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Syrian Refugees in Turkey: Insecure Lives in an Environment of Pseudo-Integration

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Syrian Refugees in Turkey: Insecure Lives in an Environment of Pseudo-Integration

Ahmet İçduygu and Evin Millet*

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Abstract

The intention of Syrian refugees to return home are fading as the conflict in Syria shows no sign of abating. Even if the violence does subside, the country faces a destroyed infrastructure, and the road back to the everyday life many Syrians once knew seems ever more distant. This means that Turkey as the major host country of Syrian refugees must now develop practical actions towards providing them with better settlement and integration opportunities. Steps towards granting citizenship have been hinted at by President Erdoğan, pointing to the fact that Syrian refugees may share the same fate as other cases of communities who have suffered from protracted displacement, proceeding through stages of admission, settlement, integration and naturalisation. However, the far-reaching implications of the current crisis require “responsibility sharing” on an international scale. A major step forward has been the deal between the EU and Turkey, but the stress of such a large number of refugees on Turkey’s young legal system on immigration and asylum, and limited resources, as well as the government’s ability to follow its own procedures and live up to the standards of a “safe third country” are now coming into question on the international stage. This paper examines these questions and refers to the paradoxical conditions in Turkey that contemporaneously reflect the deep-rooted limitations of its existing protection capacity and the emerging policies towards the integration of refugees.

Prologue: Evolving from Guests to Citizens?

Following the “Arab Spring” uprisings, protests in Syria in 2011 spawned a civil war that caused a massive influx of Syrian refugees first to their neighbouring countries, and then spreading west to other regions including Europe, especially in the summer of 2015. Since the onset of the Syrian civil war, the number of Syrian migrants has continuously grown over the years, resulting in 2.7 million registered Syrians in Turkey alone, with an estimated additional 2.1 million in Egypt, Iraq, Jordan and Lebanon, and more than 29,000 in North Africa.¹

Although Turkey has not granted Syrians official refugee status, labelling them as “guests” who only enjoy temporary protection, on 2 July 2016, five years after the arrival of the first refugees from Syria, Turkish President Recep Tayyip Erdoğan surprisingly stated that Syrian refugees living in Turkey could eventually be granted citizenship.² The details of the government’s potential move towards citizenship are not yet known and are likely to have far-reaching implications for issues related to the Syrian refugees as well as for state-society relations within Turkey. Even though this move is currently very immature and involves various uncertainties, it indicates that the

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1 UNHCR, *Syria Regional Refugee Response*, updated 1 August 2016, <http://data.unhcr.org/syrianrefugees/regional.php>.

2 Turkish Presidency, *President Erdoğan Shares Fast-Breaking Dinner with Refugees in Kilis*, 2 July 2016, <http://www.tccb.gov.tr/en/news/542/45576/suriyeli-kardeslerimiz-vatandaslik-imkni-verecegiz.html>.

Turkish authorities circuitously accept the likelihood of a process whereby the protracted displacement of Syrians turns into their long-term, and even permanent, settlement.

Historic accounts of civil unrest and drawn-out refugee situations show that resolution does not come quickly or easily.³ While the conventional expectation of various actors in any asylum situation is that the refugees could return to their homes when the conditions there are improved, even if there is a political settlement in Syria, many Syrian refugees likely will not go home for many years because of residual societal tensions, infrastructure destruction and the weakened economy.⁴ The presence of the Syrians in Turkey “is likely to be a medium- to long-term situation, requiring plans in recognition of this time frame,” as well as recognition of the long-term economic, social and political responsibilities to support these refugees.⁵ Currently, dealing with Syrian refugees is, therefore, not a question of halting refugees’ flight and reversing their movement, but requires practical actions towards providing them with better settlement and integration opportunities.⁶ In other words, parallel to the claims of the related literature, the protracted displacement of Syrian refugees, similar to other migratory movements, seems to be proceeding through admission, settlement, integration and naturalisation (acquiring citizenship) stages. But it is certainly very hard to claim that this process will be smooth and linear towards a successful integration: on the contrary, it signals a series of various serious difficulties that challenge the integration stages.

