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SYRIAN REFUGEES IN THE EU AND TURKEY: IMPOSSIBLE TO RETURN, SO HARD TO STAY

This NCHS paper examines policies and practices relating to Syrian refugees and asylum seekers in the European Union and Turkey, particularly the narrowing of asylum rights through legislative amendments and administrative practices.

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INTRODUCTION

2015 was the year of an unprecedented flow of refugees coming towards the EU, which is commonly called the refugee crisis. The reaction to this crisis by European states and public opinion has been rather paradoxical. On the one hand, robust civil society in Europe has been decisive in informing the world about the problem and providing help for asylum seekers in EU states.[1] On the other hand, public opinion has gradually turned against asylum seekers, as high numbers of displaced people come through the borders. While the share of refugees in the EU is 0.6% compared to its total population, the EU was quick to label the situation a 'crisis' and opted for changing its refugee legislation and administration to deter new asylum claims.

Rampant populism and xenophobia on the political stage of many European countries should be considered relevant. The migration crisis in many EU states is one reason, among others, that persuades voters to support populist politicians. And it is quite easy to presume from the outset that racism and xenophobia await refugees in Europe.[2] Turkey, the largest host of Syrian refugees, is not any better. Extreme political polarisation and the degradation of democracy, rule of law and human rights render the country a dangerous place to live, particularly for Syrians. A puzzle in Turkish political debate may be that, contrary to the trend in many European states, it is the populist authoritarian political will (i.e. the incumbent President Recep Tayyip Erdoğan and his party AKP) that ostensibly supports pro-migrant politics. But governmental practices lack transparency, predictability, and diligence. Most recent incidents reveal many human rights violations by state authorities.[3]

This is the general scene a displaced Syrian faces in their everyday life. Yet returning home is not an option either. This paper will start by recalling this point, demonstrating the current situation in Syria is not suitable for the safe and dignified return of refugees. A general outline of the current status of the Syrian refugee problem in the EU and Turkey will follow by considering statistics, public opinion and the EU-Turkey Migration Deal. This paper will then describe the most recent developments in the narrowing of asylum rights, including legislative amendments and administrative practices.

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CURRENT SITUATION IN SYRIA

The current situation in Syria is not suitable for the safe and dignified return of refugees. The latest report of the Independent International Commission of Inquiry observed, 'The Syrian Arab Republic does not yet offer a safe and stable environment for the sustainable and dignified return of refugees or for the 6.7 million persons displaced inside the country.' [4] This observation was later upheld by The UN Human Rights Council (HRC) itself, which asserted that over the past year, the overall situation of human rights has worsened for many Syrians. The HRC further noted that the ongoing crisis in Syria is marked by 'consistent patterns of gross violations and abuses of international human rights law and violations of international humanitarian law.' [5]

No safe return: In Syria there is no safe environment that could secure the most fundamental human rights, such as the right to life or freedom from torture and arbitrary detention. In October 2021, the HRC pointed to the recent increase in violence and resulting civilian casualties across the region. [6] Both regime and armed groups have perpetrated human rights violations and war crimes such as 'besiegement and starvation of civilian populations; deliberate targeting of civilians and civilian facilities; arbitrary detention, disappearance, and torture; forced displacement and forced resettlement; looting; and the use of banned weapons.' [7]

In addition, five foreign forces—Iran, Israel, Russia, Turkey and the United States—have been carrying out military activities. [8] Their conflicting interests and claims for Syria's prospective political and social order confounded the difficulties of negotiating a sustainable peace based on an understanding of reconciliation of conflicting parties. Moreover, the military actions by these countries increase the breadth and number of other grave human rights violations in Syria. [9]

Documented concrete examples may be found in the monthly reports of the Syrian Network for Human Rights. [10] According to its latest report (at the time of writing), there were extrajudicial killings of 84 civilians in October 2021. The same period also saw 14 attacks on vital civilian facilities and 204 arbitrary detentions. [11] According to another report of the same organisation, the first half of 2021 witnessed 723 civilian deaths; among them were 79 adult women and 145 children. Fifty-nine of these people died because of torture. Fifty-three vital civilian facilities were attacked, including five medical facilities and four places of worship. [12]

These findings may be easily confirmed and substantiated by other reports. [13] A recent report from Human Rights Watch observes, 'Syrian refugees who voluntarily returned to Syria between 2017 and 2021...faced grave human rights abuses and persecution at the hands of the Syrian government and affiliated militias, including torture, extra-judicial killings, and kidnappings.' [14]

No sustainable and dignified return: Even if, one day, the returnees may be safe from threats to their lives or bodily integrity, or other sorts of persecution, the prospect of an economically and socially sustainable and dignified future is dim. As of 2020, Syria is ranked as the third (178/180) most corrupt country in the world. [15] The war conditions have created an environment devoid of legal security, transparency, and public accountability. The war has amplified the already-existing practices of nepotism, favoritism, corruption and crime. And the regime uses economic incentives to garner support. There is a new class of 'war profiteers' or 'conflict elites' [16], that have played decisive roles during the war, and the regime offers exclusive profitable investment opportunities to these groups. Along with the old economic elites (the regime loyalists), these groups now enjoy monopolies in pivotal sectors of the economic system. [17]

In light of these new circumstances, it is very likely that returnees would face mass discrimination and segregation from social and economic life.

Most authoritatively,

the UNHCR considers that changes in the objective circumstances in Syria, including relative security improvements in parts of the territory, are not of a fundamental, stable and durable character so as to warrant cessation of refugee status on the basis of Article 1C(5) of the 1951 Convention. The status of recognised refugees should thus be reviewed only if there are indications, in an individual case, that there are grounds for: (i) cancellation of refugee status which was wrongly granted in the first instance; or (ii) revocation of refugee status on the grounds of Article 1F of the 1951 Convention.[18]

To conclude, as evidenced and documented by various international observers and bodies, the current situation in Syria does not offer a safe environment for refugees where, if they return, they are very likely to face risks of grave human rights violations.

CURRENT STATE OF AFFAIRS IN THE EU AND TURKEY

Europe

Data from the UNHCR shows that by the end of 2020, there were 26.4 million refugees around the globe, and 6.7 million of them were Syrians (27% of the total number). The share of refugees in the EU is 0.6% compared to its total population. As of 2020 the total number of refugees is 2,657,199. In 2020, about 1.9 million first residence permits were issued in the EU, and asylum seekers accounted for 14% of this number.[19]

The four-year period between 2008 and 2012 saw a steady rise in asylum application figures within the EU. After this period, as the Syrian conflict had started in 2011, the number of asylum seekers started to grow even more rapidly, reaching 400,500 applications in 2013, 594,200 in 2014 and about 1.3 million in 2015. By 2016 the number was about 1.2 million, and in the following two years the numbers started to decrease: applications dropped by 44.5% in 2017 and further descended in 2018. 2019 saw a slight increase, however, of 11.7%, raising the number of applications to 698,800. [20]

Since 2013, Syria is the principal country of origin of asylum seekers in the EU. In 2020, the total number of asylum applicants in EU was 471,300. This was a 32.6 % decrease compared with 2019, mainly because of the COVID-19 outbreak and ensuing travel restrictions applied by the member states. Syrians were on the top of the refugee list, followed by people from Afghanistan, Venezuela, Colombia, and Iraq. In 2020, among the 63,455 first time Syrian applicants, 36,455 applied in Germany, 1,710 applied in Sweden, 340 in Denmark and 540 in Norway. [21]

2015 saw an unprecedented flow of refugees into the EU, which is commonly called the refugee crisis. The reaction to this crisis by European states and in public opinion may be noted at this point. It may be said that European public opinion and attitudes toward the refugee issue are paradoxical. One study surveyed the tendencies in different European countries about solidarity with asylum seekers following the 2015 refugee crisis. The same study also examined the evolution of opinions and attitudes over time. This study found that the EU and most European states preferred to prevent refugees from trespassing EU borders and each member state's territories.

