Turkey as a "Safe Third Country"? The Impacts of the EU-Turkey Statement on Syrian Refugees in Turkey

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Abstract

Turkey has taken a number of steps including regulations granting approximately three million Syrian refugees with the guarantee of non-refoulement, access to basic humanitarian services, and the right to access education, health services and the labour market. The Turkish government's policy position on the Syrian refugees has gradually begun evolving from 'hospitality' to 'integration'. The Statement between the EU and Turkey has raised concerns about the assumption of Turkey as a "safe third country" to return refugees to, however, one aspect of the agreement, which focuses on the EU's financial support to improve the situation of Syrian refugees in Turkey, is considered as an important positive step towards the integration of Syrians. This paper aims to address the question of whether Turkey can be considered as a "safe third country" for Syrian refugees. Drawing on fieldwork conducted in İstanbul, İzmir and Gaziantep, this paper focuses on the experiences of Syrian refugees in Turkey to explore whether Turkey can be recognized as a "safe third country" for refugees.

Key Words

Syrian Refugees, EU-Turkey Statement, Integration, Turkey, European Union, Migration Policies.

Introduction

The Syrian migration is one of the largest mass movements of people in world history, and has caused an estimated 11 million Syrians to flee their homes since the outbreak of civil war in March 2011, leaving another 13.1 million in need of humanitarian assistance within the country.[1] According to the United Nations High Commissioner for Refugees (UNHCR), approximately 5,5 million have fled to Turkey, Lebanon, Jordan, Egypt and Iraq, and 6.6 million are internally displaced within Syria.[2]

More than one million Syrians have requested asylum in Europe. While the Syrian refugees[3] have become the world's

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largest refugee population, Turkey has been hosting the largest share, with more than three million refugees. Since the outbreak of the refugee flows from Syria starting in 2011, the international community has not showed solidarity by sharing the burden with the major countries of asylum. The response of the international community to Syrian migration has mainly focused on limited humanitarian aid, protection of the borders, and resettlement of a tiny fraction of refugees. Research on refugees and asylum seekers in Europe has focused on receiving states' policies for reducing the number of refugees entering the European countries and preventing irregular migration flows.[4] Many asylum seekers and refugees live in uncertainty and experience exclusion in the receiving societies due to these states' policies. As a result, the numbers of campaigns against refugees, asylum seekers and immigrants have rapidly increased in Europe.[5] Refugees are generally seen as a problem that needs to be solved and European countries introduce new regulations to control and manage the migration flow.[6] Castles argues that the EU member states' policies aiming to reduce the flow of migrants have been unsuccessful, as migrants instead try to go to Europe via irregular ways, thus creating an emerging job market for human smugglers.[7]

While the Syrian refugees have become the world's largest refugee population, Turkey has been hosting the largest share, with more than three million refugees.

With the mass movement of Syrians from Turkey to Europe since the summer of 2015, the EU's response to Syrian migration has moved towards stopping the flows of refugees and irregular migrants. The number of refugees arriving in Europe and seeking international protection increased from 542,680 in 2014 to 1,255,640 in 2015.[8] After a new wave of refugees arrived in Europe in the summer of 2015, the EU collaborated with Turkey to control and reduce the flow of refugees arriving in Europe.

On 18 March 2016, the EU agreed with Turkey upon a "one in, one out" deal.[9] In exchange, the EU committed to: a) re-energise Turkey's accession process by establishing structured and more frequent high level dialogue with Turkey and opening new negotiation chapters; b) accelerate the lifting of visa requirements for Turkish citizens in the Schengen zone by October 2016; and c) provide an initial three billion Euros to improve the situation of Syrians in Turkey.[10] The agreement has been criticized by academics, civil society actors, and human rights organisations because of the definition of Turkey as a "safe third country". Following a year of implementation of the EU-Turkey Statement of 18 March 2016, the number of refugees crossing to Europe and the loss of lives declined, according to the fifth report on the progress made in the implementation of the EU-Turkey Statement.[11]

