it instructs the applicant to report to a different province, which should be another satellite city, within 15 days. As a part of the regular procedure, the competent PDMM is required to carry out a personal interview with applicants within 30 days from registration (LFIP, 75(1)). Decisions must be communicated in writing (LFIP, Article 78(6)) and in a language that the individual can understand. In case of a negative decision, the related notification should lay down the objective reasons and legal grounds for the decision.

In terms of appeals, the LFIP provides two separate remedies against negative decisions issued in the regular procedure: “administrative appeal remedy” and “judicial appeal remedy”. Applicants who are issued negative decisions may benefit from the administrative appeal through International Protection Evaluation Commissions (IPEC) within 10 days, or they may directly apply for a judicial appeal within 30 days, again through the competent Administrative Court (LFIP Article 80(1) (a)–(ç)). Applicants also have the opportunity to continue appealing through the District Administrative Court within 30 days (LFIP, Article 80(1)(e)). During this process, applicants may access legal assistance (LFIP, Article 75(3)).

During all types of appeals to negative decisions, applicants have the right to remain in the territory of Turkey throughout the procedure [LFIP, Article 80(1)e], except in some cases related to public safety or health or membership in a terrorist or criminal organisation, in particular, after the coup attempt in 2016 and based on an Emergency Decree of October 2016.

Within this system, removal decisions may be appealed before the Administrative Court within 15 days of notification. Courts have clarified that the individual must be properly notified of the decision, either in writing or orally and must include information on appeal possibilities (AIDA, 2019, 23). An individual complaint procedure is available before the Constitutional Court within 30 days of exhausting all existing administrative and judicial remedies. While individual complaints to the Constitutional Court do not carry suspensive effect, an urgent interim measure can be requested by the applicants as per Article 73 of the Rules of Court on account of “serious risk on the applicant’s life, physical and moral integrity”.

Regarding temporary protection applications, the DGMM is also the competent agency authorised to decide on the eligibility of persons for such protection in Turkey. After the presidential system change in Turkey, with the Presidential Decree No. 4 of 15 July 2018, some of the roles of the Disaster and Emergency Management Authority (AFAD) were also taken up by DGMM. Again, as a part of this change in 2018, the declaration of temporary protection was taken from the Council of Ministers and given to the Presidency (TPR Article 9), which also has the power to order limitations or to suspend them in the event of a risk to national security, public order or health (TPR Article 15).

Under temporary protection, persons arriving from Syria (via the land border) are granted the right to legally stay in Turkey and have access to some rights and services; however, they are required to approach PDMM and register to benefit from these rights. The PDMM are formally in charge of registering temporary protection beneficiaries. After pre-registration, the applicant should appear before the PDMM in 30 days to obtain their Temporary Protection Identification Card. The applicant is given 15 days extra time, after which time his or her code turns into an “unknown location” with a V71 code, which only the PDMM can lift. Persons arriving from Syria are not allowed to make an international protection application. Access to international protection status is hindered during the application of temporary protection as Article 16 of the Temporary Protection Regulation (TPR) explicitly states that: “individual international protection applications filed by foreigners under this regulation shall not be processed in order to ensure the effective implementation of

temporary protection measures during the period of the implementation of temporary protection”. Persons from Syria who arrive in Turkey not directly from Syria but from another country they previously fled to may not be extended the opportunity to benefit from Turkey’s temporary protection policy. In case of arriving from a third country, it should be noted that since 8 January 2016, Turkey no longer operates a visa-free regime for Syrians who enter by sea or air. In that case, these persons nevertheless “have the right to apply for ‘international protection’ in Turkey if they fear being persecuted or otherwise coming into harm’s way if returned to the country from which they arrived in Turkey or if they fear being deported back to Syria if they return to that country (Ibid.). Therefore, temporary protection is for “Syrian nationals, stateless persons and refugees” (TPR, 1) who arrive directly from Syria. Thus, those who arrive through a third country cannot benefit from the temporary regime, but they are allowed to apply for international protection under the LFIP even if their family members in Turkey already benefit from temporary protection (AIDA, 2019, 112). Article 1 of the TPR also states that persons who have arrived on or after 28 April 2011 can benefit from temporary protection. However, those who filed their international protection applications before 28 April 2011 are only covered under temporary protection upon their request.

The conditions for the cessation of temporary protection are arranged via TPR Article 12(1). Accordingly, the cessation happens if the beneficiary “leaves Turkey voluntarily”, “avails him/herself of the protection of a third country”, or “is admitted to a third country on humanitarian grounds or for resettlement”.

Although an open-door policy was in effect at the beginning of the mass migration from Syria, this is not valid anymore. Although Article 6 of the TPR provides that all persons within the scope of the Regulation shall be protected from refoulement, it fails to explicitly guarantee the right of access to Turkish territory for prospective beneficiaries, as mentioned in Chap. 2. Thus, persons approaching Turkey’s borders without a valid travel document may be admitted to the territory only according to the discretion of the provincial Governorate (TPR Article 17(2)).

The TPR itself does not have a dedicated provision listing specific remedies for persons facing negative decisions on their applications. All acts and actions of competent authorities within the scope of the TPR are subject to general rules of accountability derived from Turkish administrative law unless there is a dedicated specific remedy provided in the LFIP itself. During the application, the applicant has the right to be represented by a lawyer in relation to law matters and benefit from state-funded legal aid, like international protection applicants (TPR Article 53). Unlike international protection beneficiaries, a person under temporary protection cannot be the subject of administrative detention.

Briefly, it should be stated that temporary protection in Turkey can last indefinitely or be terminated based on a governmental decision. Thus, it brings significant uncertainty for Syrians under this type of protection. On the other hand, non-European nationalities are given only conditional refugee status or subsidiary protection. Thus, in the case of conditional refugee status, they can stay in Turkey until their resettlement by the UHNCR, which can take years. Therefore, international

and temporary protection in Turkey provides a lesser degree of protection than actual refugee status, which is the situation for four million refugees and asylum seekers in Turkey. Thus, they both fail to provide a sufficient degree of predictability or long-term prospects in Turkey (NOAS, 2018), in line with a governance mode of strategic temporality.

4.5 Strategic Temporality and International Protection: Reflections from the Field Research

Our primary and secondary data collection show that strategic temporariness is reproduced through practices that emerge in various spaces: border crossing points, removal centres, registration offices in the provincial DGMM offices (PDMMs) and the authorised courts. The main problem for protection is access for asylum seekers, particularly non-Syrian asylum seekers who would fall under international protection. Everyday state practices during registration and status determination severely block timely, proper and dignified access to international protection. Despite the initial easiness Syrians experienced when accessing temporary protection, some growing restrictive practices have also been observable, particularly in provinces where they are not “wanted” like İstanbul. These points will be further elaborated in the following sub-sections through empirical evidence.