But paradoxically, there is also a robust civil society that demanded more humane treatment of refugees. The *Refugees Welcome* movement is one of many initiatives that appeared during this time to demand a policy to accept refugees.[22] In any case, the most important insight from this study is that the 2015 refugee crisis caused a decline in sympathy for refugees. For this purpose, the survey that had been done in 2014 was repeated in 2016. In 12 of the 19 countries surveyed, there was a considerable decrease in the number of people who held the view that governments should be generous when deciding asylum applications. The drop was significant, exceeding 12 percentage points in Estonia, the Netherlands, Germany, Austria, Slovenia, Poland and Sweden. In other countries such as Hungary and the Czech Republic, sympathy for refugees was already very low in 2014, so there was no significant change.

Such public opinion in Europe has indeed set the stage for governments to make laws and implement practices narrowing asylum rights in general.[23] The problem may be that the gap between people and politicians at the beginning of the 2015 migrant crisis led to a set of rhetorical arguments, mostly made by far-right populist politicians representing the minority views, at the beginning, but which then swayed the population. The migration crisis in many EU states is the reason, among others, that has persuaded voters to support populist politicians and blame mainstream politics. Thus, one may conclude that even the more liberal politicians' support for stricter measures may be closely related to the current populist-authoritarian backlash against democracy in Europe.[24]

Turkey

Public opinion: Turkey is the largest refugee hosting country in the world, hosting 15% of all people displaced across borders globally.

Turkey also hosts the largest number of registered Syrian refugees.[25] As of November 25, 2021, this number was 3,738,674.[26]

Public opinion about Syrian refugees may be said to be shifting from a relatively hospitable attitude to firm opposition and hostility over the years.

Research from 2016 revealed that Turkish society saw the acceptance of Syrians both as a responsibility stemming from Turkey's historical legacies and its geography, and as a humanitarian duty. Moreover, half of society helped refugees in some way. More religiously devout participants tended to see refugees as their religious fellows and embraced this responsibility and duty, believing they would return to Syria when the war is over. Urban and secular participants were more skeptical about taking responsibility, believing that they would not return. Despite some feelings of affinity, the same research also shows that Turkish people have always been firmly against full integration of Syrians into the society. With these findings evaluated together, society seemed to disapprove of permanent rights, (i.e. permanent residency, right to work, citizenship), but supported temporary solutions.[27]

A more recent survey shows that this limited empathy and sense of solidarity has waned over the last five years. Participants were asked: 'what would you prefer to do about the Syrians?', if they had the authority. While 58.4% of the respondents answered, 'I would establish the necessary contacts with Syria and create the conditions to return', 34.3% chose the option 'I would send them back to their country, by all measures necessary including force.'[28]

In a similar way, other research from 2018 revealed more concerning results.[29] This research found that a majority of participants agreed that Syrians: 1) take away jobs and lower the wages of Turkish citizens (71%), 2) increase crime rates (67%), 3) increase terrorist attacks (58.1%), 4) cause moral decline (66.4%), and 5) pose a danger to public health (55.5%).

The despise for Syrians is not just in the numbers. In November 2021, three young Syrian workers were burned to death in a racist attack in the Western province of İzmir. [30] It is, thus safe to conclude that Syrians are not in a friendly environment in Turkey.

Attitudes of political parties

AKP:[31] Since the beginning of the Syrian conflict the ruling political party, the Justice and Development Party (hereafter, AKP for *Adalet ve Kalkınma Partisi*), pursued an open-door policy. The electoral declaration of 2015 said: 'The AKP government (would) continue to provide the necessary assistance to heal the wounds of Syrians who took refuge in our country by escaping persecution of the regime, as a matter of humanitarian and conscientious responsibility, and will continue to stand by our Syrian brothers and sisters in their difficult times.' Also, the same declaration pledged that the open-door policy for Syrians would be sustained in the future, including provision of free healthcare and welfare benefits.[32] A similarly friendly attitude and affinity were also present in the 2018 election declaration.[33]

MHP: Government coalition partner far right National Action Party (hereafter, MHP for *Milliyetçi Hareket Partisi*) has always been skeptical about AKP's open door policy.

A report prepared by the party in 2018 clearly rejected the possibility of integration and endorsed voluntary repatriation as the most viable option. The overall report was marked with prejudice against a multi-ethnic society in general, implying that Syrians would destabilise social harmony and peace in the middle- and long-term. By referring to century-old Kurdish separatism, this report asserts that Turkey does not have a successful history of integration and that adding Syrians to this picture would mean 'suicide' for the Turkish nation.[34]

Along the same line of thought, in July 2021, the MHP leader Devlet Bahçeli said, 'as a country, we have to think about our demographic future and protect the independence of our population. A demographic plan should be prepared for the next 50 years, 100 years. What will the components of the population in Anatolia be like in the future? Syrians are entrusted to us. I have nothing to say to this. But it is impossible for them to stay here forever'. [35]

CHP: The Republican Popular Party (hereafter, CHP for *Cumhuriyet Halk Partisi*) and its strongholds (secular western coastal cities) have been skeptical about Syrians from the very beginning. This may be observed in the divide among religious and secular groups during the early stages of the asylum influx. Intuitively, the absence of religious affinity with Syrians may contribute to a lack of incentive for taking the responsibility of such a high number of asylum seekers, and this was somewhat reflected in the survey mentioned above.[36] Also with further reflection, this skepticism may be easily associated with the anti-Arab sentiment among the secular section of society, which associates Arab language and culture with religious fundamentalism.[37]

CHP seemingly articulates the general resentment of its constituencies in a balanced way.[38] While sympathising with asylum seekers' suffering and searching for a sustainable way of coping with the crisis, it always reminds of the uncontrolled and unprecedented flow of Syrians into Turkish territory and the tensions and problems this has caused within the society. As the main opposition party, the party attributes the whole responsibility for this influx to the AKP's open door policy.