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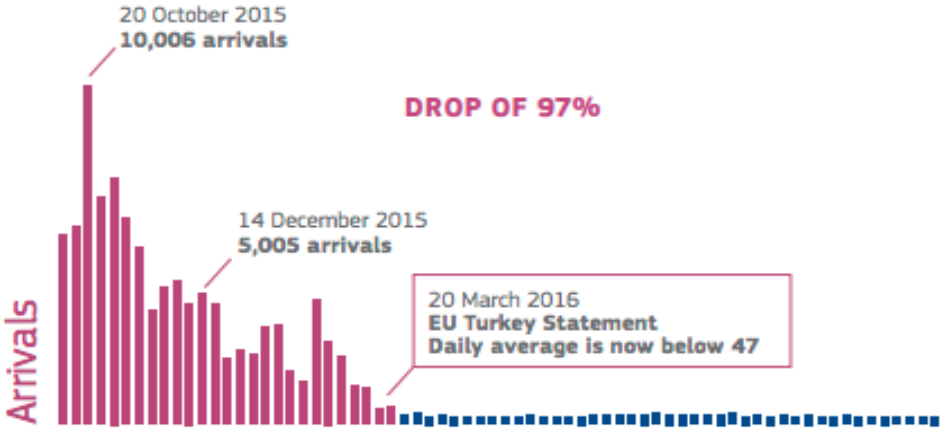
Figure 1: Outcome of the EU-Turkey Statement between 2015 and 2017



Source: European Commission, at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/eu_turkey_statement_17032017_en.pdf (last visited 5 December 2017).

The European Commission stated that daily crossings have gone down from 10,000 in a single day in October 2015 to an average of around 43 in 2017.[12] Since the deal was put into effect, 1,896 migrants have returned to Turkey; 45,972 migrants crossed over to Greece from Turkey, and just over 3,500 refugees have been resettled from Turkey to the EU.[13] Among those returned, 831 non-Syrians have been returned to their countries of origin; all returned Syrians, in total 212, were pre-registered for temporary protection, with the exception of 16 persons who decided to return voluntarily to Syria; 19 Syrians decided to stay in the accommodation facilities provided by the Turkish authorities, and 177 of them chose to live outside according to a recent report released by the EU.[14]

Even though daily crossings dropped 97 % between 2015 and 2017, the EU-Turkey Statement has been receiving criticism from human rights organizations and rights-based NGOs for regarding Turkey as a "safe third country" and not ensuring the safety of refugees. The EU has five criteria for a country to be considered as a 'safe-third country': i) the life and liberty of asylum claimants and refugees will not be threatened on account of race, religion, nationality, membership of a particular social group or political opinion; ii) there is no risk of serious harm as defined in Directive 2011/95/EU; iii) the principle of *non-refoulement* is respected; iv) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment is respected; and e) the possibility exists to request refugee status and, if found to be a refugee, to be accorded Refugee Convention Protection.[15] The EU has presumed Turkey as a "safe third country" regardless of whether Turkey fits all five of the above criteria. Although, Turkey does not provide "refugee status" to people coming from a non-European country due to the geographical limitation, and does not recognize the rights of refugees mentioned in the Convention, the presumption of Turkey as a "safe-third country" is mainly based on ensuring *non-refoulement* protection and access to fundamental rights.

This article aims to explore the impact of the EU-Turkey Statement and whether Turkey can be recognised as a "safe third country" for refugees, by focusing on the experiences of Syrian refugees in Turkey. This paper consists of three interrelated parts. The first part presents the methods of this research. The second part explores Turkey's response to Syrian migration by providing an historical overview and looking at the legal aspects of Syrian migration. The third part provides insight into the experiences of Syrian refugees in Turkey in relation to access

to rights and their settlement choices. Finally, the conclusion discusses the validity of the EU-Turkey Statement and whether it is responding to the needs of Syrian refugees in Turkey.