4.5.1 Access to International Protection

Access to asylum, in particular at the borders, appears problematic for both international and temporary protection applicants. In particular, it is challenging to make asylum applications through law enforcement forces after the apprehension of a migrant. Interviewed non-governmental organizations (NGO) representatives reported cases where people are refused entry at the border and forcibly returned without examining their protection needs. The majority of migrants, who are caught at the borders during irregular border crossings, do not know their right to apply for asylum due to lack of information or due to being misled by smugglers and officials. Migrants themselves also have a sense of temporality. One inter-governmental organization (IGO) representative at the border-crossing points in İzmir explained this logic as follows:

Many deceived people say, “I would like to stay in Turkey. What can I do?”. After we explained their possibilities in Turkey, they said that “We did not know these opportunities. Nobody has told us that we could be registered and legal in Turkey. Nobody told us that we could benefit from the hospital, school, etc., we did not know.” I have never met anyone who applied for asylum after being caught. Because people are so scared after they are caught, they worry about what will happen next: whether they will be deported or not. The situation

encountered in Turkey is a little bit like that. For example, law enforcement forces caught a person in a city and kept him/her under administrative detention/custody for two or three days. Then, she/he is told: “you will be deported”. If you can stay here without going anywhere or being involved with anything problematic, take your ID and let’s forget all of this. Otherwise, “we will deport you”. Migrants are already scared, and applying for asylum does not come to their minds. The only thing that comes to their minds is “when they can get out of here?” (Interview_İzmir_16 October 2018_SRII).

Until 2018, international protection applicants had to make a registration in Ankara through the UNHCR and its implementing partner, a national NGO called Association for Solidarity with Asylum Seekers and Migrants (ASAM). This was the first registration mechanism and complemented the parallel procedure through DGMM. However, the full authority was transferred to DGMM on 10 September 2018. A high-level representative from the international protection unit of the DGMM explained the task-shifting process and the logic behind it:

The UNHCR does not have the duty to take the registration and complete the RSD process alone in a sovereign country like Turkey [before 10 September 2018]. Since the DGMM could enhance its organisational capacity, we no longer receive support from UNHCR regarding registration and the RSD process. Currently, we are able to carry out these procedures independently. Thus, we demanded that UNHCR could withdraw from the process. The UNHCR understood, and it withdrew as of 10 September [2018]. Since our establishment [DGMM], there have been many in-service training for our personnel. We have filled the gaps regarding the lack of knowledge. In addition, we have increased the number of personnel who would take the new registrations. Some of those newly recruited have been transferred to other cities to respond to the needs there. The existing and more experienced experts or assistant experts in PDMMs will undertake the RSD process (Interview_Ankara_12 November 2018_SRII).

Currently, DGMM undertakes all RSD processes. Within the DGMM, there are 13 different units, and one of them is the international protection unit. This department works only for asylum applications and international protection requests, including temporary protection. At local levels, PDMMs also have units for proceeding applications. Transfer of RSD from UNHCR to DGMM/PDMMs brought additional difficulties, as highlighted by many respondents during the interviews in all the cities. An IGO representative explained:

These people took refuge in Turkey. Authorities should have the capacity to evaluate their asylum applications. Until now [10 September 2018], why has the UNHCR performed such a role in Turkey? Why does it not have such a role in other countries? For two reasons, first geographical limitation and second, Turkey’s lack of capacity and expertise for evaluating these applications. Turkey now says that we have a General Directorate, and we also have the capacity to deal with those applications. From now on, Turkey will do it [RSD]. As long as there is a geographical limitation, handling RSD is difficult. We might be sure if we know that DGMM has the necessary capacity or expertise. Alternatively, Turkey’s judiciary might make checks and balances against the negative decisions or evaluate the reasoned decisions according to the international refugee law standards; after disabling UNHCR, it is ok. But... Of course, undertaking the asylum process as a sovereign country should be the case. But neither Turkey’s administration nor the judiciary actors have such a capacity (Interview_İzmir_24 October 2018_SRII).

The PDMMs suffer from many challenges, particularly capacity problems and unpreparedness for shouldering such a difficult task as RSD. There are cases where the PDMM refuses standard process and registration with or without referring the applicant to another PDMM. The following two quotations display the capacity problem, which results in further precarity for the applicants and limited temporal possibilities for registration through different PDMMs.

Everyone knows that this is an untimely transition. There is now a chaotic situation in the field. When you ask this to DGMM, they may say, “No, everything is fine. We have no problems with this change.” However, the situation has an impact on refugees. For example, they send a person to Kayseri. However, PDMM in Kayseri does not take registration, and then that person goes to Sivas. Sivas PDMM says, “if Kayseri PDMM did not register, why should I register? In a sense, the state encourages irregularity. It is not a planned or deliberate transition, and there is no preparation (Interview_Ankara_12 November 2018_SRII).

There is a belief that this change was made without considering many aspects or without having adequate capacity. For example, during a meeting with the representatives from İzmir PDMM, we were told,

No, we accept applications, and then we send them to the DGMM for the decision of satellite city evaluation. But that is not what we heard at first. Because in the beginning, İzmir PDMM were not taking application, but it was telling people to go to Balıkesir or Uşak. The cities which are not satellite cities should also take international protection applications and they should. When ASAM and the UNHCR were taking the first registration, and the UNHCR was doing the RSD as part of the parallel procedure, they asked the DGMM or the PDMMs, which satellite city was closed or closed or opened for applications. According to the answer, they were providing directions to applicants. Now let’s think about a person who went to Manisa to apply for asylum. Manisa says that I am closed and not taking applications here; go to the nearest place, which is Denizli or Uşak or Balıkesir. Are they open? Will these people walk around from city to city? Will people look for an open place for their registration by travelling door to door in different cities? (Interview_İzmir_24 October 2018_SRII).

The main challenges in the international protection system, particularly in RSD, are related to the lack of adequate capacity and unpreparedness of state agencies that are fully authorised to proceed with applications and staff training. The capacity and preparation issues concern administrative and judicial decisions, thus impacting various stages, including registration, identification, evaluation and appeal stages. As pertinent organisations experience the transition stage, the timing of further stages in RSD becomes more uncertain. Uncertainties accumulate at the provincial levels. This situation worsens due to inconsistencies between the law and practice among the different PDMMs and incomplete proceedings for application. Nevertheless, the centralisation of all applications under the authority of one national authority and its provincial branches is considered a positive development by many of our interlocutors and is often justified with the notion of this being the “sovereign right of Turkey”. It is commonly agreed that the continuation of UNHCR’s and International Organization for Migration (IOM) technical support to Turkey is necessary and very useful for the transition.