The election declaration for the local elections in 2019 reflected a fairly pro-migrant discourse. Still, this may be due to the nature of these elections, which did not involve any prospective change in nationwide policies. In this context, the declaration pledged to develop 'local authorities sensitive to migration problem'; integration programs for those who stay in Turkey; and legal, financial and psychological support for immigrants who have decided to return to their country of origin. [39]

The 2018 General Election declaration was critical of Erdogan's Syria policy. In this context, the declaration asserted that Erdogan's incompetent diplomacy, which approached the Arab Spring in an opportunistic and expansionist manner, caused Turkey to encounter a large Syrian refugee migration. The Syrian refugee crisis has become a serious problem not only because of the humanitarian tragedies it has created, but also because of the economic costs it has imposed on Turkey. More importantly, the declaration pledged to put an end to the incumbent government's policy of using Syrians as leverage in its bargains with the EU.[40]

HDP: The People's Democratic Party (hereafter, HDP for *Halkların Demokratik Partisi*) is mostly concerned with the ethnic tone of the reactions towards Syrians and challenges any racist and discriminatory discourse.[41]

The party worries about the abuse and instrumentalisation of asylum seekers by the AKP government as bargaining leverage. In a recent press announcement, the party stated that it would not accept the guardian role against refugees in exchange for the money received from the EU. The same statement also questioned the incumbent Turkish government's aggressive international policies as the main cause of the current refugee crises in Turkey. Moreover, the statement said: 'We know that the AKP encourages irregular migration and uncontrolled border crossings in line with various secret agreements and purposes. While the profits of the capital class are increased with cheap labor, unorganised labor and precarious employment; multi-faceted calculations are made such as changing the demographic structure, creating sectarian conflict, receiving money from the EU - UN.' [42]

İyi Parti: In a similar way to the MHP, the *İyi Parti* approaches the issue from a national security perspective. The party advocates a safe and peaceful return of all Syrians under international protection. In December 2019, the party leader, Meral Akşener, said, 'the return process needs to be started urgently in order to ensure the happiness of our Syrian guests under temporary protection and a happy, peaceful and prosperous future for our citizens.'[43]

More recently, the chief advisor to the party leader, Aytun Çıray, stated that irregular Syrian and Afghan migration has become a matter of national security and survival (*beka*). He further added, 'it is impossible for us to know how many terrorists there are among these people.'[44]

To conclude, apart from the AKP, political parties along the entire political spectrum are concerned about the irregular migration towards Turkey and the demographic change it has caused in the country. While reactions differ according to the worldviews, there is a common preference for the safe and dignified return of Syrians to Syria.

EU-Turkey migration deal

A deal was concluded between the European Council and Turkey on March 18, 2016, aimed at ending the movement of irregular migration to Europe via Turkey. The main point of this deal was, according to the common statement by EU-Turkey, that all new incoming irregular migrants and asylum seekers arriving via Turkey and whose asylum applications had been rejected would be sent back to Turkey. The agreement was the result of a series of talks with Turkey starting in November 2015, and an ensuing EU-Turkey Joint Action Plan activated on 29 November 2015. The purported objective of this deal was to break the business scheme of smugglers and to offer alternatives to displaced persons and to prevent them from putting their lives at risk. The Commission proposed a voluntary humanitarian admission scheme for Syrian Refugees in Turkey.[45] According to this, on the condition of a successful reduction in the irregular migrant flows into Europe via Turkey, the EU states were invited to admit Syrians from Turkey who were in need of international protection.[46]

Key points of the deal were as follows:[47]

1. All new irregular migrants crossing from Turkey to the Greek islands as from 20 March 2016 will be returned to Turkey.
2. For every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU.
3. Turkey will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU, and will cooperate with neighbouring states as well as the EU to this effect.
4. Once irregular crossings between Turkey and the EU are ending or have been substantially reduced, a Voluntary Humanitarian Admission Scheme will be activated. EU Member States will contribute on a voluntary basis to this scheme.

5. The fulfilment of the visa liberalisation roadmap will be accelerated with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016. Turkey will take all the necessary steps to fulfil the remaining requirements
6. The EU will, in close cooperation with Turkey, further speed up the disbursement of the initially allocated €3 billion under the Facility for Refugees in Turkey. Once these resources are about to be used in full, the EU will mobilise additional funding for the Facility up to an additional €3 billion by the end of 2018.
7. The EU and Turkey welcomed the ongoing work on the upgrading of the Customs Union.
8. The accession process will be re-energised, with Chapter 33 opened during the Dutch Presidency of the Council of the European Union and preparatory work on the opening of other chapters to continue at an accelerated pace.
9. The EU and Turkey will work to improve humanitarian conditions inside Syria.

The Facility for Refugees is the main element of the 2016 EU-Turkey deal. The Facility is a combination of €3 billion of EU budget and €3 billion of contributions from the EU Member States. This funding was mobilised to Turkey in parts, in the periods 2016-2017 and 2018-2019. Since 2016, the EU has been collaborating with Turkish Ministries, development banks of the EU Member States, international financial institutions, UN agencies and NGOs to carry out more than 100 refugee projects in Turkey.[48] So far, €6 billion has been contracted and more than €4.1 billion has been disbursed. The remainder will continue to be disbursed before the completion of the projects, which are due to be finalised in 2025. The relevant projects mainly focus on humanitarian assistance, education, health, municipal infrastructure and socio-economic support. [49]

On July 7, 2021, the EU announced its report on the mid-term evaluation of the facility for refugees in Turkey.[50] The report found that the assistance by the EU had considerably improved the welfare of displaced persons fleeing from the Syrian conflict. Particularly, the EU Facility for Refugees made meaningful changes in services regarding health, education, protection and improvement of general socio-economic situation of asylum seekers. The same report also asserted, 'this assistance largely met the needs of refugees and was targeted effectively'.

On the other hand, the report highlighted certain challenges and specified some recommendations. First, it highlighted the need for a mitigation of social tensions for refugees, which also required development of a sustainable social cohesion strategy. The second important challenge was that the EU had to do more to make its assistance available to certain refugees that are least likely to access both Facility and Turkish assistance. This group particularly included refugees who had to stay in a city other than their province of registration. As a rule, refugees are required to reside in their province of registration to qualify for assistance, but many had to move to other cities or regions to find work.[51] The report also underlined the shortcomings of the current implementation and governance model, which had been founded as a coordination mechanism of financial instruments and existing institutions. To overcome this, the report recommended a 're-design of the strategic governance of any future external funding for refugees, based on lessons to date'. [52]

NARROWING OF ASYLUM RIGHTS FOLLOWING THE 2015 REFUGEE CRISIS

Restricting the right to granted asylum-status

Temporary protection has become the norm in many EU countries. This is mainly the case in Denmark, Sweden and Norway. By referring to the cessation clause in the UN refugee convention, these countries have increasingly used the cessation[53] of status.[54]

When asylum seekers are granted a temporary residence permit, it is not guaranteed that they will keep this permit until the end of the given term. Their permit may be revoked any time.

There are several differences concerning the legal bases of the temporary nature of asylum policies among the three Scandinavian countries. In Norway, the change to temporary asylum policy was first initiated by administrative instructions; then the termination of protection status and revocation of residence permits found their legal bases in already-existing legal regulations. By contrast, in Denmark, the most important policy shift toward temporary asylum was made by amendments of the Aliens Act. Sweden first began to give temporary asylum permits by way of the Temporary Law in 2016 for an initial period of three years, which was then prolonged until 2021. Cessation decisions about the protection status and revocation of residence permits were made pursuant to the Aliens Act. [55]

EU law[56] distinguishes between 'refugee status' and 'subsidiary protection', both of which together make up the 'international protection'.