Methods of Research

The findings presented here are based on fieldwork[16] carried out in İstanbul, İzmir and Gaziantep from May 2016 to December 2016 as part of a project funded by the Scientific and Technological Research Council of Turkey (TÜBİTAK-BİDEB). The reason for selecting these three cities is as follows: İstanbul has the highest number of Syrians, with 537,829,[17] in conjunction with migrants from Somalia, Russia, Afghanistan, Iraq, Iran, Bangladesh, Uzbekistan, and Moldova amongst others. Gaziantep, bordering Syria, hosts 350,067[18] Syrians and contains many Syrian-run businesses plus many national and international NGOs working with refugees. İzmir, the Aegean province Turkish port city, is the starting point of the movement of refugees to Europe over the last few years. The number of Syrian refugees residing in Izmir is lower than Istanbul and Gaziantep as it has become a transit city for migrants attempting to reach Europe. In order to have a better understanding of the reasons behind the movement of Syrian refugees to Europe and the profile of the refugees on the move, I preferred to conduct a part of my fieldwork in İzmir. I conducted in-depth interviews with 75 Syrian refugees in total, 25 Syrian refugees in each city, recruited in cafes and other meeting points. The length of stay of participants in Turkey varied; while some had migrated just months earlier, others had been living in İstanbul and/or Gaziantep for up to four years. Once I had made some connections, I used a snowballing approach to identify further interviewees. The participants consisted of males and females, aged from 19 to 54. Most were from very low socio-economic status although a few informants were living in more affluent districts of Istanbul, İzmir and Gaziantep.

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During the interviews, I worked closely with an interpreter who translated from Arabic to English. Questions were designed to be open-ended to enable respondents to tell their stories in their own words, and related to their experiences of living in Turkey, including settlement, access to rights,

social networks, and near future plans, in order to understand whether the participants were planning to move to another country. I used qualitative content analysis to identify a set of common themes from the narratives, and then employed a thematic coding system, which helped to create analytical categories. Ethical approval for the project was gained via the university's ethics committee and consent forms were circulated to all participants before starting the interview process.

Turkey's Response to Syrian Refugees: From 'Guests' to 'Citizens'

The first movement of Syrian refugees to Turkey began in 2011. The first group of Syrian refugees crossed into the Hatay region of Turkey in April 2011. As refugees enter the country, they are registered by the Turkish Disaster and Emergency Management Authority (AFAD) and then are settled in refugee camps that have been established by the Turkish government in Adana, Adıyaman, Gaziantep, Hatay, Kahramanmaraş, Kilis, Malatya, Mardin, Osmaniye, and Şanlıurfa.[19] There are 26 refugee camps in Turkey, which are run by AFAD. The services provided to Syrian refugees in the camps cover the basic survival needs including food, health care and educational activities. By the end of 2012, there were over 170,912 registered refugees in Turkey. In 2013, the influx of refugees from Syria into Turkey reached its highest levels, with nearly 40,000 arrivals on average per month.[20] By the end of 2014, the total number of registered Syrian refugees reached 1,622.839,[21] and 2,503,549[22] towards the end of 2015. According to the UN High Commissioner for Refugees (UNHCR), as of January 2018, there are 3,424.237[23] Syrian refugees registered in Turkey.

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At the beginning of the movement from Syria, Turkey adopted an "open door" policy based on religion-oriented hospitality, and Syrian refugees were perceived and welcomed as "guests". However, from a legal perspective, "guest" status implies an unpredictability about their status and, therefore, it is not internationally recognized. Turkey is a party to the 1951 Geneva Convention Related to the Status of Refugees and the 1967 Protocol. Turkey signed and ratified the 1951 Refugee Convention and the 1967 Protocol, though with a geographical limitation, which limits its responsibilities towards only

