

Master Victimology and Criminal Justice

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MASTER THESIS

VICTIMOLOGY AND CRIMINAL JUSTICE

Syrian refugees in Turkey:

Victims of the EU's politics of non-entrée?

Examining the impact of the EU-Turkey Statement on the right to work and the principle of non-refoulement for Syrian refugees in Turkey in 2014-2018



Abstract

The European Union had tried to stop unwanted irregular migration by the use of politics of *non-entrée*. In these politics, migration management is sourced out to third countries that are expected to put EU-directed migration on a hold. An example of this is EU-Turkey Statement: Turkey promised the EU to stop irregular migration from Turkey to Greece.

This thesis examines the impact of this Statement on the principle of non-refoulement and the right to work for Syrian refugees residing in Turkey between 2014 and 2018. Turkey does not recognize Syrians as refugees, but provides them a Temporary Protection Status which should protect them against refoulement and provide them the right to work.

By comparing 59 reports published two years before and after the EU-Turkey Statement, this thesis examined the status of these two human rights. Attention was also paid to causes and consequences. It was found that Turkey was repeatedly accused of acts of refoulement. Procedural safeguards were lacking, especially for detained Syrians. Furthermore, Syrians who opted for ‘voluntary repatriation’ may have been forced to leave. Also, Turkey was accused of pushbacks at the Turkish-Syrian border.

The right to work was almost absent in the period 2014-2016, because the necessary legislation was not adopted yet. As a result, many Syrians worked in informal labor, where problems like exploitation and child labor appeared. When necessary regulation was adopted (January 2016), access to work permits and lawful labor increased in legal terms. However, in 2017, only 3 percent of the Syrians of working age had legal access to work. Most Syrians continued to work illegally.

It was found that the EU-Turkey Statement most likely impacted the principle of non-refoulement, but had less impact on the right to work. Also, the Statement was not the only factor: there were multiple factors and events that caused an increased risk of violations. The EU’s broader politics of non-entrée and the lack of resources by Turkey also affected human rights for Syrians. Furthermore, the political tensions after the coup attempt (July 2016) further limited the right to work and the principle of non-refoulement for Syrians. Future research should include more human rights, pay attention to the differences between different groups of refugees, and examine the importance of other factors.

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Preface

Before you lies the thesis “*Syrian refugees in Turkey: victims of the EU’s politics of non-entrée? Examining the impact of the EU-Turkey Statement on the right to work and the principle of non-refoulement for Syrian refugees in Turkey in 2014-2018.*” It is the result of my research on the impact of the EU-Turkey Statement on human rights for Syrian refugees residing in Turkey in the period 2014-2018, with a focus on the right to work and the principle of non-refoulement. It has been conducted by analyzing 59 reports written by state-, non-state and quasi-state actors, 22 before and 37 after the EU-Turkey Statement entered into force. This thesis was written to fulfill the graduation requirements of the master Victimology and Criminal Justice at Tilburg University. My earliest research for the thesis started in December 2018. However, my interest on the subject was already provoked in March 2017, when I wrote an essay on externalization policies by the European Union for the course Europeanization of Crisis and Security Management (part of the master Crisis and Security Management at Leiden University). I am grateful that I got the opportunity to expand my research and learn more about this subject through this thesis.

I would like to thank all those who supported me during the process, including friends and family who thought along and read parts of my thesis to provide me feedback. In special, I want to express gratitude to my supervisor, Annick Pijnenburg LL.M., who guided me during the whole process, to Maria Shaidrova MSc, who provided me feedback during thesis circles, and to Dr. Mijke F. de Waardt, who commented on my thesis proposal. I also want to thank Orçun Ulusoy LL.M. for his time to provide me more information on the current situation in Turkey regarding human rights and the labor market.

I hope you enjoy your reading.

Marit Dijkstra

Eindhoven, June 7, 2019

List of abbreviations

3RP	Regional Refugee & Resilience Plan
AI	Amnesty International
CAT	Committee Against Torture
CTDC	Centre for Transnational Development and Collaboration
CSR51	Convention Relating the Status of Refugees 1951
DGMM	Directorate General of Migration Management
EC	European Commission
ECHR	European Convention of Human Rights
ECRE	European Council on Refugees and Exiles
EU	European Union
GUE/NGL	European United Left / Nordic Green Left
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights 1966
ICG	International Crisis Group
IHRL	International Human Rights Law
IOM	International Organization for Migration
IRC	International Rescue Committee
IRL	International Refugee Law
JAP	Joint Action Plan
LFIP	Law on Foreigners and International Protection 2014
LGBT	Lesbian, Gay, Bi, Transgender
NRC	Norwegian Refugee Council
ORSAM	Ortadoğu Stratejik Araştırmalar Merkezi
RWPF	The Regulation on Work Permits for Foreigners under Temporary Protection
TL	Turkish Lira
TPR	Temporary Protection Regulation 2014
TPS	Temporary Protection Status
UDHR	Universal Declaration of Human Rights 1948
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner on Refugees
USDS	United States Department of State