Refugee: Also called 'convention' status because it draws on the UN Convention on Refugees. A refugee means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it.

Subsidiary protection: A 'person eligible for subsidiary protection' means a third-country national or a stateless person who does not qualify as a refugee, but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm. Here, the serious harm may entail 1) the death penalty or execution, 2) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin, or 3) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

Germany: Germany is, by far, the country hosting the most numbers of refugees in the EU, with 1.15 million refugees as of 2019, half of them being from Syria. [57]

As per EU law, German law provides for two main sorts of international protection: refugee status and subsidiary protection. The practical difference lies in the fact that the subsidiary protection status extends less rights and privileges compared with refugee status. Firstly, those with refugee status are granted an initial three-year residence permit, whereas it is one year for beneficiaries of subsidiary protection, renewable for an additional two years.[58]

Secondly, until August 2016, persons with refugee status had privileged access to permanent residence after three years. That meant they did not have to meet the conditions that applied to foreign nationals in normal circumstances. Particularly, refugees did not have to prove that they were employed, and their income sufficed to cover their living. However, these privileges were reduced after August 2016. Since then, refugees having stayed for three years may only be granted permanent residence if they speak an advanced level of German and if they can cover the 'overwhelming part' of the cost of living and prove that they have sufficient living space for themselves and their families. The conditions may be easier if one stays at least five years as a refugee (period starting from application for asylum). These include being able to cover the 'better part' of the cost of living, speaking basic German and being able to prove that they have sufficient living space for themselves and their families. [59]

Beneficiaries of subsidiary protection do not have privileged access to a permanent residence. They can apply for this status after five years of continuous residence to be calculated from the day of application for asylum. Yet by contrast to refugee status, these people must cover their complete cost of living and prove that they have been paying contributions to a pension scheme for at least 60 months.

The right to family reunification is also limited for people under subsidiary protection status. New legislation that entered into force on March 17, 2016 introduced some stricter conditions for family reunifications, applying to both spouses and children of the beneficiaries of subsidiary protection. This amendment removed the automatic right to family reunifications for those individuals and introduced a two-year period of residence in Germany before an application for that purpose may be made. Considering the procedural times, it may take up to five years before a family may be reunited.[60]

According to certain reports by refugee support groups, since these changes entered into force, Syrian asylum seekers have been increasingly granted only subsidiary protection. By August 2016 approximately 225,000 Syrians had applied for international protection and 51,000 of them were granted only subsidiary protection.[61]

Sweden: From July 2016, Sweden started to grant only temporary permits to persons in need of international protection or with humanitarian grounds. [62] This marked a stark policy change, where most of the residence permits granted to asylum seekers had previously been permanent. These permanent residences could, as a rule, only be revoked in case of a serious crime that entailed deportation or if the relevant person spent most of their time abroad. 'Residence permits should remain limited to three years for refugees and 13 months for subsidiary protection status holders, extendable by two years subject to a new assessment.'[63]

The new asylum legislation adopted in July 2016 consisted of a temporary provision valid for three years. This law was extended for a further two year-period from July 2019 to July 2021 following a political agreement between the four main parties in the parliament and finally these provisions became permanent on July 20, 2021, with amendments to the Swedish Aliens Act.

The government made it clear that the purpose of this law was to discourage asylum seekers from coming to Sweden.[64] Amendments introduced certain limits on residence permits and family reunification for those who are under international protection. In particular, temporary residence permits have become the main rule, and new requirements were introduced for persons that seek permanent residence.

The new law introduces a three-year continuous residence condition for persons under international protection before permanent residence can be granted, while quota refugees may be exempted from this rule. To be granted permanent residence permits, persons under international protection might need to prove civic education skills, a good knowledge of the Swedish language, their ability to provide for themselves and, if older than 15, should live a 'law abiding life'.[65]

Norway: On June 22, 2016, several legislative amendments entered into force in Norway, 'to ensure a more sustainable asylum policy and strengthen border control'.[2] These amendments may be summarised as follows:

- 1) It became possible for Norwegian authorities to refuse entry to asylum seekers if the number of arrivals at the borders were extraordinarily high.
- 2) Asylum seekers coming to Norway from Russia or another Nordic states would require a visa during a crisis with extraordinarily high arrivals. Anybody belonging to that group may be denied individual consideration.
- 3) In case of evidence that asylum seekers may benefit from effective protection in another region of their home country other than the one from which they have fled, their demand for international protection will be denied.
- 4) The appeal deadline against the refusal decisions of an asylum application was reduced from three weeks to one week.
- 5) The refusal decisions have become subject to immediate implementation, including expulsion, if there are grounds for that.

6) The new law also allows authorities to reject certain requests for family reunification if the sponsor benefits from international protection in Norway. 'Residence for family members may be refused if the family in question would be able to live safely in a third country with which the family's overall connection is stronger than its connection with Norway. This provision does not apply if the sponsor has been granted permanent residence in Norway.' 7) An age limit (24) was introduced to deter forced marriages. This provision allows authorities to prohibit entrance to Norway if one of the partners in a marriage/cohabitation is younger than 24.

In addition to this, certain new criteria were introduced to ensure integration for permanent residence. These include:

The foreign national must have been self-supporting in the preceding 12 month period. Applicants to whom the obligation to participate in Norwegian language and social studies tuition applies must also have a minimum level of spoken Norwegian and pass a test in social studies in a language they understand.

The obligation to participate in Norwegian language and social studies tuition is being extended to foreign nationals between 55 and 67 years of age, which means that this group must also take the tests when they have completed tuition.[67]

Further, a more recent legislative amendment (effective as of 1 December 2020) increased the three-year residency condition to five years before those who are under international protection are able to apply for a permanent residence.[68]

Denmark: Even before the 2015 crisis, the Danish immigration regime opted for temporality as the main rule for residence permits. For example, persons with refugee status could get a two-year residence permit, whereas beneficiaries of the subsidiary status could get it for one year.

In 2015, the government developed the 'Asylum Package'. The most visible element of this was the call for stricter national border control. There was also an 'emergency brake' that allowed the government to reject asylum seekers directly at the border, which was a clear violation of the non-refoulement principle of the 1951 Refugee Convention.[69] The government made it clear that it wanted to deter immigration by highlighting that 'accepting so many refugees...would threaten the social cohesion'.[70]

The most important legal change in that package was the introduction of a new form of 'temporary protection status' (TPS) to the Aliens Act (Section. 7(3)). Before this change, there were two main forms of asylum in line with EU law: refugee and subsidiary status. This new form of temporary protection made it possible to grant protection to nationals in whose country there is a *particularly serious situation characterised by arbitrary violence and ill treatment of civilians*. TPS was adopted to find a quick solution for mass migrant arrivals and offer an automatic right (albeit less secure) to asylum for all Syrians arriving in large numbers. This saved the authorities from judging each applicant's refugee status. [71] As a result, this protection is easier to get. Being from a warring country (i.e. Syria) is enough to be a beneficiary of asylum without the need to prove individual circumstances. However, TPS provides lesser rights and guarantees for the beneficiaries. First, it gives more room for authorities when deciding whether the country of origin is safe. In that case a temporary cease-fire or relevant decrease of violence in warring Syria could be sufficient for Danish authorities to send Syrians back.[72] This is what happened in the April of 2021 when the government revoked the residence status of more than 200 Syrian refugees claiming that some parts of Damascus were then safe to return.[73]