European refugees. It does not provide a refugee status to people coming from non-European countries, and does not recognize the rights of refugees mentioned in the Convention. In October 2011, the Turkish government introduced a temporary protection regime for Syrians in Turkey, ensuring *non-refoulement* protection and humanitarian assistance. However, there was little information available on the temporary protection regime and it did not refer to access to rights. With the influence of the EU to develop the Turkish asylum law during the Turkey's EU accession process, the Law of Foreigners and International Protection (LFIP) was adopted in April 2013 and fully entered into force in April 2014. With the new law, the status of Syrians was clarified, focusing on subsidiary protection, temporary protection[24] status, and humanitarian assistance.[25] The rights of Syrian nationals in Turkey now include a lawful stay in Turkey until the conflict ends in Syria, and access to health, education, social assistance and the labour markets. With the LFIP, Turkey for the first time included provisions on migrant integration, which is referred to as "harmonization".[26] However, accessing these rights stated in the LFIP can be difficult in practice. For example, according to the work permit regulation, employers have to apply on behalf of Syrians who are registered and have been in Turkey for more than six months. An employment quota also applies. According to the quota, Syrians cannot exceed 10 % of the employed Turkish citizens in the same workplace. The Ministry of Labour and Social Security data indicate that only 13,298 Syrians were granted a work permit in 2016.[27]

Although Syrian children's access to education is gradually improving, long-term solutions are needed. Growing concerns about the education of

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Syrian children led to the release of the Turkish Ministry of Education's Circular, No: 2014/21 on "Education Services for Foreign Nationals" on 23 September 2014. The circular aimed to guide and better frame the application process for all migrant children to have access to education services with specified options for Syrian refugee children.[28] Syrian children can either attend Turkish public schools or attend Temporary Education

Centers (TEC) that are primary and secondary education centers providing education to school-aged Syrian children in Turkey with a partnership between Turkey's Ministry of National Education (MONE), UNICEF and UNHCR.[29] TECs provide education in Arabic, apply a modified Syrian curriculum, and operate both within and outside refugee camps. The curriculum of TECs is managed by the Syrian Interim Government's Ministry of Education in cooperation with the Turkish Ministry of National Education. The number of Syrian children attending TECs are higher than other schooling institutions such as Turkish public schools.[30] However, most Temporary Education Centers (TEC) have now been shut down by the government in order to integrate Syrian children into the Turkish national education system and all Syrian children can have access to formal Turkish schools. According to a new report on Syrian refugees in Turkey, published by the Turkish Parliament's Refugee Rights Commission, there were 976,200 Syrian children in Turkey by November 2017 and while 333,000 of these children continue their education in Turkish public schools, 305,000 of them still receive education at Temporary Education Centers.[31] As stated in the report, a total of 638,000 Syrian children go to school in Turkey, which is equivalent to 62% of the total number of Syrian children in the country. Whilst 95% of these children attend primary school, there is a drop in the number of students attending secondary and high school.

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Even though the government of Turkey has taken important steps to make Turkish public schools legally accessible to Syrian refugee children and to give accreditation to the TECs, Syrian children still face many barriers to attending schools in Turkey.[32] The issue of child labour among Syrians in Turkey is one of the barriers preventing children to attend school. According to a research conducted by Support to Life, a national humanitarian aid organisation based in Turkey, in Hatay and Şanlıurfa, between 70 and 80 % of Syrian children work at least eight hours a day, six days a week.[33]

Regarding access to health services, Syrians under temporary protection have the right to benefit from health services under the control

and responsibility of the Ministry of Health in coordination with AFAD. According to the Circular 2014/4 and Circular 2015/8 published by AFAD, refugees who are not registered with the Directorate General of Migration Management (DGMM) cannot benefit from health services other than emergency services and primary health services (i.e. in case of contagious diseases).[34] In some cases, language barriers with Turkish health care providers constitutes a problem in accessing health services. Yet, translation services and Syrian health personnel also operate in certain neighbourhoods and facilitate the process. The only right that is not stated in the LFIP is housing. There are no public housing opportunities for Syrian refugees in Turkey. Syrians living outside of the camps need to provide for their housing expenses themselves. The vast majority of Syrians live outside the camps and finding affordable housing with their limited finances become one of the main problems that many Syrians experience.