Overview of important events

March 25, 2011	Start of the Syrian Civil War
April 4, 2013	Law on Foreigners and International Protection adopted
April 12, 2014	Law on Foreigners and International Protection entered into force
October 22, 2014	Temporary Protection Regulation adopted and entered into force
November 29, 2015	Joint Action Plan activated
January 11, 2016	Regulation on Work Permits for Foreigners Under Temporary Protection adopted and entered into force
March 18, 2016	EU-Turkey Statement published
March 20, 2016	EU-Turkey Statement entered into force
July 15, 2016	Coup attempt
July 20, 2016	State of Emergency announced
July 22, 2016	Announcement: derogation to the ECHR is lodged
October 29, 2016	Presidential Decree
July 19, 2018	End of the State of Emergency

1. Introduction

1.1. Context of the research

1.1.1. Border externalization in Europe: politics of non-entrée

For decades, European states have implemented migration policies aiming to ‘regulate’ unwanted migration towards their countries (Edwards, 2005; Guiraudon & Lahav, 2000; Harvey, 2000; Kjærsum, 2002; Polman, 2019). Migration is not only a matter of policy, but also of security, when concerns arise that migration may threaten the “cultural, national and social identity of Western states” (Walters, 2008, p. 160). According to several scholars, this fear has led to stricter policies and hostility against migrants: it is a “War against Migration” (Polman, 2019, p. 122; see also Fassin, 2011; Harvey, 2000).

So, Western states are increasingly managing migration. The means to ‘fix’ the ‘migration problem’ are inherently aimed towards the border in what Gammeltoft-Hansen and Hathaway (2015) call “the politics of *non-entrée*” (p. 241; see also Moreno-Lax & Giuffrè, 2019). As Frelick, Kysel and Podkul (2016) critically describe, these migration management measures are “extraterritorial state actions to prevent migrants ... from entering the legal jurisdictions or territories of destination countries or regions or making them legally inadmissible without individually considering the merits of their protection claims” (p. 193).

In the politics of *non-entrée*, investments to manage migration are no longer limited to the physical border of the European Union [EU], but also are sourced out to third countries that are motivated to put migration towards Europe on a hold¹ (Frelick, *et al.*, 2016; Gammeltoft-Hansen & Hathaway, 2015; Gammeltoft-Hansen & Tan, 2017; Polman, 2019). Thus, migrants are excluded even before they have the opportunity to enter the state concerned (Frelick, *et al.*, 2016; Gammeltoft-Hansen & Tan, 2017; Guiraudon & Lahav, 2000). In this thesis, there is a focus on one particular form of politics of *non-entrée*: the EU-Turkey Statement.

1.1.2. The EU-Turkey Statement and the EU’s safe third countries policy

Before I elaborate on the EU-Turkey Statement, I want to discuss the context of this agreement. From 2014 onwards, the number of migrants travelling to Europe started to rise. During the

¹ Polman (2019, p. 119) argues that European states use “carrots and sticks” to promote third countries to assist in migration management: states with a proximity to Europe that help to put migration on a hold are “rewarded” with development aid, military assistance, investments, trade and expertise, while countries that are not involved (enough) are abridged.

peak of 2015, more than one million migrants entered Europe. Approximately 860,000 of them travelled via the Aegean Sea Route from Turkey to Greece (Ulusoy & Battjes, 2017, p. 4). This ‘refugee crisis’ boosted the importance of migration control for EU Member States, who preferred to stop migrations far before their own physical borders. Non-EU countries with a geographical proximity to Europe were “encouraged to prevent migrants ... from entering their territories or to apprehend and return them” (Frelick, *et al.*, 2016, p. 194).

On March 18, 2016, the EU-Turkey Statement, also known as the ‘EU-Turkey Deal’, was adopted by EU Member States leaders and Turkey. This non-legally binding document contained different agreements between the EU and Turkey, including the promise to return migrants, who irregularly crossed the border between Turkey and Greece, to Turkey (Council of the EU, 2016; Raijmakers, 2018). The Statement entered into force on March 20, 2016 (Council of the EU, 2016).