Second, family reunification became very difficult for this group. Initially it was one year after having resided as a TPS beneficiary that a spouse could apply for family reunification. An amendment in 2016 extended this waiting time to three years. On July 9, 2021, the ECHR decided that this three-year suspension violated Article 8 of the ECHR (right to private life—e.g. right to family).[74] As a response to this decision, the 'Danish Ministry of Immigration and Integration has assessed that it is still possible to establish regulations in terms of postponing the access of refugees who have been granted a temporary protection status to family reunification, but that the postponement must not last for more than two years when there is no current large-scale influx of asylum seekers in Denmark.'[75]

The amendments made on March 1, 2019, clarified in plain provisions that every residence permit granted to refugees should merely be granted temporarily and that temporary permits should also apply to quota refugees. This clarification has been mirrored by increased rejection rates and practice by the Danish government's practices in reducing the potential for family reunifications. The government stressed that residence permits of refugees and family reunifications should be withdrawn or exempted whenever possible. Further, the government proposed the creation of a position in the ministry to focus on the withdrawal of residence permits granted for humanitarian reasons. In June 2021, the Danish parliament adopted a new law allowing the government to relocate asylum seekers to a non-EU third country while their case is being processed.[76] Considering this, Denmark may be observed to be the leading European country in its 'refugee-deterrent'- or even refugee-hostile policies.[77]

Turkey: For Syrian asylum seekers, the general rule in Turkey is temporary protection. Syrians and stateless Palestinians originating from Syria have a *prima facie* right to benefit from this protection on a group basis. The legal basis lies in Articles 63 and 91 of the Law on Foreigners and International Protection (LFIP, 2013) and an ensuing by-law: Temporary Protection Regulation (TPR) that entered into force on October 22, 2014.[78]

According to this framework, asylum seekers that fail to qualify either as a refugee or conditional refugee may be granted subsidiary protection if the applicant is likely to be 1) sentenced to death or face the death penalty, 2) face torture or inhuman or degrading treatment or punishment, 3) face serious threat to himself or herself by reason of indiscriminate violence in situations of international or nationwide armed conflict (LFIP Article 63). 'The Turkish legal status of subsidiary protection mirrors the subsidiary protection definition provided by the EU Qualification Directive.'[79]

As a result, Syrians are accorded temporary protection on a group basis, providing them an expedited way of international protection. Yet it is important to note that residence under temporary protection does not count towards a long-term residence permit or naturalisation, the latter requiring a minimum five years of residence to become a Turkish citizen.

Despite the admission of large numbers of Syrians and the sympathetic discourse coming from the incumbent government, Syrians' current situation may—at best—be defined as precarious. In official discourse, Syrians are referred to as 'guests', highlighting their transiency in Turkey. As mentioned above, a great majority of Turkish society has a strong sense of hostility toward Syrians.

Putting official governmental discourse aside, actors from the whole political spectrum assert that the current situation is not viable and that Erdogan is using Syrians as political and economic leverage for his bargain with the EU.

As one expert observed, the 'government [for the] first time has realised that people are unhappy about Syrians' following its defeat in 2019 local elections.[80] Shortly after the election, Erdogan said that Syrians that were not living in registered cities would be taken back to their cities, and in practice some of them were sent back to Syria.[81]

On September 24, 2019, Erdogan proposed his plan of a 'safe zone' to the UN. The idea was establishing a safe zone in northern Syria, stretching around 70 kilometres where as many as three million people could be relocated. The Kurdish population in the region saw this move as an ethnic manipulation of the region.[82] Only a month after this statement, there were already reports of several deportations where 'authorities use[d] violence, threats, [and] detention to coerce returns.'[83]

To this, one should add the general deterioration of democracy and rule of law in the country. Freedom House has been rating Turkey as 'not free' since 2018.[84] According to the global rule of law index, Turkey almost hits rock bottom, being 117th out of 139 countries.[85] Authorities act on the whim of political expediency, lacking a rational legal basis and at times openly defying court decisions.[86] As a vulnerable group, Syrians are more likely to suffer from this chaotic environment. One recent incident may be noted as a particular example, where several Syrians faced deportation over a 'banana joke' that became viral on social media. In November 2021, 'Turkish authorities have accused Syrians of "inciting hatred" for eating bananas in a "provocative" way. Several Syrians have been arrested and face deportation.'[87]

These explanations so far lead one to doubt whether Turkey remains a safe country for Syrians as per EU asylum law. As is well known, in 2015 the European Commission developed a list of 'safe countries of origin' to send back asylum seekers to the transit countries bordering the EU. Because of its low quality of democracy and rule of law, Turkey's inclusion on this list has been dubious and controversial from the outset. Out of the 13 EU Member States preparing that list, only Bulgaria considered Turkey a safe country.[88] With most recent developments in mind, the EU should seriously reconsider Turkey's safe country status, as it is a country that has become an open-air prison[89] for many of its own citizens, let alone the Syrians who are despised and face discrimination by the vast majority of the society.[90]

Financial assistance for voluntary repatriation to Syria

Voluntary return/voluntary repatriation:

Voluntary return 'is a return assistance program offered to asylum seekers and migrants without a legal right to stay' in a country.[91] As its name suggests, it primarily requires the informed consent of those who are subject to return, as well as assistance and collaboration by both the host country and the country of origin. According to the International Organization for Migration (IOM), voluntary return aims 'at orderly and humane return and reintegration of migrants who are unable or unwilling to remain in host or transit countries and wish to return voluntarily to their countries of origin.'[92]

While both the IOM and UNHCR[93] have voluntary return programs offered to asylum seekers who wish to repatriate to their country of origin, the former appears to be the main actor in EU countries.[94] With collaboration and help from the host country, IOM offers help and financial assistance, including assistance obtaining a travel document, travel expenses and other logistical help. Support may also include 'reintegration', a one-off financial grant for a start-up in the country of origin.[95] IOM does not support travel to Syria, Yemen or Libya due to the security situations in these countries. So, any explanation referring to the IOM below excludes Syrians. But it is worth noting this because apparently the Syrian refugee crisis urged some countries to use that avenue increasingly after 2015 for other asylum seekers. In addition, several countries created their own voluntary return plans specifically for Syrians.