Adding to the complexities, the Syrian refugee flows reached another remarkable milestone in the summer of 2015, as more and more Syrians arrived at the conclusion that they would not have a future in their homeland and the neighbouring countries (including Turkey) where they sought refuge, and consequently many chose the unsafe unauthorised path to Europe, where they hope to start over in a safe, stable environment. Besides representing a serious humanitarian crisis affecting hundreds of thousands of human beings, the unauthorised flows of Syrian refugees to Europe have “challenged the fragile geopolitical balance of the region and raised concerns about the future of the borderless Schengen area.”⁷ As a

3 Shelly Culbertson and Louay Constant, “Education of Syrian Refugee Children. Managing the Crisis in Turkey, Lebanon, and Jordan”, in *RAND Research Reports*, No. 859 (2015), http://www.rand.org/pubs/research_reports/RR859.html.

4 Brian Michael Jenkins, “The Dynamics of Syria’s Civil War”, in *RAND Perspectives*, No. 115 (2014), p. 18, <http://www.rand.org/pubs/perspectives/PE115.html>.

5 Shelly Culbertson and Louay Constant, “Education of Syrian Refugee Children”, cit., p. x.

6 Katy Long, “Refugees, Repatriation and Liberal Citizenship”, in *History of European Ideas*, Vol. 37, No. 2 (June 2011), p. 232-241.

7 Emanuela Roman, Theodore Baird and Talia Radcliffe, “Why Turkey Is Not a ‘Safe Country’”, in *Statewatch Analyses*, No. 3/16 (February 2016), p. 1, <http://www.statewatch.org/analyses/no-283->

result, the European Union (EU) authorities decided to enhance migration cooperation with Turkey, with the aim of reducing the flow of migrants and asylum seekers moving from or through the country to the EU. The EU-Turkey Refugee Deal dated 18 March 2016 has been a product of this cooperation effort.⁸ But the stresses of such a large number of migrants on Turkey’s young legal system and limited resources, as well as the government’s ability to follow its own procedures and live up to the standards of a “safe third country” are now coming into question on the international stage.

Given the increasing global context of the forced displacement of Syrians, the key roles played by the main host countries including Turkey, Lebanon and Jordan, the “management crisis” that the EU has been faced with since the summer of 2015 due to the flows of Syrian refugees into Europe, the political balances, and the risks that the protracted nature of displacement poses to the refugees and hosting societies and communities, there is need to better understand the situation with a comprehensive perspective that is evidence-based and explanatory. This paper provides an overview of Syrian refugees in Turkey, the country that houses the largest numbers during the current unrest, describes challenges and opportunities involved, elaborates on complexities and tradeoffs, and offers some practical recommendations, not only for stakeholders in Turkey but also for international actors including the EU. Consequently, this paper indirectly refers to the paradoxical conditions in Turkey regarding the question of whether the country is a “safe third country” – conditions that concurrently reflect the deep-rooted limitations of existing protection capacity in the country on the one hand, and somewhat liberal and embracing policies and practices emerging towards the integration of refugees and their family members, on the other hand.