4.5.2 Access to Temporary Protection

Due to Turkey's open-door policy at the beginning of the mass migration from Syria and the group-based determination, the access of Syrians to Turkish territory and their registration were less complicated than non-Syrian asylum seekers. This lasted until 2018–19. The common responses of Syrian interviewees to questions about the registration process were as simple as the following: "I went to the police station, applied and got it" or "as soon as we came to this city, we went to Migration Directorate, and officers registered us". Despite the high number of applications, many respondents defined the process as it follows: The first time was so easy, it took only half an hour. Then after that, when they transferred the *kimlik* [ID] building to Sultanbeyli, it became so hard. It is not organised. Now, after they moved it to Yenidoğan it became more difficult (Interview_İstanbul_7 July 2018_OzU).

Later, applicants mention waiting durations and poor treatment problems for their registration and illustrate differences in local implementations. Some from İstanbul mentioned the poor treatment as follows:

They refused to give us *kimlik*, because they asked for our passports, and they were about to expel us because we are illegal (staying in Turkey for more than three months without having a legal document). So, we went to the Asian side, and it was ok there; it depends on the employee's mood (Interview_İstanbul_27 July 2018_OzU).

Many respondents stated that they have to be at PDMMs at 4 or 5 a.m. to complete their bureaucratic processes. In many cases, it takes more than 1 day as follows:

I went to Beyazit, at 5 a.m. I have got the *kimlik*. People have to go there even one day earlier, at midnight. They go at midnight to stand in the queue because in Beyazit they make people wait. There are 3000-4000 in a queue. Imagine that! The queue would reach Aksaray, and it is very crowded there. They call it the Foreigner's Department. It is very crowded. People from different nationalities, even Egyptians, would be queueing there. We stand for two or three hours there, they take us four by four and then, they [officers] issue the ID then they send us home (Interview_İstanbul_16 August 2018_Bilgi).

Moreover, some respondents expressed fear about having to apply to a police station for IDs, although the principal agency, DGMM and their PDMMs, are civilian institutions. The following quotation gives insights:

I did not know what was happening, and I wondered why I should go to the police station to get a residence permit. Why do I go to a security centre instead of a department of migration? In Syria, it is not like that. If you need a residence permit, you go to the Department of Migration, you do not go to the police. So that was weird. There was not much information because when we went to the police station, no one spoke Arabic or English. They all spoke Turkish, only Turkish. We did not know almost anything, even later. On the other hand, I observed that when I went to apply for *kimlik* in Kumkapı they had reorganised everything. Almost all the employees that I saw at Kumkapı were Turks who spoke Arabic. All of them. Their nationality is Turkish, but they speak Arabic like I do. They speak Arabic and Syrian [dialect] as well, not only broken Arabic (Interview_İstanbul_25 July 2018_Bilgi).

In general, Syrians used to have little knowledge about their legal status, but they know that their nationality is Syrian, and they have been given an identity card (ID card), generally known and called a *kimlik*. Only a few respondents mentioned that they are a refugee or that they have rights. The majority of the respondents related similar sentiments to the following person from İzmir: I do not know my status and my rights. I know we have some rights, but I do not know what they are. I am Syrian, I know that I have to obey some laws. But I do not know my rights exactly. Nobody tells me what they are [rights] (Interview_İzmir_28 July 2018_SRII).

In the eyes of the respondents, legal status relates to obtaining a *kimlik*. When we asked interviewees about legal status, they often referred to having a *kimlik* that includes a special number for foreigners starting with “99”. Also, many Syrians approach *kimlik* like a health insurance card, calling it a hospital card. They extensively note that the advantage of having *kimlik* with a 99 code enables them to get access to free health services. This is probably due to the fact that hospitals are the places where they are most often asked to display their ID. For some of them, obtaining a *kimlik* is also related to their experience in accessing health services, as the following quotation shows: “When we had gone to the hospital, they had not accepted us because we did not have any cards. They first gave a *kimlik* to my sick daughter to give her access to the hospital; then, they issued *kimlik* after we applied to the police station. This process took a couple of days after we visited the police station” (Interview_İzmir_4 August 2018_SRII).

Similar answers were received from many of the respondents in İstanbul and Sanliurfa too. A few, particularly university graduates and particularly those who transferred this status after a while in the country, responded to questions about their status by saying “temporary protection,”. An interviewed engineer said,

I have temporary protection. In the beginning, I had a residency in Antep, but it became invalid as my passport expired. Then I went back to Syria, then re-entered from Kilis. Then, I was given a temporary ID (*geçici kimlik*). I am legal right now, and my kids are in the same situation. If you do not have any problem with the government, you can do everything simply. If you leave Turkey illegally and return, it will be a problem (Interview_İzmir_28 July 2018_SRII).

Some migrants reflect on this temporality by echoing the dominant guest narrative of Turkish politicians. An interviewed woman in Sanliurfa explained her own and her two newly born daughters’ status as follows: “Turkey does not grant us citizenship; we have only guest cards” (Interview_Şanlıurfa_1 August_SRII). However, many of them state that their ID cards have been changed several times, sometimes up to three times. Thus, their ID cards appear to be as “temporary” as their status. Although many do not know about the entitlements of status, a few are aware of its coverage, as the following quotation displays, “I just know that I am here as a refugee and the *kimlik* protect me legally if anything happens. Also, I know that the United Nations (UN) is supporting us, but they are only doing so with their speech. In reality, there is nothing” (İstanbul_27 July 2018_OZU). In general, unstandardised implementation and different implementations among provinces are observable, like restrictions in İstanbul that will be discussed below.

4.5.3 *Restrictive Practices That Block Access to Temporary Protection*

As discussed in Chap. 2's section on political context, from 2015 to 2016, the open-door policy is not valid in practice. There are many cases of limitation of entrance directly at the Turkey-Syria border, and thus, migrants are unable to benefit from temporary protection. The PDMMs are formally in charge of registering temporary protection beneficiaries; however, as the fieldwork has displayed (and which is also confirmed by some official statements), some PDMMs in large provinces, such as İstanbul and Hatay, are no longer accepting new registrations. Thus, they have "de facto stopped registering and granting documents to newly arriving Syrian refugees, except vulnerable cases" (AIDA, 2019, 118). Hence, similar to international protection applications after 10 September 2018, ensuring temporary protection status is challenging in some cities.