Denmark: In Denmark, the IOM office offers Assisted Voluntary Return (AVR) services to asylum seekers and other migrants in Denmark in collaboration with several Danish stakeholders on an ad hoc basis. Danish authorities usually cover the travel costs. On 19 March 2015, the Danish government announced a new Assisted Voluntary Return and Reintegration (AVRR) scheme for asylum seekers in Denmark with an application deadline of April 1, 2016. More than half of circa 1,000 assisted returns under the auspices of IOM/Denmark took place in 2016. [96]

France: In 2016, in response to the European migrant crisis, France offered €2,500 for each person willing to leave the country by the end of December 2016. This was an enormous amount compared with the €350 per person France had offered previously.[97]

Other than this, France does not include Syria in its program of return, where it offers certain nationals financial and logistical support for social reinsertion, employment, professional training and business creation. [98]

Germany: In collaboration with the IOM, Germany has the Reintegration and Emigration Programme for Asylum-Seekers in Germany (REAG) launched in 1979 and the Government Assisted Repatriation Programme (GARP), which commenced in 1989. Under these schemes, IOM organises and supports returns. Under these programs, travel costs are covered and one may receive financial travel allowance and one-time financial start-up assistance (up to €3,500 per family). Yet, this does not apply to the Syrians because of IOM's aforementioned assessment of security. On the other hand, ad hoc campaigns were conducted in 2017 and 2018, the main target being Syrians. One of these campaigns was called 'Your country. Your future. Now!' According to this program, foreign nationals who were required to leave the country were offered financial incentives for voluntary repatriation.[99]

Norway: In collaboration with the IOM, Norway has a general scheme of assisted return for persons residing in the country without a legal residence permit. Yet it does not offer assisted return to Syria because of the security situation in the country. Syrians who have permanent or temporary residence permits in another country other than Syria may apply for assisted return. This is done in collaboration with the IOM. For temporary permit holders, the residence permit should be valid for at least another six months, and each application will be judged on an individual basis, which does not entitle the applicant a *prima facie* right to a grant.[100]

Sweden: Sweden has its own financial assistance program for asylum seekers to include Syrians. This scheme may be accessed by those whose asylum application has been rejected or pending. For asylum seekers whose application is still being processed, the applicant should first withdraw her/his application. Swedish assisted return offers 'cash support, so-called reestablishment support, paid to persons who have to return to a country where there is limited scope for reestablishment because of the security situation'. The amount of reestablishment support is SEK 30,000 for each person older than 18, and SEK 15,000 for children under 18 years of age. The most a family can receive is SEK 75,000.[101]

Turkey: Under TPR, voluntary repatriation appears as one of the reasons for the cessation of temporary protection status. Turkish authorities maintain that since 2019 circa 470,000 Syrians voluntarily returned to Syria.[102]

The TPR lacks a specific provision about assessment of the criterion of voluntary departure from Turkey. As a rule, when a temporary protection beneficiary reveals their wish to return, they sit an interview with a panel comprising representatives from Directorate General of Migration Management (DGMM), UNHCR and civil society. 'The panel assesses whether return is in fact voluntary and the underlying reasons behind it.'[103]

However, there are credible reports that allege practices in violation of this rule and that asylum seekers are forced to sign the voluntary repatriation documents particularly in removal centres.[104]

Deportation and border control: Examples of violation of the Non-refoulement principle from Turkey and EU countries

Deportation: In Turkey the LFIP clearly prohibits refoulement (Article 4), yet an emergency decree of October 2016 introduced an exception to this rule. According to this, authorities may at 'any time during the international protection proceedings' make a deportation decision against the applicants for the reasons of: 1) leadership, membership or support of a terrorist organisation or a benefit-oriented criminal group; 2) threat to public order or public health; or 3) relation to terrorist organisations (as defined by international institutions and organisations). This rule was consolidated as a legal rule via Law no. 7070 on February 1, 2018.[105]

Deportation according to these criteria need not follow a criminal conviction and assessment of the aforementioned criteria is made by administrative decisions. The practice is governed by security restriction codes issued by the DGMM for each individual and is not 'governed by clear, publicly available criteria. The implementation and regulation of these codes is not set out in the law but likely in internal circulars and instructions within the administration.'[106]

Since the introduction of this amendment from 2018, the number of deportation decisions against Syrians has been increasing. Also, the government's 'safe zone' plan created serious allegations of forced returns, pushbacks, and deportations.[107]

Fences: In the past 30 years, EU countries have built some 1,000 kilometres of border fences, with most going up since 2015.

Following the most current migrant-border crisis with Belarus, Poland and Lithuania have started to build fences. Bulgaria and Greece had already started building fences on their Turkish borders, right after the Syrian war. [108] While state authorities argue that those fences provide an effective way of combatting illegal human trafficking, human rights advocate groups maintain that they only serve to displace the problem elsewhere, often resulting in many injuries and deaths.[109]

Pushbacks: Pushbacks include a group of state practices by which asylum seekers are forced to return over a border, usually immediately after crossing it. Pushback practices hinder the possibility of individuals' asylum seeking, and violate several human rights legal norms, including the non-refoulement principle and the prohibition against collective expulsions stipulated in the European Convention on Human Rights.[110]

The practice of pushbacks is a long-standing practice in many EU countries, mirroring the EU's migration policy of 'fortressing, externalisation and containment'. [111] Pushback practices often come with inhuman and degrading treatment, torture and enforced disappearances. Such practices have also been documented by reliable news agencies, such as the BBC, DW, Reuters, Al Jazeera, The Guardian and Der Spiegel. International authorities and NGOs including the UNHCR, Human Rights Watch, Amnesty International and Doctors Without Borders have also documented these practices.[112]

Pushback practices occur on a large scale in states that assume protection of external borders of the EU such as Greece, Croatia, and Poland. On Greek islands bordering Turkish territorial waters (Rhodes, Samos and Symi), for example, a single observer documented 321 pushback incidents involving 9,798 migrants between March and December 2020. [113]

Between May 2019 and November 2020, another observer recorded 22,500 pushbacks from Croatia to Bosnia and Herzegovina. Several asylum seekers subjected to these pushbacks have reported 'theft, extortion or destruction of property, physical abuse or assault, abusive or degrading treatment, including of children, and arbitrary arrest or detention, during those operations.' [114] Similarly, Amnesty International reports that Greece has employed widespread practices with respect to land and water borders, such as arbitrary detention, ill treatment of children, beatings, violent or abusive searches, death resulting from failure to rescue, threats, intimidation and use of firearms.[115]

Despite these well-documented incidences, a lack of legal remedies for the victims and impunity of the pushback perpetrators mark the current situation. Moreover, the EU apparently turns a blind eye to—if not openly supports—these practices. Even more, most recent incidences suggest that the EU has become complacent. President of the European Commission Ursula von der Leyen praised the brutal repression of some 5,000 people at the Turkish borders in early 2020, by labelling Greece as the 'EU's shield'. [116] This is particularly concerning considering that FRONTEX, EU's designated border control agency, has hitherto had its biggest contingent of officers deployed in Greece and has further reinforced its presence after these events. [117]

Most recently, there is the current border crisis between Belarus and the EU - a massive irregular migration flow to Poland, Lithuania and Latvia orchestrated by the Belarusian government.[118] This has triggered yet another push back practice on the borders of the EU, by which migrants are forced to stay in the border between Poland and Belarus where they face push backs from both countries. [119]

In October 2021, Poland adopted a law allowing the practice of pushbacks, despite being contrary to European and international law. This legislation, according to the European Commission, had “many question marks” and was under a detailed analysis. But so far there is no further comment by EU authorities on this issue. What is more, the European Commission proposed a set of temporary measures that could delay registering of asylum applications by up to 16 weeks, which would leave migrants in harsh winter conditions at the borders during that time.[120]

This temporality championed by many EU states, including Germany and Scandinavian countries, turns the right to asylum to a privilege offered and revoked on a whim. What is more concerning is that this whole practice and legal framework is becoming more and more accepted by European society, a dangerous normativity which prefers the protection of borders or the ‘European way of life’[121] to the lives of many.