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Although access to these rights are limited in practice, the integration policies are gradually improving. Another important step in the recognition of the Turkish government for the permanent settlement of Syrians was the Turkish President's announcement on 2 July 2016 that Syrians would be granted citizenship.[35] By the end of 2017, almost 40,000 of Syrians with more human and economic capital acquired Turkish citizenship and some more are expected to get it soon.[36]

Experiences of Syrian Refugees in Turkey (2015-2017)

The settlement patterns of Syrian refugees in Turkey have changed with the large numbers of new arrivals. Initially, the early arrivals were settled in the refugee camps closer to the Syrian-Turkish border. A year after their arrival, most Syrian refugees started to leave the camps and settle in border and metropolitan cities, due to the camps being over-crowded and the preference to live with relatives in Turkey. Over time, the number of new arrivals increased so much that the camps could not house them all. Today, about 92% of Syrian refugees in Turkey remain outside of the refugee camps.[37] Those who are not registered with

Turkish authorities also choose to live outside of camps, especially in towns and cities due to the entry barriers to these facilities. In the process of settlement, many Syrians have felt isolated due to the lack of access to information and not being able to speak the receiving society's language.

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The lack of information about their rights and limited access to services, hinders the integration processes. A majority of the respondents in İstanbul stated that they do not know their rights or which services are available for them, as the state does not provide information about how to access services such as healthcare and education. Syrian refugees get help from certain NGOs and local authorities. One 45-year-old Syrian female interviewed in İstanbul highlighted that living in areas where the majority of the population consists of refugees, makes accessing local services easier:

> "The majority of the population in the Fatih district of İstanbul are Syrian refugees - nearly 70 %. The local council circulated food to us and calls us every three months" (45 years old, female, İstanbul)

The Syrian refugees I interviewed in İstanbul stated that not receiving enough support from the government services make their lives difficult, and that they need to exert more effort to access the services and information. A 49-year-old Syrian male stated his experience of accessing resources. Although Syrian children are now allowed in Turkish schools, he did not have that information at the time. He said that:

> "We need help from the government. I want to send my children to school but the government does not offer education to Syrian children. We do not know what rights we have, where to go if something happens to us, or where to get help. Charities are not useful; they just brought some clothes and provide nothing else." (49 years old, male, İstanbul)

Having established mechanisms to provide support and facilities for Syrian refugees in Turkey is important, and it could be more beneficial to give authority to local representatives to respond to the refugees' needs, and to connect refugees to relevant services by constructing effective communication between local representatives and

Syrian refugees. In both cases, Syrian refugees are making an effort to access information and services provided for them as stated by a Syrian in Gaziantep:

> "The local representatives do not share the information with us about registration and our rights, we need to search and find out ourselves." (37 years old, female, Gaziantep)

One of the main obstacles many Syrians experience is finding affordable housing. Housing is one of the key dimensions for refugee integration. In order to feel included in the society, refugees need to access decent, safe, secure and affordable accommodation. With the increased number of Syrian refugees in urban areas, accommodation is a major struggle for Syrians. It is also reported that rent prices have soared after the arrival of Syrians in certain neighborhoods, which affects both local poor and Syrians alike:

> "I found a flat in the Fatih district for 450 TL four years ago. Now, the landlord wants 1000 TL for the same flat. I have to pay this amount for a one bedroom flat. My Turkish neighbors pay 600 TL for a two- bedroom flat. Syrians pay 1000 TL. They [landlords] do not think; they do not care. We escaped from the war." (25 years old, male, İstanbul)

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In order to find affordable housing, a majority of my respondents stated they receive support from the community:

> "I came to Turkey four years ago. I first stayed in the camp for four days then I escaped and went to Adana. I have an aunt in Adana. Adana was too hot. There are many fights in the camp. I stayed in the camp in Urfa. My uncle said 'go to the camp, I will take you from there'. I came to İstanbul three years ago. My Syrian friend helped me to find an accommodation and job." (33 years old, male, İstanbul)

> "Some friends told us to go to İstanbul; they said that 'there is work in İstanbul, everything is fine there'. They helped us to find an accommodation." (26 years old, female, İstanbul)