I was told that there would be no new registration possibility in İstanbul, and then they opened the registration again. We take registration; then we do not take registrations, up and down, closed and opened... Now, we are sending people [Syrians] to Yalova. Because İstanbul PDMM does not have sustainable policies, or this PDMM changes its policy daily. İstanbul is full this month, and it is closed, that is why let us go to Yalova. Since they have no ID cards [applicants, Syrians], they cannot give us power of attorney. Ok, Yalova is also problematic, let's go to Çanakkale. We have faced this situation a lot. Because we cannot provide legal assistance without a power of attorney, or we cannot provide consultancy, or we cannot represent them as a legal person. Since Kumkapı in İstanbul or the PDMM in Fatih does not even give an appointment and show us the door; so, we are going to the closest places such as Kocaeli, Gebze, Yalova Çanakkale or Tuzla. We try every possible way. There is no transparency at all; without going there, you cannot know if they will take the application because they do not announce their situation. The instructions come from DGMM, or there are daily policies that PDMMs decide by their initiatives. As I said, solidarity among colleagues and civil society-lawyer solidarity is strong. This is such a field that we need strong cooperation, and we have (Interview_İstanbul_28 November 2018_Bilgi).

From time to time, we see divergent policies in some provinces or across the country. You know, even if this is not seen in the law, of course, it is seen in the implementation. For example, in İstanbul, you know that no new registration has been taken for a long time. This is the case for both temporary and international protection. To some extent, it can be understandable because the population is too high. It is done to use the national sources effectively and prevent the crowdedness in some cities. On the other hand, these people come to bigger cities to find a job since there are more opportunities there. However, it is also a fact that there has been significant progress in protection in these years (Interview_İzmir_24 October 2018_SR11).

Applicants themselves also mentioned facing restrictive registration experiences in İstanbul.

After a couple of months, they completely stopped all applications for temporary protection in İstanbul. I do not know if it was in all of Turkey. But I know that it was stopped for İstanbul. The situation was quite complicated because the application was made through the police. The police station was at Kumkapı, I went there, and it was extremely crowded,

disorganised and terrible. We heard many stories about police violations against Syrians. I went there and had to wait for ten hours. Even I went once in February, and it was extremely crowded, too. The queue was about 1000 metres or much more than this. So, I decided not to stay, but then I returned in April or March. After a month, when they completely stopped taking new registrations and issuing *kimlik* in İstanbul, for me, it was too late (Interview_İstanbul_4 June 2018_Bilgi).

Also, moving the registration from one providence to another is a challenging experience for Syrians, as one interviewee from İzmir recalled:

We applied from Kızıltepe [a town in Mardin] and obtained our *kimlik* there. But, when we came to İzmir in 2017, they were cancelled. We went to İzmir *Göç İdaresi* [İzmir PDMM], and they told us that we had to bring a document from Kızıltepe. We did it, but they told us that it is impossible to stay in İzmir unless it is for education or health issues. To be able to stay here, İzmir *Göç İdaresi* wants a work permit from İzmir. I consulted with a lawyer, and right away, one place registered me as a worker. However, you have to also show your salary. Therefore, İzmir *Göç İdaresi* rejected our demand again. On those days, *Anadolu Ajansı* (media organisation) wanted to interview me. I could not make an official complaint because otherwise, I could not get a work permit, or we could not go to hospitals, etc. Anyway, after *Anadolu Ajansı*, İzmir *Göç İdaresi* gave us the permit to stay in İzmir (Interview_İzmir_3 August 2018_SR11).

Non-state actors, NGOs, IOs, advocacy groups and lawyers try to navigate these restrictive practices to help applicants. Registration to the protection system also means access to public services, and sometimes they define life and death situations. Their efforts lead to partial improvements in the status of the migrants, as one NGO representative told us:

There was a family, and their son died because there were no hospitals to accept him in Antalya. That family had their pre-registration two years ago. They are Syrians. After two years, with the pressure of one lawyer, one association, and three different institutions, we managed to make an application in Antalya, which was impossible. Antalya PDMM does not give ID cards at all. Now, they (Syrian family)] are registered in Antalya, but it took two years with all those actors and pressure. It was a temporary protection application, but still... They have children, but they could not go to school; they could not apply for financial aid, health services, or work permits because they did not have their ID cards. (Interview_İzmir_24 October 2018_SR11).

Restrictions go in hand with datafication, which is part of the verification of registration. Not only the first registration but also verification and renewal of previous registrations have brought more challenges. In 2018, DGMM and UHNCR launched a new project for data verification, including the renewal of the identity cards (IDs) given to the beneficiaries of temporary protection. During our fieldwork, respondents reported obstacles and violations of rights in the verification stages. The below-given quotation from a lawyer shows how temporary protection can be temporal and even ended.

Regarding data verification, there is one striking example. Some 6-7 Syrians had gone to PDMM to renew their IDs. However, there, their IDs were taken. Because one of them made a voluntary return four years ago and then came back. He was going to the hospital with that identity for four years and worked with a work permit. This situation is noticed after four years during the verification process, and it is evident that he has been living here

since then. So, this is not an acquired right, maybe, but in law, there is something like this; as a state, if you (state) have not noticed that this is your fault for four years. Moreover, they took the ID from him and forced that person to open his bags, and that person suddenly became illegal. Moreover, in some cases, they take these people to removal centres. For example, that person went to the centre with his family, and his wife and child were given their ID cards [renewed], but that man was taken to the removal centre in İzmir (Interview_İzmir_24 October 2018_SRII).

Although there is no verification project addressing the applicants/beneficiaries of international protection (non-Syrians), they have to give their signatures when requested by the competent PDMs. This is also a serious consequence, as the below-given quotation from an NGO representative displays.

This is a data update for Syrians, which means temporary protection, but a data update for international protection has not been done yet. A person (under international protection as an applicant) goes to sign (as a part of their signature obligation in residence, mostly in satellite cities), and the officer says your application has been cancelled because you have not come to sign last time, but you cannot take his/her ID cards from this person by force. However, this is the case. Then what happens? Without this ID card, the person cannot benefit from legal aid; he/she cannot authorise an attorney. This is the legal dimension. However, without an ID card, this person cannot benefit from other services and rights. If he/she gets sick, she/he cannot go to emergency services. There is a pretty high number of people who cannot access judicial services without ID cards (Interview_İzmir_24 October 2018_SRII).