The EU-Turkey Statement was not the first migration management agreement between the EU and Turkey. Since May 2015, several meetings were held. In November 2015, the Joint Action Plan [JAP] was activated (Oudejans, Rijken, & Pijnenburg, 2018; Raijmakers, 2018). With the JAP, Turkey promised to apply stricter border controls regarding its borders with Europe and to improve the conditions for Syrians already residing in Turkey (Raijmakers, 2018; Zetter & Ruaudel, 2016). The EU-Turkey Statement, following in March 2016, was an official confirmation of action points made earlier, and included new actions to be taken².

1.1.2.1. The safe third country policy

The EU-Turkey Statement is based on the premise that Turkey is a safe third country. This makes the return of migrants from Greece to Turkey valid according to EU law (Poon, 2016; Raijmakers, 2018). However, scholars have questioned whether Turkey should be considered a safe third country (Oudejans, *et al.*, 2018; Poon, 2016; Ulusoy & Battjes, 2017). This paragraph will shortly discuss this policy, because it is one of the themes this thesis elaborates on.

Though the European Union has been criticized for closing ‘deals’ with other states (Frelick, *et al.*, 2016; Polman, 2019; Rygiel, Baban, & Ilcan, 2016), it does uphold a certain standard when it comes to externalizing border migration. In the Asylum Procedure Directive (2013), the European Parliament and the Council stated that an asylum application inside the EU can be

² These agreements, action points and the results of the Statement will be discussed more extensively in chapter 2, paragraph 2.2.

declared inadmissible when “a country which is not a Member State is considered as a safe third country for the applicant”³ (article 33 (2) (c)). To be a safe third country, a state should meet the following requirements (Article 38 (1) of Directive 2013/32/EU):

- (a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;
- (b) there is no risk of serious harm as defined in Directive 2011/95/EU;
- (c) the principle of *non-refoulement* in accordance with the Geneva Convention is respected;
- (d) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and
- (e) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.

Concludingly, migrants who entered a safe country before entering Europe can be legally returned to said country. However, it is important to notice that, although there is a legal basis for the safe third country principle under EU-law and although ‘safe third country returns’ are accepted by the United Nations High Commissioner of Refugees [UNHCR], this principle is not legally accepted under *international* law (Poon, 2016). So, discussion remains to what extent returning refugees to so-called safe third countries should be accepted. However, this discussion falls outside the scope of this research.

1.2. Research question

Several issues persist when it comes to the EU-Turkey Statement. Firstly, discussion remains whether Turkey is a safe third country (for more explanation, see paragraph 1.3.1). Furthermore, Turkey’s asylum system is pressured as millions of Syrians are residing in Turkey, and this number only increased after the Statement (United Nations Development Programme [UNDP] & UNHCR, 2019).

Oudejans and colleagues (2018, p. 21) have stated that the investments by the EU in Turkey are meant to make Turkey a sufficient replacement for its own Member States. However, it is

³ There are also other reasons why an asylum application can be declared inadmissible. One of these reasons is that “a country which is not a Member State is considered as a first country of asylum for the applicant” (Article 33 (2) (b) of the Asylum Procedure Directive). However, this thesis only discusses the requirements for safe third countries because during the time the EU-Turkey Statement was released, Turkey was mostly seen as a transit country by Syrians. This means that most of them did not apply for asylum in Turkey and were not planning to do so (İçduygu, 2015; Scheel & Ratfisch, 2014).

debatable to what extent Turkey can provide for the Syrian refugees residing within its borders. Especially protection of their human rights is essential for these refugees, but academic scholars and NGOs have argued that human rights violations have taken place (Amnesty International, 2016b; Frelick, *et al.*, 2016; Ulusoy & Battjes, 2017).

The EU-Turkey Statement increased Turkey's burden in number of migrants, but at the same time, the EU also promised to support Turkey (see chapter 2, paragraph 2.2.). From this angle, one may wonder whether the EU-Turkey Statement has worsened or bettered the situations for refugees in Turkey. Therefore, the research question is: *To what extent and how has the EU-Turkey Statement impacted the principle of non-refoulement and the right to work for Syrian refugees in Turkey?*

1.3. Relevance

1.3.1. Academic relevance

The aim of this thesis is to fill two gaps in academic research. Firstly, this thesis contributes to the discussion whether Turkey should be perceived a safe third country for Syrian refugees by scrutinizing to what extent Turkey upholds the principle of *non-refoulement* (see chapter 2, paragraph 2.3.1.) (Article 38(1)(c) of Directive 2013/32/EU) (Frelick, *et al.*, 2016; Oudejans, *et al.*, 2018; Poon, 2016; Rygiel, *et al.*, 2016; Ulusoy & Battjes, 2017; Weber, 2017).