Enactment of Migration and Asylum Legislation, and the Influx of Syrian Refugees

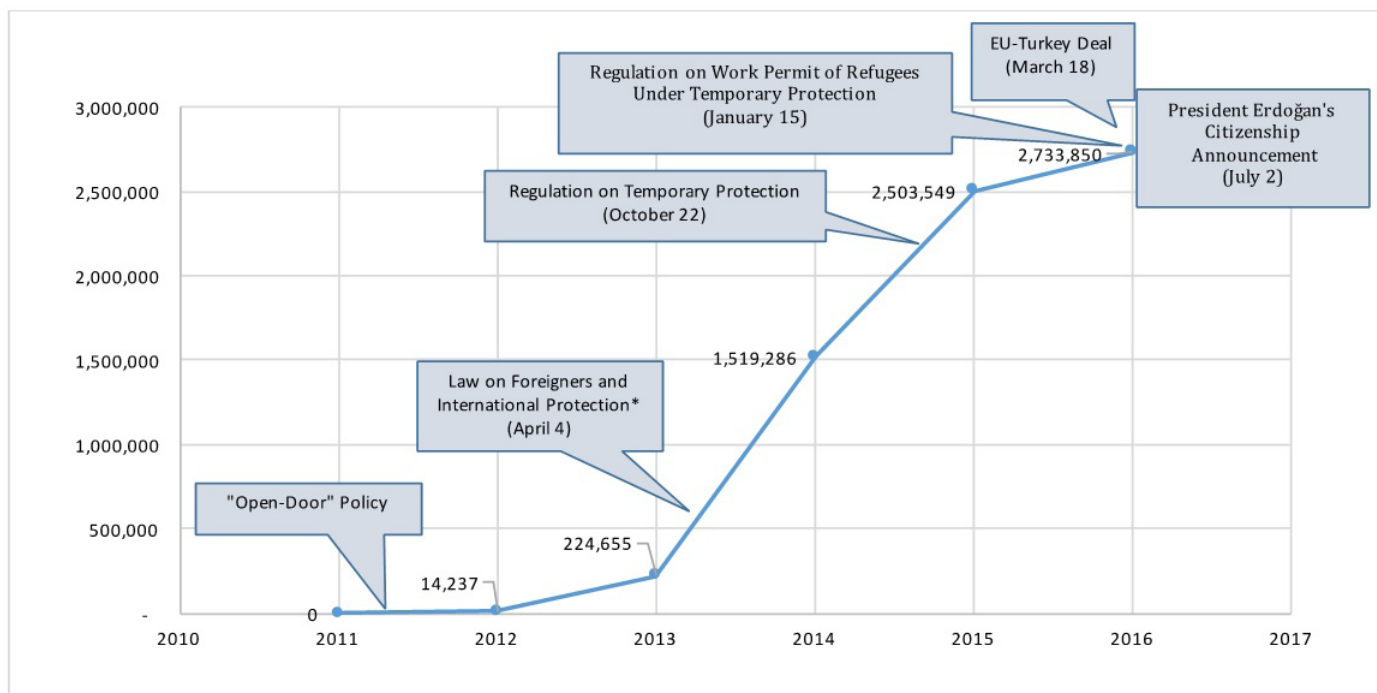
Migration and asylum-related issues have always been very high on the political agenda of EU-Turkey relations. Over the last two decades, signs of policy changes in the areas of immigration and asylum in Turkey have increasingly been apparent, and the EU has been a main driving force in this regard since the early 2000s. For example, the Action Plan on Asylum and Migration, adopted by the government in March of 2005, laid out the tasks and timetable that Turkey intends to follow in order to adopt EU directives on asylum and migration.⁹ It is within this context that Turkey experienced the EU-

[why-turkey-is-not-a-safe-country.pdf](http://www.why-turkey-is-not-a-safe-country.pdf).

8 European Council, *EU-Turkey Statement*, 18 March 2016, <http://europa.eu/!Uv88TM>.

9 Ahmet İçduygu, “Syrian Refugees in Turkey. The Long Road Ahead”, in *MPI Reports*, April 2015, p. 5, <http://www.migrationpolicy.org/node/15264>.

• **Figure 1 | Trends of the Syrian Refugee Flow and Timeline of Legislative Process**



Source: Authors' elaboration on data from the Turkish Ministry of Interior: Directorate General of Migration Management (DGMM), Migration Statistics: Temporary Protection, updated 28 June 2016, http://www.goc.gov.tr/icerik6/temporary-protection_915_1024_4748_icerik.