Errors, mistakes and simple sloppiness by officers are quite common during registrations and updates. These have consequences for people under protection, sometimes costly, such as turning the person irregular, the loss of previously acquired rights, or being subject to deportation.

4.6 Consequences of Strategic Temporality

All these practices reflecting strategic temporality have a direct impact on the lives of refugees and the protection system in Turkey. Such influences were critically raised by NGO representatives when we asked questions about current challenges in the asylum regime of Turkey. They highlighted the consequences of temporality in addressing the needs of refugees and migrants. Also, interviewed Syrians told us about their own interpretation of the situation and how policy approaches shape their everyday life and trajectories. (Their experiences will also be further elaborated in Chap. 5). The implications of strategic temporality may be loosely categorized around three themes: uncertainty, stratification and a lack of durable solutions. After discussing them with the support of empirical evidence, the following section will touch on how non-state actors navigate these challenges in assisting refugees.

4.6.1 *Uncertainty*

Building the protection system on temporality is quite problematic because temporary protection status envisions the stay of a large number of refugee groups, but for a temporary period. Due to Turkey's geographical limitation of the 1951 Convention, international protection beneficiaries also face temporality in practice. They can only stay in Turkey if they come from non-European countries with "conditional refugee status" until they are resettled in a third-safe country. This is mentioned by an NGO working in the field.

Is temporary protection possible? There is no such thing as temporary protection anywhere in the world because, after all, protection is protection. When we think about international standards, people go from one country to another because they look for international protection, but protection is temporary in Turkey. This also shows the logic behind Turkey's approach to durable solutions or integration. In Turkey, it has been just realised that those people might be permanent. Thus, "temporality" is a problem itself (Interview_İstanbul_9 October 2018_Bilgi).

Regarding the dual structure and temporary protection in Turkey, an NGO representative raised concerns about the problems in the system of temporary protection and the lack of refugee status.

The main problem is that Syrians in Turkey are not under refugee status, which does not comply with international law. Syrians have only guest status, and it is a moral and humanitarian status, but not a legal status. It is an empty non-sense status, and they lack all refugee rights, only a moral concept without entitling rights. It does not have any social support, and it does not have an economic basis; it does not ensure any rights. The most positive part is that it brings rights to health services (Interview_Şanlıurfa_18 July 2018_SRII).

A lawyer from Şanlıurfa shared similar concerns by noting incoherencies:

Our system is absurd. Who will come from Europe to Turkey as a refugee? The refugee system should be reformed, and refugee status should be provided. There are too many status confusions in Turkey. Even as a lawyer, it makes us confused. We are not able to differentiate categories. LFIP relatively improved the legal structure, but it is still complex and did not overcome confusion. We call it temporary protection, but people are here for seven years. How is it temporary protection? (Interview_Şanlıurfa_12 July 2018_SRII).

A director of a Syrian NGO criticised temporary protection status by highlighting its discrepancies.

There should be a law protecting refugees; a country like Turkey should adopt international refugee law. A big country should adopt such a law and prioritise human rights. Erdogan's discourse is humanitarian and moral, but it does not secure protection. Its implementation is pragmatic, with uncertainty in the law. It shows the lack of specific articles; thus, institutions face uncertainty in implementing law (Interview_Şanlıurfa_18 July 2018_SRII).

Another NGO representative from İstanbul mentioned the inadequacy of temporary protection by noting that

We defend that these people [Syrians] need refugee status, not temporary protection status, which is a more bounded status. They indeed benefit from many services, but they need to stay within the limits of the same province; otherwise, they lose their right to get access services. They need to register again, which is quite a bureaucratic process. It is their right to be granted “refugee status” as they fled from war, and Turkey is the first stage country where they arrived (Interview_İstanbul_1 October 2018_OzU).

The state’s imperative command is strongly felt among the international non-governmental organizations (INGO) representatives. One said,

We cannot discuss whether temporary protection is adequate because it is under the state’s authority, but we can discuss its implications in the field; it has some weaknesses and advantages. Its advantages include: getting an ID is very easy under temporary protection; access to services is easy. In fact, in theory, it is like that, but in practice, there have some problems (Interview_Şanlıurfa_16 July 2018_SRII).

One of the problematic dimensions is also stated as “uncertainties” by respondents, not only for temporary protection but also for international protection.

Those people (under international or temporary protection) live in limbo, and their future is left in doubt. Now, the second and third generations started to live this reality. If the Council of Ministers decides to stop temporary protection, Syrians will face the same reality. Ok, we accepted you, but now, it is time to turn to Syria. What are they going to do if it happens? There is no chance to change the temporary protection status for international protection. If they transfer [Syrians] to international protection, what will happen? It is the same. After 15 years, people living in Turkey with international protection still face a work permit problem. In this case, people, in particular men, face a severe shock. They ask themselves, what can I do if I am sent to Afghanistan? They tell themselves: we do not know that place; what can I do? I have never been there; I have never lived there. Then, we come across revolts of people. They ask us if they jump from the top of a building with their kids will they get the attention of the UNHCR. They even tried to burn themselves in front of the UNHCR Ankara Office. They cannot be sent back; they cannot be resettled. They ask us, “what if I have to leave Turkey tomorrow? How can I feel secure in this situation?” The legal status is the beginning—permanent and durable solutions are needed (Interview_İzmir_15 August 2018_SRII).

Respondents repeatedly emphasised the need to change the “temporality” based approach and gradually eliminate international and temporary protection uncertainties. An NGO representative suggested a change in policy, institutions, and perceptions based on Syrians’ temporality. She said:

In Turkey, we do not have a master plan or a minister of migration. We need a master plan first. Moreover, we need to accept that we will live together in the future and they will be permanent here. I think around 85-90 per cent of them would remain, so we need to change our system because we need to accept that they are permanent here; it is a new issue for us. We need to find permanent solutions for them. We need to redefine our educational system; we need to refresh our law system. Then it will take time for sure, and it will not be easy. However, first, we need to accept that these people are not going somewhere. They will stay. If you would like to solve a problem, first, you need to accept it (Interview_İstanbul_23 November 2018_OzU).

4.6.2 *Stratifications Among Refugee Groups*

It can be said that although both Syrians and non-Syrians have faced obstacles within the international and temporary protection regime in Turkey, non-Syrian beneficiaries or applicants of international protection appear to be more disadvantaged in regularization and access to basic needs and services. Moreover, there are still more disadvantaged groups based on ethnicity, class, gender, etc. The below-given statements from interviews with NGO representatives in the three cities point to differences between international and temporary protection:

International and temporary protection are approached and need to be handled differently. The general perception is seeing all refugees as Syrians, which is wrong. At the moment, perhaps 350-360 thousand people are under international protection, and they are non-Syrians. Even if there is only one person, it is crucial, of course. It is wrong to ignore them or create such a hierarchy among refugees, to create categories such as acceptable or unacceptable refugees. It is an issue that we have constantly been trying to remind (Interview_İzmir_15 August 2018_SRII).