CONCLUSION

It may be safe to conclude that the whole asylum regime of the free and democratic world is on the brink of collapse. While it is true that the 2015 migrant crisis created an unprecedented stress and burden on receiving countries, shallow political expediency and rampant xenophobic populism cunningly used this crisis to derail more than half a century of human rights principles. It is true that extraordinary circumstances require extraordinary measures, but that does not allow states to derogate from their obligations regarding the most fundamental human rights, such as the right to life, and freedom from torture and inhuman treatment (ECHR Article 15). Yet many states involved in the current refugee problem have been in some way contributing to the violation of these very foundational principles. Inhumane practices are becoming *ex post facto* legislation, and people are brutally barred from access to territory. Even if one reaches a safe destination after risking their life, the persecution continues. International protection is given on a temporary basis, subject to ongoing appraisal and with a possibility of revocation at any time.

FOOTNOTES

[1] See for example, <https://www.refugees-welcome.net/#countries>; <https://euromedrights.org/>; <https://www.ecchr.eu/en/general-topics/>.

[2] See for example, Hsiao-Hung Pai, The refugee 'crisis' showed Europe's worst side to the world GUARDIAN, Jan 1, 2020, <https://www.theguardian.com/commentisfree/2020/jan/01/refugee-crisis-europe-mediterranean-racism-incarceration>, Last visited December 13, 2021.

[3] See infra section 4.3 Deportation and Border Control: Some Examples of Violation of Non-Refoulement Principle from Turkey and EU Countries.

[4] The UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/48/70 (August 13, 2021) This Commission reports regularly on the human rights situation regularly. <https://www.ohchr.org/EN/HRBodies/HRC/IIICISyria/Pages/IndependentInternationalCommission.aspx> (Last visited November 11, 2021)

[5] The UN Human Rights Council, Situation of human rights in the Syrian Arab Republic, A/HRC/48/L.10, (October 1, 2021), Para 13.

[6] Id.

[7] Muriel Asseburg, Reconstruction in Syria, Challenges and Policy Options for the EU and its Member States July 2020, https://www.swp-berlin.org/publications/products/research_papers/2020RP11_ReconstructionSyria.pdf, at 8.

[8] Id at 7.

[9] Human Rights Watch, Syria: Events of 2020, <https://www.hrw.org/world-report/2021/country-chapters/syria> (Last visited November 11, 2021).

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[11] Syrian Network for Human Rights, The Most Notable Human Rights Violations in Syria in October 2021, (November 4, 2021), <https://sn4hr.org/blog/2021/11/04/57004/> (Last visited November 11, 2021).

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[13] See generally Amnesty International, Syria 2020, <https://www.amnesty.org/en/location/middle-east-and-north-africa/syria/report-syria/> (Last visited November 30, 2021); Freedom House, Syria, <https://freedomhouse.org/country/syria/freedom-world/2021> (Last visited November 30, 2021).

[14] Human Rights Watch, Our Lives are Like Death, (October 20, 2021) <https://www.hrw.org/report/2021/10/20/our-lives-are-death/syrian-refugee-returns-lebanon-and-jordan#> (Last visited November 11, 2021).

[15] Transparency International, <https://www.transparency.org/en/countries/syria#> (Last visited November 11, 2021) .

[16] "Samer Abboud, The Economics of War and Peace in Syria (New York: Century Foundation, Report 31 January 2017), <https://tcf.org/content/report/economics-war-peace-syria/?agreed=1>" Quoted by supra note 7, at 9

[17] Id at 9.

[18] UN High Commissioner for Refugees (UNHCR), International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update VI, March 2021, HCR/PC/SYR/2021/06, available at: <https://www.refworld.org/docid/606427d97.html> [last visited 1 December 2021].

[19] https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-of-life/statistics-migration-europe_en#RefugeesinEurope Last visited December 12, 2021.

[20] Id.

[21] https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum_statistics Last visited December 12, 2021.

[22] Sandra Bermúdez, Refugees welcome? Cross-European public opinion on asylum seekers following the 2015 crisis, November 7, 2020 http://www.realinstitutoelcano.org/wps/portal/rielcano_en/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_in/zonas_in/de-mography+population/ari119-2020-bermudez-refugees-welcome-cross-european-public-opinion-on-asylum-seekers-following-2015-crisis (Last visited December 1, 2021).

[23] See infra section 3.4. Narrowing of Asylum Rights.

[24] See generally, Carlos de la Torre (2017), Global populism Histories, trajectories, problems, and challenges in in C. de la Torre (ed.), Routledge Handbook on Global Populism.

[25] UNHCR, Syria Emergency, <https://www.unhcr.org/syria-emergency.html> (Last visited December 1, 2021).

[26] Türkiye'deki Suriyeli Sayısı Kasım 2021, November 25, 2021 <https://multeciler.org.tr/turkiyedeki-suriyeli-sayisi/> (Last visited December 1, 2021) Note: The webpage is subject to monthly update.

[27] Konda, Suriyeli Sığınmacılara Bakış, February 2016 <https://konda.com.tr/tr/rapor/suriyeli-siginmacilara-bakis/> (Last Visited, December 1, 2021).

[28] <https://www.cumhuriyet.com.tr/galeri/turk-halki-suriyeli-gocmenlerle-iligili-neler-dusunuyor-simdiye-kadarki-en-ayrintili-anket-1860265> (Last Visited, December 12, 2021).

[29] Emre Erdoğan, and Pinar Uyan Semerci, Attitudes towards Syrians, March 12, 2018, https://goc.bilgi.edu.tr/media/uploads/2018/03/15/turkish-perceptions-of-syrian-refugees-20180315_Y0gYZol.pdf (Last Visited, December 1, 2021).

[30] SOHR: Three Syrian workers burned to death in İzmir in racist attack, <https://www.syriaahr.com/en/231732/> December, 22 2021. Last visited January 3, 2022.

[31] Governmental practices will be treated separately in other sections wherever relevant.

[32] <https://www.akparti.org.tr/media/318795/7-haziran-2015-edited.pdf> Last visited December 12, 2021.

[33] <https://www.akparti.org.tr/media/318779/24-haziran-2018-cumhurbaskanligi-secimleri-ve-genel-secimler-secim-beyannamesi-sayfalar.pdf> Last visited December 12, 2021.

[34] MHP, Sınırı Aşan Göç Komisyonu Raporu, 2018, https://www.mhp.org.tr/usr_img/mhpweb/kitaplar/siniras_an_gocler_komisyonu_raporu.pdf (Last visited November 13, 2021), at 159.

[35] Devlet Bahçeli'den AKP'yle çelişen 'göçmen' açıklaması July 31, 2021 <https://www.cumhuriyet.com.tr/haber/devlet-bahceliden-akpyle-celisen-gocmen-aciklamasi-1856773> Last visited December 12, 2021.

[36] See supra note 33 and accompanying text.

[37] See generally, Seni Nora, "Arabs and Turks: So Close Yet So Far", Hérodote, 2016/1 (No 160-161), p. 319-336. URL: <https://www.cairn-int.info/journal-herodote-2016-1-page-319.htm>.