Secondly, since the European Union and Turkey started their talks on migration control more concretely in 2015, different scholars have written about the implications of the agreements (see, amongst others, Poon, 2014; Rygiel, *et al.*, 2016; Ulusoy & Battjes, 2017; Van Liempt, *et al.*, 2017). Academic research has been carried out on the conditions of Syrian refugees in Greece (Van Liempt, *et al.*, 2017) and on readmitted refugees from Greece to Turkey (Ulusoy & Battjes, 2017). However, a comparison over time, focusing on Syrians residing in Turkey, is lacking.

By including the right to work, attention is given to a human right that is essential for “realizing other human rights and [that] forms an inseparable and inherent part of human dignity”, (United Nations [UN] Committee on Economic, Social and Cultural Rights, in Amnesty International [AI], 2014a, p. 40). The right to work is an important social and economic right that can provide Syrians a livelihood and better access to other social rights (European Commission [EC], 2016f, p. 29).

Lastly, by comparing human rights violations between two years before and after the Statement, this thesis contributes to the body of knowledge about the EU-Turkey Statement and its longer-term consequences.

1.3.2. Societal relevance

As mentioned before, a large number of Syrian refugees is residing in Turkey: 3.5 million by the end of 2017 (European Commission, 2018; UNDP & UNHCR, 2019). The EU-Turkey Statement has increased the burden of Turkey in terms of the number of migrants residing in the country (Gammeltoft-Hansen & Tan, 2017). According to the Statement, the EU would provide Turkey support in order to “ensure funding of further projects for [Syrian refugees]” (Council of the EU, 2016). Problematic consequences or limited implementation of the action points of the Statement could have devastating effects on refugees in Turkey. More generally, this thesis can contribute to the discussion how the EU’s politics of non-entrée affect human rights of refugees (Oudejans, *et al.*, 2018; Polman, 2019).

I have decided to focus on Syrian refugees, because they comprise the largest group of refugees in Turkey: in 2016, 92 percent of the refugees in Turkey was Syrian (UNHCR, 2017).

The principle of non-refoulement and the right to work are chosen for different reasons. Regarding the principle of non-refoulement, this is of particular importance for refugees because it provides them the essential protection from prosecution, inhuman treatment and other dangers they need (Poon, 2016; Scheel & Ratfisch, 2014).

As has been mentioned (see paragraph 1.3.1.), the right to work is also vital for refugees. Irrespective of the fact whether Turkey is a safe third country or not, there is a large number of Syrian refugees residing in Turkey. Turkey has taken steps in order to fulfil the right to work for Syrian refugees, and it has been estimated that 500,000 Syrians earn a wage through paid labor. However, this is often in the informal sector (International Crisis Group [ICG], 2016, p. 8). It is important to see whether the right to *legal* work is met for all Syrians (see also chapter 2, paragraph 2.3.2.1).

The possible effect of the EU-Turkey Statement on these two rights remains unclear. Gaining more insight in Syrian refugees’ human rights is of great importance because it helps to detect possible problems in refugee-burdened states like Turkey, and in agreements like the EU-Turkey Statement.

1.4. Reading guide

This thesis is ordered as following:

- The chapter Body of Knowledge provides information to contribute to the bigger picture. Definitions of central subjects are given. Furthermore, the importance of human rights for refugees is connected to Turkey's asylum policy and the EU-Turkey Statement.
- The chapter Research Design explains methods used to answer the research question. Information is also provided on limitations of the study.
- Analysis, the fourth chapter, makes a comparison between the sources used for the two periods. After that, an analysis is made per period to examine the status of the principle of non-refoulement and the right to work for Syrian refugees. Attention will also be given to the impact of violations on Syrian refugees, and to factors that contributed to the human rights situation for Syrians in Turkey.
- The final chapter, called Conclusion, provides an answer to the research question and places it in the broader context. Finally, the thesis ends with recommendations for future research.

2. Body of knowledge

2.1. Refugees in Turkey

There are several definitions to explain who a refugee is. According to the 1951 Convention Relating to the Status of Refugees [CSR51], a refugee is a person who

owning to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself to the protection of that country (Article 1 (A) (2)).