This hierarchy is not just the result of a dual legislative system but is consistently re-constructed through the international humanitarian system and funding streams, as mentioned below.

Everything centres on Syrians. None of the actors has done something properly for non-Syrians. The funds that came to Turkey were mainly for Syrians until last year. One of our hidden advocacies focuses on advocacy for the rights of non-Syrians. Because not only for Syrians in Turkey but also there is a need for advocacy for Afghans. Now, European Civil Protection and Humanitarian Aid Operations (ECHO) has funds for them, too, I mean for non-Syrians. That is what we have always said. Whenever UNHCR delegates visit us, we always mention this fact. We tell them that the only problem is not just the protection of Syrians but of everyone. Because right now, we have over 400,000 non-Syrian population. This number is more than the Syrian population in Iraq and Egypt. Everybody is an expert on Syrians, but they cannot answer your questions if you ask one of the NGOs working in this field for the last 5-6 years about the RSD process or a decision. International protection is quite different, and it needs to be paid attention to and evaluated separately (Interview_Ankara_12 November 2018_SRII).

4.6.3 *Lack of a Durable Solution: Resettlement and ‘Voluntary’ Return?*

One of the pillars of the international refugee regime is that refugee status should be transitory and that the international community should work towards durable solutions for displaced persons. Three forms of durable solutions are offered by the UNHCR for refugee situations. Voluntary repatriation/return means that refugees, of their own volition, agree to return to their home country when it is safe for them to go. Third-country resettlement refers to the processes by which refugees are housed in states other than their origin or first host countries. Local integration

means that, when repatriation is not feasible or advisable, refugees are economically, socially, and politically integrated into the host country. While this third solution, local integration, will be discussed in Chap. 5, the first two -return and resettlement will be briefly addressed by drawing from the experiences of Syrians in this regard.

First, in terms of the possibility of resettlement, Syrian refugees, who are under temporary protection, are not given the right to apply for international protection; in case of severe vulnerabilities, they can be placed on a priority list prepared by DGMM, which is then shared by UNHCR for resettlement in third countries. The experiences we encountered during the fieldwork are as follows:

Especially for those with kinship ties in different hosting countries, we try to get acceptance for resettlements. With the special invitation of those countries, resettlement is possible. One can only go to this country with this special invitation. Alternatively, from time to time, the UNHCR asks the NGOs working in that field and the DGMM for a list of vulnerable people. Of course, it is for limited numbers. For example, Canada says to the UNHCR that it will accept Syrian refugees in this number and then sends them to me. Thus, first, a country must accept. On the other side, there is not much difference between temporary and international protection. Now the resettlement or acceptance by third countries has been almost frozen for international protection. Thus, in a sense, there is no difference left between international and temporary protection. They all can benefit from general health insurance. They can enrol in schools. They benefit from general services. There is no change in access to the right to work either (Interview_İzmir_28 August 2018_SRII).

A father of six children talked about their asylum application based on his son's disability and inability to return to Syria for political reasons. However, the family's application was not finalised despite 3 years of waiting.

We applied to go to Europe. We have a disabled son; he needs care and therapy. We proceeded with our application folder, and the UNHCR conducted an interview with us; they took our telephone numbers. However, then they froze the application—no news about it. I cannot return to Syria as I am on Assad's wanted list (Interview_Şanlıurfa_16 July 2018_SRII).

The story of an older woman in Şanlıurfa about the application and its result is interesting.

I accidentally applied to Canada. Years ago, one organisation was giving free shopping cards (vouchers). The organisation registered us by giving us this card and asked us "whether we wanted to go to Europe". I chose the box of "yes." Then, they informed me that Canada accepted me. I did not know, they said that I would be able to go there, but they granted this right only to me, not to my son and his wife. I rejected the offer. My son should have been accepted; he needs fertility treatment, I was dreaming of going for my son. What would I do there without them, I rejected it, I do not want it now; even if they offered us now, I would not go (Interview_Şanlıurfa_12 July 2018_SRII).

It should be noted that some respondents were given resettlement rights by the United States of America (USA). However, after Donald Trump's restrictive policies, their resettlement processes were frozen. During interviews, the opportunity to resettle in a third country was among the most frequently asked questions to the researchers by the respondents.

Although non-Syrians under international protection have the right to asylum and resettlement, it is very restrictive and not consequential in many senses, as mentioned by an NGO representative.

A few hours ago, an Afghan counselee called. They have been in Turkey for 12 years as a family. She could not even talk anymore, and she was just yelling, and screaming. Her psychology is down. You try to explain, but she does not listen. She just focuses on what she wants to hear. She wants a permanent solution. She said, “Why aren’t we seen as human? Don’t we have human rights? Nobody pays attention or cares for us. You do not care either. Why can we not be resettled in a third country? If it is not possible, the UN should make Turkey give citizenship. They say you (UNHCR) have to deal with us. Look, this is neither in our hands nor in UNHCR’s hands (Interview_İzmir_15 August 2018_SRII).

Another durable solution, voluntary repatriation, is highly problematic for the case of Syrians because the country is not safe and secure for returns. However, the return emphasis for Syrians in Turkey got more visible and has been emphasised since 2018. On 9 October 2019, Turkey started the Peace Spring (*Barış Pınarı*) Operation and, similar to previous operations, return is used to justify these cross-border military operations and subsequent administrative interventions in Northern Syria. Regarding the return policy and voluntary returns, a high-level public officer from a migration-related state institution in Ankara made the statement below:

Both after the *Fırat* and also *Zeytin Dalı* Operations, the Turkish Armed Forces created some relatively safe areas. We were informed that the Syrians under temporary protection would like to go there as voluntary returns. We are aware that unless the political situation in Syria continues like that, Turkey will respect the situation, and there will be no voluntary return unless the individual requests a voluntary return. PDMMs take these requests; then, those people are asked to sign a return form in that person’s language or at least in one that the person can understand. One signature on the document is also given by the officer of the competent PDMM. If there is a representative from *Kızılay* or an NGO, then it is also taken. After the signature procedure is completed, this person is given directions for return. All the procedures are completed at the border gates. After their exit, their temporary protection or international protection applications become passive. Some of the facilitating activities, such as providing transport, are undertaken by local municipalities and *Kızılay* (Interview_Ankara_12 November 2018_SRII).