* The passage of LFIP was motivated by Turkey's efforts to align its laws with EU accession requirements initiated prior to the Syrian influx.

isation of its migration and asylum legislation. One of the earliest examples towards this direction was a new law, enacted in 2003, called the Law on the Work Permit for Foreigners, that enabled labour migrants to obtain their documents in Turkey more easily.¹⁰ The enactment of this law facilitates foreign nationals' search for work and employment in Turkey and heralds the state's more welcoming attitude towards its migrant labour force. The Law on Foreigners and International Protection (LFIP) was later adopted in April 2013.¹¹ Combining two separate previously planned laws, the Law on Aliens and the Law on Asylum, the LFIP delivered milestone advancements to put the management system in Turkey in line with core international and European standards.¹² With this enactment, Turkey showed its dedication to integrating immigrants into the country and treating asylum seekers and irregular migrants in accordance with international norms.

When the Syrian conflict started in 2011, it quickly grew into chaotic clashes that caused a mass exodus to Turkey and other neighbouring countries. At the onset, the conflict was expected to be resolved in a relatively short period of time. Turkey took a strong position against the Assad regime and adopted an open door policy for those

who needed shelter (see Figure 1). However, the Syrian refugees coming into Turkey were called "guests" by the government, which granted no legal right and implicitly assumed a "temporary and short" stay. Afterwards, as their exile was prolonged, the government extended their status to "temporary protection." The enactment of LFIP in the midst of the influx was timely, but the law maintained the "geographical limitation" framework of the 1951 Convention, which keeps Syrians under "temporary protection" and therefore hinders their ability to integrate and acquire permanent settlement in Turkey.

The scope and benefits of Turkey's temporary protection status were expanded and better outlined by the Regulation on Temporary Protection (TP) passed in October 2014,¹³ which further strengthened humanitarian aid by providing those granted temporary protection with access to health and education systems, labour markets, social assistance, interpretation and other similar services. As the migration event continued to grow, TP laid out that registration would be done by taking fingerprints, pictures and other biometric measurements that would be added to existing biometric data and registered under the Address Registration system, after which a temporary protection identification document and foreigner identification number would be issued. Although the temporary protection identification document grants the right to stay in Turkey, it is not a residency permit, and it does not allow the holder to apply for permanent residency or citizenship or to transition to a long-term

¹⁰ Law No. 4817 of 27 February 2003 (Official Gazette No. 25040 of 6 March 2003), <http://www.refworld.org/docid/4496b3d44.html>.

¹¹ Law No. 6458 of 4 April 2013 (Official Gazette No. 28615 of 11 April 2013), http://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf.

¹² Ahmet İçduygu, "Syrian Refugees in Turkey. The Long Road Ahead", cit., p. 6.

¹³ Temporary Protection Regulation (Official Gazette No. 29153 of 22 October 2014), http://www.goc.gov.tr/files/_dokuman28.pdf.

residence permit.

With millions of displaced Syrians now living in Turkey almost five years after the onset of the Syrian war, the conflict in the region has no end in sight, and the longer stay brings its own additional layers of complexity for both the displaced persons and the host country. The integration into the labour market of those under temporary protection has been of growing concern, as Turkey faces an increased number of unemployed refugees living in the country. In January 2016, the Regulation on Work Permit of Refugees Under Temporary Protection took effect for those “under temporary protection,”¹⁴ allowing them to apply to the Labour Ministry for work permits six months after their registration under temporary protection status. Some of the stipulations of the regulation are that refugees cannot be paid less than minimum wage; the share of refugees cannot exceed 10 per cent of the employed Turkish citizens in the same workplace; and those who work in agriculture and husbandry as seasonal workers are exempted from the work permit requirements.¹⁵