However, this definition seems to be shortcoming in today's world. Due to its strict categorical description, the CSR51 refugee definition is narrow, and as a result, only a minority of all migrants is recognized to be a refugee (Crawley & Skleparis, 2018; Harvey, 2000; Kjærsum, 2002). Polman (2019, pp. 11, 158) has noticed that the differences between 'real' and 'economic' refugees and between 'voluntary' and 'forced' migration are decreasing: differentiation between these categories becomes more difficult. Furthermore, most migrants in Turkey are not officially recognized to be refugees under the CSR51 (see paragraph 2.1.1.) (Frelick, *et al.*, 2016; Ulusoy & Battjes, 2017; Van Liempt, *et al.*, 2017). But even when they are not refugees under the CSR51, migrants can be forced to leave their country and cannot rely on a remedy by their own state (Betts, 2010; Crawley & Skleparis, 2018; Edwards, 2005; Harvey, 2000; Polman, 2019; Shacknove, 1985).

For this reason, I adopt a different definition on refugeehood. Alexander Betts (2010) has argued to use the concept of *survival migration* to include those who fall outside the scope of the CSR51 definition, yet are "outside their country of origin because of an existential threat to which they have no access to a domestic remedy or resolution" (p. 362). This is the definition I will use in this thesis, because it includes a larger group of migrants. It enables me to focus on the migrants in Turkey who are not officially recognized as refugees, but who are in need of protection and cannot find this in their homeland. Another reason to use this concept is that Turkey provides protection to at least part of this group of survival migrants, "who do not qualify as refugees but need [international] protection because they face the death penalty or torture, or because of armed conflict in their country of origin" (Amnesty International, 2016b, p. 6).

The majority of this group in Turkey are Syrian. Since the Civil War broke out in 2011, the number of Syrians seeking refuge in Turkey grew progressively until it reached 3.6 million in 2018 (see Figure 1) (UNDP & UNHCR, 2019). Almost half of the Syrian refugee population is underaged (Development Workshop, 2016a). The majority of Syrian migrants in Turkey (90 percent) is not residing in a refugee camp, but in cities, with an average of two families in a household (Kaya & Kırac, 2016; Leghtas & Sullivan, 2016).

For the legibility of this thesis, in the remainder, I will use the word ‘refugee’ instead of ‘survival migrant’. In the next paragraph, I will look more closely to Turkey’s asylum policy and the impact of this policy on refugees in Turkey.