In contrast to this account, an IGO representative in İstanbul and İzmir expressed the problematic character of voluntary returns and differences between written and implemented regulations as follows:

If we speak about Syrians, returns have been more visible since the beginning of this year (2018). In particular, after Afrin Operation, we heard from the state that Syria is a safe country now. If the people [Syrians] want to turn back, they can. These narratives are a part of a deportation or return policy because we see significant implications on behaviours, perceptions and attitudes. In İstanbul, many municipalities have been presenting “voluntary returns” as campaigns. They said that they would cover the expenses of a family that wants to return. We carry them out to the borders by busses. It increases the tension; because the state says that there is a safe zone/region and you can turn back. Then, the other people ask why Syrians do not turn back if there is a safe zone. Also, the removal centres face a lack of capacity, particularly in terms of intense irregular border-crossing periods. Thus, return appears as a remedy in the policy field, and deportations speed up. Even if one person’s asylum application is rejected, there is an opportunity for appeal, but it has certain criteria

that must be met. These are all codified in law, and even though, in general, the law is applied, there are some cases where it is not (Interview_İstanbul_1 November 2018_Bilgi).

We tell the İzmir DGMM and the related PDMMs: please do not do this; these are not voluntary returns. At least for İzmir, they are not. The problem is that unless you see these people face-to-face, it is difficult to understand if it is a real voluntary return or not. Through a phone call, you cannot understand. Once, we were called from the DGMM. There was a woman, and she had been registered with us. We realised that it was not a voluntary return at all, she did not want to turn back, and after all, she was registered for protection. But we are a part of the “assisted return”. The UNHCR is different, and they take part in the voluntary returns from camps. They observe the returns, and they also have the authority to sign. However, the DGMM and *Kızılay* take part in voluntary returns from borders. According to law, the UNHCR or *Kızılay* needs to be present during returns, but the time of return is not determined in advance. The UNHCR would like to be there psychically, but in many cases, it is not possible. Therefore, deportation decisions are generally taken during the night, and the following morning the deportation is completed (Interview_İzmir_14 August 2018_SR11).

Due to increased securitisation, we came across many respondents’ statements describing the unlawful deportation of asylum seekers, who were beneficiaries of international protection and temporary protection (Gökalp-Aras & Şahin Mencütek, 2019), and they mainly relied on the Emergency Decree of October 2016. The Decree justifies the deportation decision as one that “may be taken at any time during the international protection proceedings” against an applicant for reasons of (i) leadership, membership or support of a terrorist organisation or a benefit-oriented criminal group; (ii) threat to public order or public health; or (iii) relation to terrorist organisations defined by international institutions and organisations.

4.7 Navigation of Non-state Actors in Temporality

Not only states but also authorised organisations are critical for implanting the procedures of international protection. In the examined period, we observed an essential transition in this regard. On the one hand, there was a procedural and institutional change, such as the transfer of RSD from UNHCR to DGMM, which was presented as a long-awaited improvement and necessary for being “a sovereign country”. On the other hand, problems with the preparedness and capacity of DGMM brought new questions about the timing of such a transition. In practice, the transition eliminated the obligation of asylum seekers to apply only in Ankara. This was considered to be a positive development because the applicants could apply from the nearest competent PDMM. However, the lack of capacity of certain PDMMs meant that some could not make their applications where they were, but obliged them to go to different PDMMs in different cities. This meant that uncertainties about the place of application were created.

Moreover, the roles of non-state actors and IGOs increased as a part of the international protection system in Turkey. Many state and non-state actors assisting refugees increasingly form specific units of protection to access individual refugees who need help and refugee communities living the refugee-intense neighborhoods. Their services make a difference in the lives of some refugees, although it is impossible to fully measure their impacts and effectiveness. Nevertheless, all actors involved in refugee protection seek to navigate the institutional complexities of the Turkish asylum regime and strategic temporality policy imposed by state officers. The fieldwork in İzmir showed that both ASAM and the most active IGOs in the field – IOM and UNHCR (not directly being at the border but represented through ASAM) – provide important information to migrants regarding access to asylum. They are almost the only actors that do so. Also, they cooperate closely with law-enforcement forces through official collaboration protocols. Due to the protocol between IOM and the Turkish Coast Guard and the close collaboration between security forces and gendarmerie and ASAM, those actors are allowed to provide information regarding international protection at border-crossing points. They are quite active with their outreach teams at border crossing points and serve as the first contact for immigrants following their apprehension by law enforcement actors. IOM also provides information on international protection, interpretation and humanitarian aid support while law enforcement officers take the statements of the immigrants. At the same time, its teams support law enforcement officers in identifying vulnerabilities and with consultancy. In contrast to IOM, UNHCR works with ASAM. UNHCR İzmir has one expert specially assigned to follow-up cases at the removal centre in İzmir, to support a lawyer’s assignment and follow the case up to appeal. As one of the most active IGOs in the field, they provide humanitarian aid, interpretation and consultancy for international protection and also support the identification of vulnerabilities in İzmir. However, it should also be noted that these practices are the usual practices of the above-mentioned IGOs. Regarding access to international protection, the services of *Mültecilerle Dayanışma Derneği* (known as *Mülteci-Der*) also need to be noted here. Having long experience in the protection field, even long before 2011, *Mülteci-Der* continues to provide legal aid for accessing asylum, focusing on administrative detention and deportations.

There are also NGOs that provided legal aid during the registration of Syrians, as was mentioned to us by interviewees.

When I first went for *kimlik*, I asked for help from my Turkish friend, who worked in a humanitarian organisation in İzmir but is from İstanbul. Thus, she was there with me. I had encountered several problems, especially before applying. I had also spoken with a Turkish legal organisation because I had problems with *kimlik*. But I did not gain anything from them (Interview_İstanbul_1 August 2018_Bilgi).

We heard that there was a mukhtar in our district, and you have to take a number from him to go for the application. The Mukhtar, took us there, where they give *kimlik*, and he gave us the necessary papers, and we registered for the *kimlik* and left. Their treatment was good, but every refugee faces the problem of language. The Mukhtar, he’s a Turk, but he knew Arabic. He helped us a lot (Interview_İstanbul_16 August 2018_Bilgi).