The continuation of the mass incursion to Turkey was not only due to the country’s proximity and the government’s welcoming discourse but also to Turkey’s location through which Syrians could make their way to Europe – and in Europe, concerns were growing about the irregular migration through Turkey. In order to limit irregular migration, the EU and Turkey agreed upon a “one in, one out” deal in March 2016.¹⁶ According to the agreement, all new irregular migrants who arrive in Greek islands through Turkey as of 20 March 2016 will be returned to Turkey starting on 4 April 2016, and for every Syrian who is sent back, one registered Syrian in Turkey will be resettled to the EU. The deal aims to deter unauthorised migrants from entering Europe through improper channels. Moreover, Turkey has agreed to take any necessary steps to keep the passage into Europe under control. In exchange, the EU has agreed to the disbursement of 3 billion euros to the Facility for Refugees in Turkey, which will fund the support and aid efforts including healthcare, education and food for the Syrian migrants.¹⁷ In addition, in exchange for this

deal, visa requirements for Turkish citizens were to be lifted by the end of June 2016, “provided that Turkey fulfils all benchmarks required for such a lift.”¹⁸

As this deal requires the return of “all new irregular migrants crossing from Turkey into Greek islands” back to Turkey without full examination of their asylum claims on the grounds of the safe third country principle, it has led to an intense debate over the question of whether Turkey is indeed a safe third country where the rights of all refugees will be safeguarded in line with the Refugee Convention. The complex and ever-shifting dynamics of the reality of the three million refugee population in Turkey, coupled with the well-documented limitations of the existing protection capacity in the country, fail to provide any satisfyingly clear “yes or no” answer to the question of whether Turkey is a safe third country. It appears that Turkey’s evolving migration and asylum policies and practices regarding the recent flows are consistent with the expected stages of any migratory setting, which go from admission to settlement to integration and then naturalisation. As shown in Figure 1, Turkey experienced a gradual increase in the number of Syrian refugees between 2011-2013, followed by a dramatic increase over the next couple of years during the admission and settlement periods, and then stabilisation towards the end of 2015 through 2016 during an integration period and potentially moving to a naturalisation period. The admission and settlement stages started with adopting the open door policy and the extension of rights as “guests” to “temporary protection.” The related policies and practices now seem to be moving in the direction of integration and possibly naturalisation through citizenship according to President Erdoğan’s recent announcement. But, of course, these policy-related discourses and moves do not directly guarantee any real developments for the establishment and operation of a full protection system in Turkey.

The EU-Turkey deal has raised concerns about its legality and feasibility, mainly hinging on the EU’s assumption of Turkey as a safe third country. Some observers argue that Turkey is not legally speaking a safe third country under the EU Asylum Procedures Directive for three main reasons.¹⁹ Firstly, Turkey has ratified the 1951 Refugee Convention and its 1967 Protocol with a very substantial geographical restriction: only Europeans can claim refugee status, which creates an obstacle for Syrians

14 Geçici Koruma Sağlanan Yabancıların Çalışma İzinlerine dair Yönetmelik [Regulation on Work Permits of Refugees under Temporary Protection] (Official Gazette No. 29594 of 15 January 2016), <http://www.mevzuat.gov.tr/MevzuatMetin/3.5.20168375.pdf>.

15 See Turkish Ministry of Labour and Social Security, *Implementation Guide Regarding the Work Permits of Foreigners Provided with Temporary Protection*, April 2016, http://www.fta-intl.org/sites/default/files/%C3%87SGB%20Guide%20-%20Work%20Permit%20for%20Foreigners%20under%20Temporary%20Protection_EN_0.pdf.

16 European Commission, *EU-Turkey Agreement: Questions and Answers*, 19 March 2016, http://europa.eu/rapid/press-release_MEMO-16-963_en.htm.

17 European Commission, *Facility for Refugees in Turkey - Steering Committee Accelerates and Scales up Implementation*, 12 May 2016, http://europa.eu/rapid/press-release_IP-16-1728_en.htm.

18 Vincent Chetail, “Will the EU-Turkey Migrant Deal Work in Practice?,” in *Graduate Institute of International and Development Studies News*, 29 March 2016, <https://t.co/3vDyeJb8o1>.