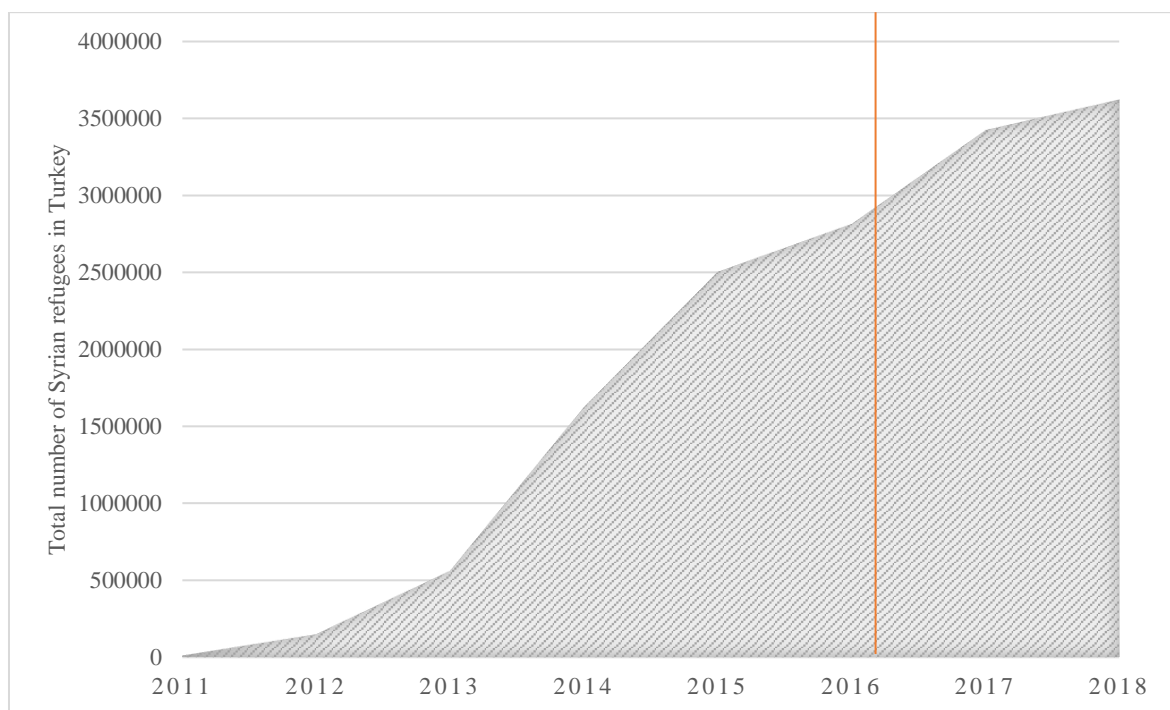


Figure 1. Number of Syrians residing in Turkey between 2011 until 2018. The orange line pinpoints the moment the EU-Turkey Statement entered into force (UNDP & UNHCR, 2019).

2.1.1. Turkey’s asylum and refugee policy

Turkey ratified the 1951 Refugee Convention and the 1967 Protocol relating to the Status of Refugees. However, although one of the goals of the 1967 Protocol was to abolish the geographical limitations of the CSR51, Turkey maintained this limitation. Van Liempt and colleagues (2017) argued that Turkey did not avoid becoming “a reservoir for asylum seekers who have been rejected from the EU” (p. 8).

This means that only migrants from Europe have the possibility to be granted an official refugee status⁴ (İçduygu, 2015; Poon, 2016; Rygiel, *et al.*, 2016; Scheel & Ratfisch, 2014). Until 2014, migrants from outside Europe were treated as illegal immigrants (İçduygu, 2015; Rygiel, *et al.*, 2016). However, they were not totally left without protection. As the UNHCR was responsible for the refugee status determination procedures in Turkey until 2018, it could protect non-European asylum seekers by recognizing them as refugees and resettling them to third countries (Alpes, Tunaboğlu, Ulusoy & Hassan, 2017; European Council on Refugees and Exiles [ECRE], 2018, p. 14; Scheel & Ratfisch, 2014). It should be mentioned, though, that the Turkish Directorate-General for Migration Management [DGMM] always remained the final decision maker since it was established in 2014 (Alpes, *et al.*, 2017; ECRE, 2017, p. 18; United States Department of State [USDS], 2014, p. 33).

Also, the UNHCR has been accused of creating illegal migrants, because it holds onto the limited CSR51 definition of refugee (Scheel & Ratfisch, 2014). Concludingly, procedural safeguards providing protection to migrants from outside of Europe were severely lacking until the Law on Foreigners and International Protection [LFIP], adopted on April 4, 2013, entered into force⁵ (Poon, 2016; Raijmakers, 2018).

2.1.1.1. *The Law on Foreigners and International Protection (2014)*

It has been argued that the Law on Foreigners and International Protection, which entered into force on April 12, 2014, improved Turkey's asylum regime (Raijmakers, 2018, p. 22). The LFIP “foresaw the establishment of a new civil body for asylum and migration, together with provisions – in line with EU legislation – on basic human rights and procedural rights of migrants, asylum seekers and refugees” (Ulusoy & Battjes, 2017, p. 12). The LFIP provides protection to migrants in need, dividing them in three categories (Raijmakers, 2018; Van Liempt, *et al.*, 2017):

1. *Refugee Status* can only be provided in line with the CSR51⁶.

⁴ In May 2015, only five European refugees were residing in Turkey (United States Department of State, 2015, p. 44).

⁵ When the LFIP was adopted, the DGMM was created (Alpes, *et al.*, 2017). The DGMM started to develop a national asylum procedure based on this legislation. However, the UNHCR held its key role in assisting Turkey, working “in tandem” with the DGMM (ECRE, 2017, p. 18). On September 10, 2018, the UNHCR announced that it would end its registration activities in Turkey. The process was fully taken over by the DGMM (ECRE, 2018, p. 14).

⁶ As discussed in paragraph 2.1.1., this means that only asylum seekers from Europe can be provided an official Refugee Status.

2. *Conditional refugees* are non-European migrants. They are allowed to reside in Turkey temporarily until resettled to third countries.
3. *Subsidiary protection* is meant for migrants who do not qualify for the statuses above, yet need protection due to general violence in their homeland.