As in the case of many refugees, ethnic networks are useful in providing employment among Syrian refugees in Turkey. As Bloch and McKay's research suggests, "where constraints are imposed by lack of legal status, ethnic networks may be the only available

option, even where they only offer minimal or even no access to resources or information".[38] Muller also states the effective role of ethnic networks in accessing employment.[39] The positive role of ethnic networks in accessing the job market is also supported in the case of Syrian forced migrants in Turkey. Many respondents stated that they benefitted from their friends and relatives in accessing job markets:

> "Syrian and Turkish people in Gaziantep told me that I could find a job in İstanbul easily. I found a job in a restaurant owned by Syrians. I am now working as a manager in the restaurant." (42 years old, male, İstanbul)

> "My employer is Syrian and most of the customers are Syrian. There are a lot of Syrians where I work. It is better to work with Syrian people. They speak Arabic. It makes communication easier." (24 years old, female, İstanbul)

Many Syrian refugees interviewed for this research acknowledge the positive role of ethnic social bonds in finding accommodation and accessing the labour markets in Turkey. However, the ones who do not have social networks experience hardship in finding the employment and if they find a job, they work in difficult conditions and are often exploited, as stated by some respondents in İstanbul:

> "When I first came here, I worked as a tailor, and earned 600 TL. I worked one month. They said that there is no money. They say that you can complain to the police. They know that I cannot get anything because I do not have a work permit here." (25 years old, male, İstanbul)

In many cases, some employers (ab) use the situation for their own interest, as many Syrians have to work in the informal sector without work permits and they have fewer chances than locals do of finding better employment. Therefore, they accept the worst working conditions, with less pay. A 29-year-old Syrian male living in Gaziantep explained his experience of working in Turkey:

> "We all have our traumas; our psychology gets worse here. They [the Turkish government] granted us work permits but it is very difficult to get because employers do not prefer to apply for work permits. All Syrians work in the informal economy and employers use this for their advantage. Most of the employers do not pay the wages of Syrians and tell them go to the police. They [the employers] know that Syrians do not prefer to go to police or complain anywhere because most of the

> Syrians are not registered and work illegally, so they benefit from their vulnerable situation. Turkey opens the border for us but it is not enough." (29 years old, male, Gaziantep)

Apart from having limited access to job markets and housing, education is another problem Syrian refugees face. According to Human Rights Watch, many Syrian children are unable to attend school because of the language barrier and lack of Turkish language support for non-native speakers; some of them face bullying and social integration difficulties, lack accurate information on enrolment procedures, economic hardship and temporary education centres are limited in number and not widely available in areas where Syrian refugees live.[40] A respondent living in İstanbul mentioned the difficulty of finding a school that would accept her children. She said that:

> "I want my children to get an education while we are in Turkey, but accessing the education is not easy. Even though we are registered and have an ID card, it is hard to find a school accepting Syrian children. I tried to register my children to a school in İstanbul's Fatih district, but the schools did not accept them. The school's directors said that we do not have enough space for this year, you can ask again next year." (33 years old, female, İstanbul)

As a result of limited access to resources, not having a secure status and uncertainty of future, many Syrians living in Turkey prefer to move to Europe in order to have a better life standard.

Moving to Europe: Challenges and Aspirations of Syrian refugees

Many Syrians interviewed for this research highlighted that they wanted to go to Europe to have a better prospect of life, including access to the labor market, education, and health, having free accommodation and receiving unemployment benefits. Based on hearsay, a 31-year-old Syrian male respondent mentioned the resources to which he might have access if he moves to Germany. He said:

> "In Germany, people have a better life. I am saving money to go to Europe. I can find a job there. They will give me house and money every month. I will have a better life in Germany. Here in Turkey, it is very expensive, the money I earn is not enough. I work 12 hours a day." (31 years old, male, İstanbul)

When I ask how he knows that Germany gives money, provides access to job markets and offers affordable housing, he stated that:

> "I have relatives who moved to Germany a year ago. They said that they have all these rights" (31 years old, male, İstanbul).