A few organisations mentioned their specific programmes that provide training for Syrians about their legal status and rights. A representative from an IO explained their program developed as a response to needs in the field. The program is organised as “awareness sessions about temporary protection” and offered by legal advisors and health teams. The main themes in the sessions cover a wide range of civil rights, such as the illegality of polygamy in Turkey, age criteria for legal marriage, and social assistance (Şanlıurfa_13 July 2018_SRII). Refugee-led organisations also take some roles in raising awareness. A Syrian community centre led by a retired Syrian judge explained the issue:

Maybe only five per cent of Syrians know their rights and duties. There is a need for awareness-raising like organising courses about it. I read about refugee rights from Arabic sources, which are translated from original English sources. As an institution, we need to learn about these rights. Turkey did not demonstrate successful performance in legal rights awareness. European NGOs are active in this regard (Interview_Şanlıurfa_18 July 2018_SRII).

The most critical intervention of NGOs is performed during the detentions, removals (deportations) and appeals processes. One NGO representative from Istanbul told us:

In general, if he/she is detained somewhere, or at least if he/she is under administrative detention somewhere and she/he cannot reach PDMM, it is possible to reach legal aid through non-governmental organisations or colleagues, but it is also difficult. We have the contact information of the UNHCR and all the NGOs working in the field of refugee and asylum. In that way, we can stay in touch (Interview_Istanbul_28 November 2018_Bilgi).

In particular, lawyers and Bar associations collaborate with rights-based NGOs and IOs. One prominent example is the İzmir Bar Association (IBA). Before the LFIP came into force, the IBA started to provide critical feedback about existing problems during the law’s preparation period by participating in the meetings for civil society that were arranged by the Asylum and Migration Bureau (Former DGMM). After the introduction of LFIP, IBA launched a series of in-service training for its members to familiarise them with LFIP and to share the existing experience of the other lawyers working on asylum and migration for a long time. With the cooperation of *Mülteci-Der*, Amnesty International (AI) and many other civil society organisations (both national and international), the İzmir Bar Association (IBA) conducted seminars, training programmes and briefings in İzmir and other cities. Starting in 2015, the IBA established a new Commission called the Asylum and Migration Commission (*İltica ve Göç Komisyonu*) to provide the above-mentioned support in a more structured and systematic manner. IBA takes on a significant role regarding administrative detention and deportation since the Bar Association in Turkey is the only civil society institution with direct and legally supported access to the removal centres. In addition to its regular case-based internal meetings or participation in other national and international case-based or theme-based meetings, IBA has been publishing significant reports on international protection, in particular administrative detention conditions and access to asylum such as “Problems in Access to Justice in İzmir Removal Centre” (İzmir Barosu, 2017). The importance of the

IBA's ongoing initiative in the field can be briefly described as supporting and providing necessary training for right-defenders and lawyers and taking an active role regarding access to international protection.

Unlike İzmir, the Bar Association of Şanlıurfa had not carried out such tasks before 2011 as the province neither encountered irregular migration nor was a satellite city. However, the arrivals of almost a half-million Syrians and the existing population of Iraqis and Afghans urged the Bar Association in Ankara to provide some training support to Sanliurfa lawyers. To this end, local lawyers were frequently invited to training seminars on refugee rights. Then, the provincial branch of the Bar Association established its unit, called the Refugee Rights Commission, as in other provinces. The Commission was further institutionalised in a short time. In 2018, the Legal Clinic for Asylum Seekers was established by the Bar Association which collaborated with the UNHCR. The Legal Clinic aims to provide free legal assistance and translation services to asylum seekers and training and technical support to local lawyers and NGOs about refugee rights. Some local lawyers took an active role in turning the Commission into the Legal Clinic. They have also committed to providing legal assistance to refugees in court cases and seeking ways to access asylum seekers who are given removal orders without proper judicial investigation or appeal process.

4.8 Conclusion: Challenges and Prospects

As this chapter showed, temporality is the key encompassing characteristic of Turkey's refugee governance. Insights from the fieldwork show that Turkey has taken significant steps to improve its international protection capacity, including temporary protection. In this regard, there have been considerable positive developments in getting access to asylum and judicial appeal procedures, improvement of detention conditions and access to judicial review. With the introduction of a comprehensive legal asylum framework through LFIP and the TPR, Turkey has improved its compliance with international standards. These two legislations guarantee Turkey's compliance with the two main building blocks of the international refugee regime, namely the principle of non-refoulement and the provision of fundamental rights, including health, education, work, and social services to asylum seekers. Nevertheless, the differences between refugee and unconditional refugee statuses create a dual structure and a double standard for international protection. Temporary protection adds another layer of duality to the already complicated protection regime, which has temporality at its core, creating precarity in protection and disparities in assigning rights (Gökalp-Aras & Şahin Mencütek, 2020). Moreover, it generates complexity for the national asylum system due to its design and its coverage of large numbers of refugees currently living in Turkey and those who have the potential to arrive in Turkey from neighbouring countries and mainly non-European countries. Moreover, rights and procedural safeguards attached to temporary

protection are weaker than those attached to international protection. Temporary protection status also prevents asylum seekers from approaching the UNHCR for resettlement except in very rare emergency and vulnerable cases. Temporality has some manifestations at the local practice level. For example, the impossibility of making applications and registrations in some PDMs, notably in İstanbul, has been a concern, having implications for accessing fundamental rights and leading to a risk of apprehension.

All these protection-related regulations and everyday state practices put many Syrian refugees in Turkey in a situation of liminality, requiring them to wait for an interminable period. By hindering access to international protection and resettlement options, temporarily protected individuals face the risk of being subject to an insecure status for an indefinite time. Nevertheless, neither displacement nor waiting is a passive experience for many Syrian refugees, and they seek ways in which to cope with liminality and navigate the complex and ambiguous temporary protection regime, as will be discussed further in the following chapter.

It is worthwhile to restate that the complexity and liminality mentioned above is not the unique experience of Syrians under temporary protection. Besides the dual structure and the differences, some common problems exist in implementing international and temporary protection for other refugees. In particular, access to asylum at borders and during administrative detentions at the removal centres appears to be a challenge. Moreover, applicants face language barriers, lack of information and lack of legal aid. On the other hand, in comparison with temporary protection, international protection applicants face lengthier registration and RSD procedures. Due to being non-Europeans, they are subject to multiple temporalities since they are only eligible to get conditional refugee status. Moreover, the narratives of non-Syrian asylum seekers signal that most of the applicants and beneficiaries are not aware of their legal statuses, so any required information could not even be provided to them. The “temporality” of “living in limbo” can be seen as a common concern for both international and temporary protection beneficiaries/applicants. In such a context, integration is a highly contested policy area, as will be discussed in the following section.

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