Though it seems reasonable that Syrians would be provided a status as conditional refugee or be granted subsidiary protection, they are excluded from these statuses (Raijmakers, 2018). Instead, a separate regulation has been created for them, which is explained in the next paragraph.

2.1.1.2. *The Temporary Protection Regulation (2014)*

Article 91 of the LFIP created a basis for a separate regulation on the occasion of mass influx: The Temporary Protection Regulation [TPR]. The TPR can offer a temporary solution in times of emergency (Raijmakers, 2018). It grants “the right to enter or remain in a country for a limited time due to risk of serious harm in the home country” (Rygiel, *et al.*, 2016, p. 316). The regulation is currently applicable to Syrians and to Stateless Palestinians from Syria. These persons can lawfully stay in Turkey “until safe return conditions are established in Syria” (İçduygu, 2015, p. 9).

The TPR provides several rights and safeguards. Those who fall under the TPR are given a Temporary Protection Status [TPS] and should be protected from refoulement (see paragraph 2.3.1.). Furthermore, it is indicated that refugees under TPR have access to health services, education, employment and social services (Human Rights Watch [HRW], 2015, p. 16; İçduygu, 2015; Raijmakers, 2018; Rygiel, *et al.*, 2016; Ulusoy & Battjes, 2017).

The Temporary Protection Regulation is, as is in its name, temporary. It does not provide a long-term solution for Syrians, who cannot obtain a long-term residence permit nor an official Refugee Status (Poon, 2016; Raijmakers, 2018; Rygiel, *et al.*, 2016; Ulusoy & Battjes, 2017), and neither can profit from the benefits of the LFIP in general (Van Liempt, *et al.*, 2017).

Furthermore, some Syrians are excluded from the TPR, for different reasons. For instance, they have arrived in Turkey via third countries (like Jordan or Lebanon) (Kaya & Kırac, 2016, p. 21), or have travelled irregularly to Greece or another third country (ECRE, 2018, p. 114; United States Department of State, 2016, p. 44). Refugees can also lose their TPS if they return to Syria and then re-enter Turkey. Thirdly, TPS can be taken away when persons are accused of being involved in terrorism or crime (Council of Europe, 2016, p. 6). More generally,

temporary protection can be limited or suspended “in the event of circumstances threatening national security, public order, public security and public health” (ECRE, 2017, p. 125).

Furthermore, it has been stated that provinces have refused to register new migrants under TPR (Council of Europe, 2016, p. 8), or only register vulnerable Syrians and newborns (United States Department of State, 2018, pp. 40-41). Another major issue is that the language of the TPR is often ambiguous, “which may impede full and prompt implementation” (Amnesty International, 2014, p. 21). Based on this, scholars have argued that the TPR should not be perceived to be equivalent to an official Refugee Status (Frelick, *et al.*, 2016; Rygiel, *et al.*, 2016).

2.1.1.3. *The Regulation on Work Permits for Foreigners under Temporary Protection*

Since the right to work is one of the human rights examined in this thesis, it is important to include some explanation on legislation regarding this right. It is stated in Article 22 of the TPR that Syrians can obtain work permits and, inherently, employment (Human Rights Watch, 2015, p. 16; İcduygu, 2015; Raijmakers, 2018; Rygiel, *et al.*, 2016; Ulusoy & Battjes, 2017). However, explanation on the exact conditions remained lacking. This only came available in January 2016, when the Regulation on Work Permits for Foreigners under Temporary Protection [RWPF] was adopted (Development Workshop, 2016a, p. 52).

The RWPF clarified the conditions Syrians should meet before they can apply for work permits. The most important requirement is that Syrians should have a TPS and have resided in Turkey for at least six months (Article 5(1) of the RWPF) (UNDP & UNHCR, 2016; Zetter & Ruaudel, 2016, p. 173). Furthermore, Syrians can only apply for a work permit in the province they are allowed to reside in (Article 7 of the RWPF).

Only an employer can apply for a work permit (Article 5(2) of the RWPF). This means that Syrians first have to obtain a contract with a future employer, after which this employer lodges a work permit application (Council of Europe, 2016, p. 15; ECRE, 2017, p. 134; Grisgraber & Hollingsworth, 2016). The employer is responsible for the processing costs of the work permit (537 Turkish Lira [TL], 119 Euro)⁷ (Grisgraber & Hollingsworth, 2016, p. 6). There is an

⁷ Grisgraber and Hollingsworth (2016, p. 6) have argued that employers may transfer these costs to their Syrian employees. However, it remains uncertain whether this happens in practice.

employment quota of 10 percent for persons with TPS within a work place^{8,9} (Article 8(1) of the RWPF).