Social networks of refugees become crucial in deciding which country to go to. Gilbert and Koser argue that when choosing a destination country, asylum seekers take into account the availability of social networks in the country of destination as well as the countries' geographical location, economic situation, and migration policy in relation to access to rights and resources.[41]

Another reason stated by many Syrians for their decision to move to Europe is social exclusion they might face in Turkey, and the perception of Europe - especially of Germany - as the land of opportunities and its welcoming portrayal on social media towards refugees. A respondent mentioned discriminatory attitudes of some local people, which make him consider going to Europe and look for other alternatives:

> "I want to go to Europe but it is very expensive. I want to go to Germany. There is no future for me here. Most Syrian people want to go to Europe because of communication problems and discrimination. If I stay here, there will be more problems and my life conditions will get worse." (29 years old, male, İstanbul).

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Research shows that in an environment where harmony and friendliness are established between refugees and the natives, refugees feel safe and secure.[42] However, in the case of Syrian refugees in Turkey, the natives' sometimes discriminatory behaviours and the refugees' lack of local language competence create barriers in establishing good relationships with the members of the receiving society and leave the refugees with a sense of feeling excluded.

Some Syrians prefer to go to Europe through regular ways such as applying for refugee status through the UNHCR. However, in most cases, the application process through the UNHCR takes too long and they do not want to wait in limbo in the transit country due to fear

of persecution, poverty and uncertainty. The participants mentioned how the regulations make their life difficult in the following ways:

> "I came to Gaziantep 10 months ago with my son. I am a lawyer but can't work here. Rent is very expensive here. My husband is in Norway. We will go to Norway. We applied to the UNHCR a year ago but haven't heard anything yet. If the UNHCR does not contact me within a year, I will go to Europe by using the dangerous route". (33 years old, female, Gaziantep)

> "We are living in Turkey for four years under temporary protection. We have established our lives in Turkey but we do not know what will happen to us in the near future. We need a safe status; we need to feel safe. If Turkey does not offer us permanent residency, we need to search for other destinations. But if Turkey will grant us permanent residency or citizenship, we will stay in Turkey". (34 years old, male, Gaziantep)

The quotations above show that being in limbo and not having a secure status force Syrians to flee to Europe. Restrictive migration and integration policies do not prevent migrants from moving to other countries. As Portes states, migration policies focusing on short-term plans become unsuccessful and *force* migrants to choose other directions.[43] In order to go to Europe, many Syrians use irregular ways via human smugglers or individual resources. Their decision to go to Europe using smuggling services is voluntary as mentioned above, since the application process through the UNHCR takes long time. Castles argues that smuggling is an unintended outcome of restrictive migration policies and the lack of access to rights and resources.[44] Even though going to Europe is expensive and dangerous, many Syrians plan to attempt to reach Europe:

> "I plan to go to Europe. I will first go to Greece or Sofia. I lost US$ 1000 to get a passport… My wife is pregnant. I want my child to be raised in peace. I want to go to Europe for my child to have a better life. In order to go to Europe, I have to work and save money. I came to Turkey because Turkey is central to Europe." (35 years old, male, İzmir)

> "I have been told that many Syrians come to Aksaray, İstanbul to go to Europe. There are lots of smugglers who are Turks, Moroccans and Syrians in Aksaray. A friend of mine in Syria told me that I could easily

> reach smugglers in Aksaray. He knew a Syrian guy who organizes the journey. I came to İstanbul, Aksaray to go to Germany through the smuggling operation. I paid US$ 10,000 to go to Germany." (27 years old, Syrian male, İstanbul)

The respondents above indicate that they are aware that the journey is dangerous; they know the procedure and cost of the journey. It is important to state that not all the Syrians going to Europe have been living in Turkey, as some of them travel from Syria to İzmir in order to directly go to Europe. One 35-year-old Syrian male stated that he directly came to İzmir from Syria with his family. He said the following:

> "We came to İzmir from Syria a week ago to go to Europe. We escaped from the ISIS attacks. We could not take all our money because we had to run away. We paid US$ 1,200 per person to go to Greece. We do not know where to go from Greece. It depends on the amount of money we will receive from our relatives in Lebanon. We do not want to die in Syria; we have to escape." (35 years old, male, İzmir)

When I ask the respondent above why they (the family) do not want to live in Turkey and instead chose the dangerous route to go to Europe, he said that:

> "We are aware of the conditions and situations of Syrians in Turkey; they are not in good conditions, so we choose to go to Europe. We also do not want to live in Turkey for security reasons because Turkey is a neighbourhood country of Syria and there are continuous terrorist attacks in Turkey" (35 years old, male, İzmir).