19 Vincent Chetail, “Will the EU-Turkey Migrant Deal Work in Practice?,” cit.; Elizabeth Collett, “The Paradox of the EU-Turkey Refugee Deal,” in *MPI Commentaries*, March 2016, <http://www.migrationpolicy.org/node/15595>; Emanuela Roman, Theodore Baird and Talia Radcliffe, “Why Turkey Is Not a ‘Safe Country’,” cit.; Orçun Ulusoy, “Turkey as a Safe Third Country?,” in *Border Criminologies Blog*, 29 March 2016, <https://www.law.ox.ac.uk/node/12866>.

seeking to settle in the country. Secondly, the persistent terrorist attacks perpetrated on the Turkish territory and the armed conflict against Kurdish fighters bring risks of execution, torture and inhuman or degrading treatment within the country that could cause its own asylum flows.²⁰ Thirdly, there have been occasional claims of deportation, push-backs, arbitrary detention and physical violence against asylum-seekers who are trying to cross the Turkish borders. However, observers claiming that Turkey is a safe third country do so largely in view of its new asylum legislation through LFIP, which is praised by UNHCR as “a reflection of Turkey’s strong commitment to humanitarian values and principles” and “an important advancement for international protection.”²¹ It is argued that, despite the geographical restriction on the 1951 Convention, in practice, non-Europeans also have the opportunity to gain temporary protection and refugee status with the condition of resettling in a third country. Additional arguments in favour of Turkey’s safe third country status include its commitment to respecting the principle of *non-refoulement* and, although certain human rights violations and armed-conflicts with Kurdish fighters have cast doubts on Turkey’s safety, Turkey is currently not a country that produces its own refugees, which is one of the main criteria of being a non-safe third country.²²

Epilogue: Reflections on the EU-Turkey Refugee Deal

Since the beginning of asylum flows from Syria, while Turkey’s generous and liberal admission policies have been universally praised, as have the high standards of its refugee camps, it has also received criticism for legal uncertainties and administrative drawbacks. In contrast, European countries have been intensely criticised for their longstanding ignorance and restrictive policies towards the admission of refugees from Syria and elsewhere. This contrasting picture has not only highlighted the issue of “responsibility sharing versus responsibility shifting,” it has also raised the question “how can it be justified that norm-abiding states who take their fair share of refugees be required to shoulder extra burdens as a result of some states failing to abide by the norm of refugee protection?”²³ With this background, and following the

devastating summer of 2015 – a period when thousands of refugees seriously suffered at the European borders, some tragically lost their lives at sea, and European states were incredibly paralysed – the signed EU-Turkey deal took aim at reducing the flows of smuggled migrants and asylum seekers, increasing the resettlement of Syrian refugees residing in Turkey, accelerating visa liberalisation for Turkish nationals, and boosting the financial support for Turkey’s refugee population that will contribute to their protection and integration.

There have been two major questions about the presumed consequences of the EU-Turkey deal, that have caused heated discussion and required detailed elaborations: first, is the deal itself legal, i.e., can Turkey be considered a safe third country, and second, will this deal work or not? Concerning the latter, it is rather early to come to any concrete conclusions, but it seems that the deal has already begun to accomplish its goal of considerably reducing arrival numbers in Greece.²⁴ The “one in, one out” aspect of the deal seems to have no significant result yet. Regarding the definition of Turkey as a safe third country, there are opposing views that reflect the complexity of the issue. It is difficult to claim that Turkey’s asylum and refugee regime is a well-functioning one without any problems, but it is also hard to state that this regime has failed substantially to provide protection to the thousands of refugees who have arrived over the last five years. It appears that Turkey’s policies and practices related to Syrian refugees are somehow advancing through the phases of admission, settlement, integration, and naturalisation that indicate an undeniable move from the notion of short-term “guest” towards permanent settlement and citizenship acquisition. It seems that these developments are not so much the products of a process that is well planned with all details considered, but rather that they emerge as unavoidable consequences of the process that Turkey has found itself engaged in with the arrival of large numbers of refugees and their extending duration of stay.

For the last fifteen years, the EU has played a very significant role in the reforms made in the policies and

20 European Stability Initiative (ESI), *Turkey as a “Safe Third Country” for Greece*, 17 October 2015, <http://www.esiweb.org/pdf/ESI%20-%20Turkey%20as%20a%20safe%20third%20country%20-%2017%20October%202015.pdf>.