[38] But note: CHP's 2019 mayoral elections campaign in Istanbul was criticised because some claimed that it sought to 'expose hate and resentment for Syrians in Turkey' [<https://syriadirect.org/istanbul-mayoral-election-exposes-hate-resentment-for-syrians-in-turkey/>] There is also the case of CHP's mayor of Bolu Province, Tanju Özcan, known for his overtly racist remarks and measures for Syrians. He is subject to party disciplinary proceedings, but for another reason. <https://www.gazeteduvar.com.tr/tanju-ozcandan-irkci-soylem-afganlar-bizden-100-yil-geride-haber-1532180>.

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[43] <https://www.aa.com.tr/tr/politika/iyi-parti-genel-baskani-aksener-suriyelilerin-donuslerini-saglayacak-uc-asamali-plani-acikladi/1675311> (Last Visited, December 1, 2021).

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[47] EU-Turkey statement, 18 March 2016, <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/> (Last Visited, December 1, 2021).

[48] European Commission, Mid-Term Evaluation of the Facility for Refugees in Turkey..., July 7, 2021, https://ec.europa.eu/commission/presscorner/detail/en/P_21_3438 (Last Visited, December 1, 2021).

[49] https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-09/frit_factsheet.pdf ; https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/negotiations-status/turkey/eu-facility-refugees-turkey_en (Last Visited, December 1, 2021).

[50] European Commission, Strategic mid-Term Evaluation Report of the Facility for Refugees in Turkey 2016–2019/2020, June 2021, <https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-09/Vol%20I%20-%20Main%20Report.pdf>.

[51] Id at, 12.

[52] Id at, 14.

[53] According to Article 1 C (5) of the Refugee Convention, a person shall cease to be considered a refugee if the circumstances in connection with which s/he has been recognised as a refugee have ceased to exist, and s/he can therefore no longer continue to refuse to avail him/herself of the protection of the country of nationality.

[54] Jan-Paul Brekke, Jens Vedsted-Hansen, and Rebecca Thorburn Stern, Temporary asylum and cessation of refugee status in Scandinavia Policies, practices and dilemmas, 2020 https://www.udi.no/globalassets/global/european-migration-network_i/emn-norway-papers/emn-occasional-paper-temporary-asylum-and-cessation-of-refugee-status-in-scandinavia-2020.pdf.

[55] Id.

[56] The main legal basis here is the DIRECTIVE 2011/95/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of December 13, 2011, that replaced the Directive 2004/83/EC. This directive was issued to lay down standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection-granted.

[57] <https://www.unhcr.org/germany.html?query=germany> Last visited December 12, 2021.

[58] The Asylum Information Database, Country Report: Germany, 2019, https://asylumineurope.org/wp-content/uploads/2020/07/report-download_aida_de_2019update.pdf.

[59] Id. at, 83-84.

[60] Birgit Laubach, Subsidiary Protection Instead Full Refugee Status Complicates Family Reunification November 24, 2016. <https://legal-dialogue.org/subsidiary-protection-instead-full-refugee-status-complicates-family-reunification> (Last visited November 30, 2021).

[61] Id.

[62] The Asylum Information Database, Country Report: Sweden, April 21, 2021, https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-SE_2020update.pdf.

[63] Id at, 95.

[64] Id at, 95.

[65] <https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/Extending-a-residence-permit.html> (Last visited December 1, 2021).

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[69] Marianne Garvik, Marco Valenta, Seeking asylum in Scandinavia: a comparative analysis of recent restrictive policy responses towards unaccompanied afghan minors in Denmark, Sweden and Norway. CMS 9, 15 (2021).

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[71] Supra note 67 at, 12.

[72] Id at 13.

[73] Denmark asylum: The Syrian refugees no longer welcome to stay, May 19, <https://www.bbc.com/news/world-europe-57156835>, (Last visited November 30, 2021).

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[76] Denmark passes law to process asylum seekers outside Europe, June 3, 2021, <https://www.reuters.com/world/europe/denmark-agrees-law-deport-asylum-seekers-outside-europe-2021-06-03/> (Last visited November 30, 2021).

[77] See generally, Ayşe Bala Akal, Denmark Leading the Race to the Bottom: Hostility as a form of migration control, October 2, 2021, <https://blogs.prio.org/2021/10/denmark-leading-the-race-to-the-bottom-hostility-as-a-form-of-migration-control/>

[78] Asylum in Europe, Country Report: Turkey 2020, https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf.

[79] Id, at 20. As to the refugee status-proper (as per the 1951 Convention), Turkey had maintained a geographical limitation and only applied this status to asylum seekers originating from European countries. The LFIP introduced a 'conditional refugee status' that could be applied to asylum seekers coming from places other than Europe. But as said, Syrians generally do not benefit from this conditional refugee status, either.

[80] Immigration expert Deniz Şenol Sert's statement in *Deporting Hope: The Syrian Refugee Struggle in Turkey* https://www.youtube.com/watch?v=L8V_8nq-9Ck&t=436s&ab_channel=redfish.

[81] Id.

[82] Recep Tayyip Erdoğan proposes 'safe zone' for refugees in Syria, September 24, 2019, GUARDIAN, <https://www.theguardian.com/world/2019/sep/24/erdogan-proposes-plan-for-refugee-safe-zone-in-syria> (Last visited December 12, 2021).

[83] See Human Rights Watch, Turkey: Syrians Being Deported to Danger, <https://www.hrw.org/news/2019/10/24/turkey-syrians-being-deported-danger> (Last visited December 12, 2021).

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[85] <https://worldjusticeproject.org/rule-of-law-index/global/2021/Turkey/> (Last visited December 12, 2021).

[86] See among many: Human Rights Watch, Turkey Defies the European Court, September 13, 2021, <https://www.hrw.org/news/2021/09/13/turkey-defies-european-court> (Last visited December 12, 2021).

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[99] FAQs on the "Your country. Your future. Now!" poster campaign, https://www.bmi.bund.de/SharedDocs/faqs/EN/topics/migration/dein-land-deine-zukunft-jetzt-en/faq-liste-en.html?sessionId=3D7DB733BA5885DD8F2296E8C0E40C6F.2_cid373 (Last visited November 30, 2021).

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[101] <https://www.migrationsverket.se/English/Private-individuals/Leaving-Sweden/Rejection-of-application-for-asylum/Support-for-re-establishment.html> (Last visited November 30, 2021).

[102] <https://www.hurriyetdailynews.com/some-470-000-syrians-return-home-cavusoglu-169156>.

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[104] Id at, 140.

[105] Id at, 150.

[106] Id, at 31.

[107] See supra note 80.

[108] <https://www.statista.com/chart/26087/europes-border-fences/> (Last visited November 30, 2021).

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[113] UNHCR, Report on means to address the human rights impact of pushbacks of migrants on land and at sea, May 12, 2021, A/HRC/47/30 Para 55.

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[115] Amnesty International, Greece: Violence, Lies, and Pushbacks, June 23, 2021. <https://www.amnesty.org/en/documents/eur25/4307/2021/en/> (Last visited November 30, 2021).

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