This interview took place after the EU-Turkey Statement in which Turkey is recognized as a "safe third country" for Syrian refugees. Even though, the number of migrants crossing to Europe reduced dramatically, the safe environment has not been established for many Syrians in Turkey.

Conclusion

It has been almost two years since the EU-Turkey Statement has started being implemented. However, there are still concerns about the legality of the agreement, especially concerning the EU's assumption of Turkey as a "safe third country". Although, Turkey does not fit all the necessary criteria to be considered as a "safe third country", the presumption of Turkey as a "safe-third country" is mainly based on ensuring *non-refoulement* protection and providing access to fundamental rights. The concerns related to recognizing

Turkey as a "safe third country" highlights the geographical restriction that Turkey maintains the 1951 Geneva Convention and its 1969 Protocol, due to which Syrians are not recognised as refugees. This situation is not only creating barriers to their permanent settlement in Turkey, but it also limits their access to the rights provided to refugees. Respecting the *non-refoulement* principle of international refugee law is not enough, as the other requirements in the Refugee Convention, including access to social assistance, healthcare, labour markets and education also have to be provided for refugees to feel secure. As expressed by human rights organizations, since March 2015, Turkey has virtually sealed its borders with Syria and erected walls near the border areas.[45]

According to the Statement, Turkey needs to ensure access to effective asylum procedures for all persons in need of international protection.[46] There are also claims of unlawful practices which are carried out against the principles of the LFIP in a deportation centre for irregular migrants.[47] Apart from ensuring access to effective asylum procedures, according to the Statement, Turkey also needs to guarantee that the rights of all refugees need to be safeguarded in line with the Refugee Convention.[48] However, the empirical data illustrate that many Syrians have experienced struggles to access the labour market, education, health care and housing that are essential for refugees, and which need to be guaranteed.

The EU should offer humane reception conditions to people who are in need of help, improve the situation of asylum seekers in the Greek islands, transfer them to mainland Greece for their cases to be processed rather than return them to Turkey, and take its fair share of responsibility.

The EU has also received criticism for not providing safe and legal ways for asylum seekers to reach other European countries for family reunification, relocation or humanitarian visas. It is stated that thousands of asylum seekers in Greece are trapped in deplorable and volatile conditions, with many denied access to adequate asylum procedures by human rights and humanitarian aid organisations.[49] The EU should offer humane reception conditions to people who are in need of help, improve the situation of asylum seekers in the Greek islands, transfer them to mainland Greece for their cases to be processed rather than return them to Turkey, and take its fair share of responsibility.

Therefore, the EU-Turkey deal is not working as it does not offer safe and stable living conditions and does not provide effective protection for refugees.

Policy makers need to understand migration as a social process of a long-term nature, and need to establish long-term policies in order to be able to respond to the migrants' needs.

The emphasis of this article is that long term solutions to improve refugees' access to rights are needed for an effective integration process of Syrian refugees in Turkey. As Castles stated, policy makers need to understand migration as a social process of a long-term nature, and need to establish long-term policies in order to be able to respond to the migrants' needs.[50] Even though there has been a considerable decline in the number of irregular crossings to Europe since the Statement was implemented, no progress has been made on the integration of Syrians in Turkey.[51] In order for Turkey to be considered as a "safe third country" in legal terms, a sustainable status should be given to Syrians and other refugees from different countries who have been living in Turkey for years. Rather than giving temporary protection with the absence of a timeframe, access to rights should be guaranteed to Syrian refugees not only on paper but also in practice.

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