21 UNHCR, *UNHCR Welcomes Turkey’s New Law on Asylum*, 12 April 2013, <http://www.unhcr.org/news/briefing/2013/4/5167e7d09>.

22 European Stability Initiative (ESI), *Turkey as a “Safe Third Country” for Greece*, cit.

23 David Owen, “In Loco Civitatis. On the Normative Basis of the Institution of Refugeehood and Responsibilities for Refugees”, in Sarah Fine and Lea Ypi (eds.), *Migration in Political Theory. The Ethics of Movement and Membership*, Oxford, Oxford University Press, 2016, p. 286.

24 Indeed, the immediate effects of the EU-Turkey deal have already been felt on the shores of the Greek Islands that had been flooded with irregular migration. The European Commission reported that, since 1 May 2016, the average daily arrivals at Greek Islands decreased to 47, as contrasted with around 1,740 on average in the weeks before the deal was implemented, indicating more than a 95 per cent decrease. See European Commission, *Implementing the EU-Turkey Statement - Questions and Answers*, 15 June 2016, http://europa.eu/rapid/press-release_MEMO-16-1664_en.htm. Looking further back, according to UNHCR, monthly Mediterranean Sea arrivals were 67,415 in January 2016, 57,066 in February and 26,971 in March before dropping sharply to 3,650 in April, 1,721 in May and 1,554 in June. The corresponding figures in 2015 were 13,556 in April, 17,889 in May and 31,318 in June. See UNHCR, *Refugees/Migrants Emergency Response - Mediterranean*, updated 10 July 2016, <http://data.unhcr.org/mediterranean/country.php?id=83>.

practices of migration and asylum regime in Turkey. In fact, the EU-Turkey deal of 2016 further affected this regime and necessitates new changes. For instance, two important policy changes must be realised: Turkey could lift the geographical limitation to its 1951 Convention obligation, and it could remove the statement in the Settlement Law that promotes people with “Turkish descent and culture.” Otherwise, the current status of these two regulations would create a serious obstacle for the protection, settlement, integration and naturalisation of many Syrian refugees in the country. There is no doubt that better management of the protection, settlement, integration and naturalisation processes requires a more proactive and better thought-out policymaking position on immigration and asylum issues. However, in present-day Turkey, the operation of the existing policies and development of new policies in the fields of protection, settlement, integration and naturalisation are exposed to a toxic environment of “high politics” and “populist discourses.” Indeed, Turkish government’s recent citizenship discourse for Syrians exemplifies the unformed new policy attempts in an environment that may not produce fully satisfactory results for the better integration of Syrian refugees, even though they aim at reaching such results.

With the experience of the 2016 EU-Turkey deal, it becomes clear that the EU and Turkey would have little difficulty in agreeing on the “management of migration and asylum flows” once Turkey was satisfied that the negotiations embraced a “responsibility sharing” instead of a “responsibility shifting” goal. The “membership anchor” remains of heavy importance even if the “prospects for membership” are missing from this stage. Although the definition of “responsibility sharing” remains rather vague, the EU-Turkey deal has presented an opportunity for an experimental cooperation between the EU and Turkey, given all of the complexity involved in migration- and asylum-related bargaining, with hopes of finding a mutually rewarding solution. The reality that the ramifications of negotiations dealing with borders, migration or asylum either inside or outside of the accession process will not only affect the parties involved, but the course of the process as a whole, must be realised. In this sense, as observed in the case of the 2016 deal, migration- and asylum-related bargaining has witnessed frequent oscillation between the “blame game” and an “anchor for the accession period.” Mismanagement of the bargaining process over migration and asylum issues, with its ineffective results, carries the undeniable risk of reversing the process of bettering the relationship between EU and Turkey. Consequently, the 2016 EU-Turkey deal implicitly indicated that any step in the EU accession process, visa liberalisation and the enhanced cooperation on migration management can indirectly help Turkey become a safe country for refugees.

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