There are two sectors for which work permits are exempted: seasonal work in agriculture and livestock (Article 5(4) of the RWPF). There are no quotas for these sectors, meaning that unrestricted access is given (Council of Europe, 2016, p. 15; Development Workshop, 2016a, p. 52; European Commission, 2016f, p. 80; Zetter & Ruaudel, 2016). However, the Turkish government can introduce geographical restrictions or quotas at any time (Article 5(5) of the RWPF).

The RWPF (Article 10) demands that refugees who obtain a work permit are paid at least minimum wage. No other working conditions are emphatically mentioned (Development Workshop, 2016a, p. 53; ECRE, 2017, p. 134; ECRE, 2018, p. 134; Zetter & Ruaudel, 2016, p. 174).

When Syrians want to be self-employed or start a business on their own, they can apply for an ‘independent work permit’ (Article 5(3) of the RWPF). This also means that they are responsible for the processing costs (Zetter & Ruaudel, 2016, p. 174). Furthermore, they should register their business under official institutions (FAQ on Work Permits English, 2016).

2.2. Turkey and the EU-Turkey Statement

In this section, the impact of the EU-Turkey Statement is discussed. First, the basic aims and results of the Statement are explained. Subsequently, I discuss on the impact of the Statement on Turkey’s asylum policy. Attention is also paid to human rights safeguards in the EU-Turkey Statement.

2.2.1. Aims and results of the EU-Turkey Statement

2.2.1.1. Concise summary of the EU-Turkey Statement

The EU-Turkey Statement (Council of the EU, 2016) consists of three parts: a repetition of arrangements made in earlier agreements; an updated version of the action points made; and incentives for Turkey to implement these instruments. I will discuss the highlights of each part.

⁸ If there are less than ten employers, a maximum of one employer may be a person that has been granted TPS.

⁹ An exception for this quota can be made when the employer can prove that no Turks are available for the vacancy (Article 8(3) of the RWPF).

Under the JAP, the following actions had been taken: Turkey opened its labor market to Syrians with TPS¹⁰, and security efforts by the Turkish coastguard and police were scaled up. In exchange, the EU promised to invest 3 billion euros for refugee facilities and liberalization of its visa requirements for the Turkish population.

The second part includes actions yet to be taken. Shortly summarized, these action points are the following:

1. All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned ... Migrants not applying for asylum or whose application has been found unfounded or inadmissible ... will be returned to Turkey. ...
2. For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria. ...
3. Turkey will take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU ...
4. Once irregular crossings between Turkey and the EU are ending or at least have been substantially and sustainably reduced, a Voluntary Humanitarian Admission Scheme will be activated (*ibid.*, pp.1-2).

In the third part, the EU promised to continue the liberalization of its visa requirements; a speedup of the disbursement of the promised 3 billion euros; and a continuation of its work with Turkey “to improve humanitarian conditions inside Syria” (*ibid.*, p. 2).

2.2.1.2. *Results of the EU-Turkey Statement: stopping irregular migration*

The agreements emanated from the EU-Turkey Statement seem to have successfully decreased irregular border-crossings: while a total of 26,878 migrants arrived irregularly in Greece in the three weeks before March 20, 2016, this was only 5,847 in the three subsequent weeks after the Statement (see Figure 2, see page 24) (European Commission, 2016c). By August 2017, the number of daily arrivals decreased to 93 persons (European Commission, 2017c).

Moreover, the European Union has argued that the EU-Turkey Deal has led to less drownings in the Aegean (European Commission, 2016c; Netjes, 2018; Weber, 2017) and a declined use of the Balkan route (Gammeltoft-Hansen & Tan, 2017). However, academics have

¹⁰ It is not clarified in the EU-Turkey Statement what is understood by the EU Member States and Turkey under “opening of [the] labor market to Syrians” as an achievement. The Statement reflects on the progress made since November 2015; it is therefore likely that the RWPF (January 2016) played a role in this accomplishment.

expressed concerns about the use of other, more dangerous migration routes (particularly the Libya-route) which would have increased since the Statement (Gammeltoft-Hansen & Tan, 2017; Moreno-Lax & Giuffr , 2019; Rygiel, *et al.*, 2016; Van Liempt, *et al.*, 2017). Overall, the number of people drowning in the Mediterranean Sea actually increased between 2016 and 2017 (Van Liempt, *et al.*, 2017).

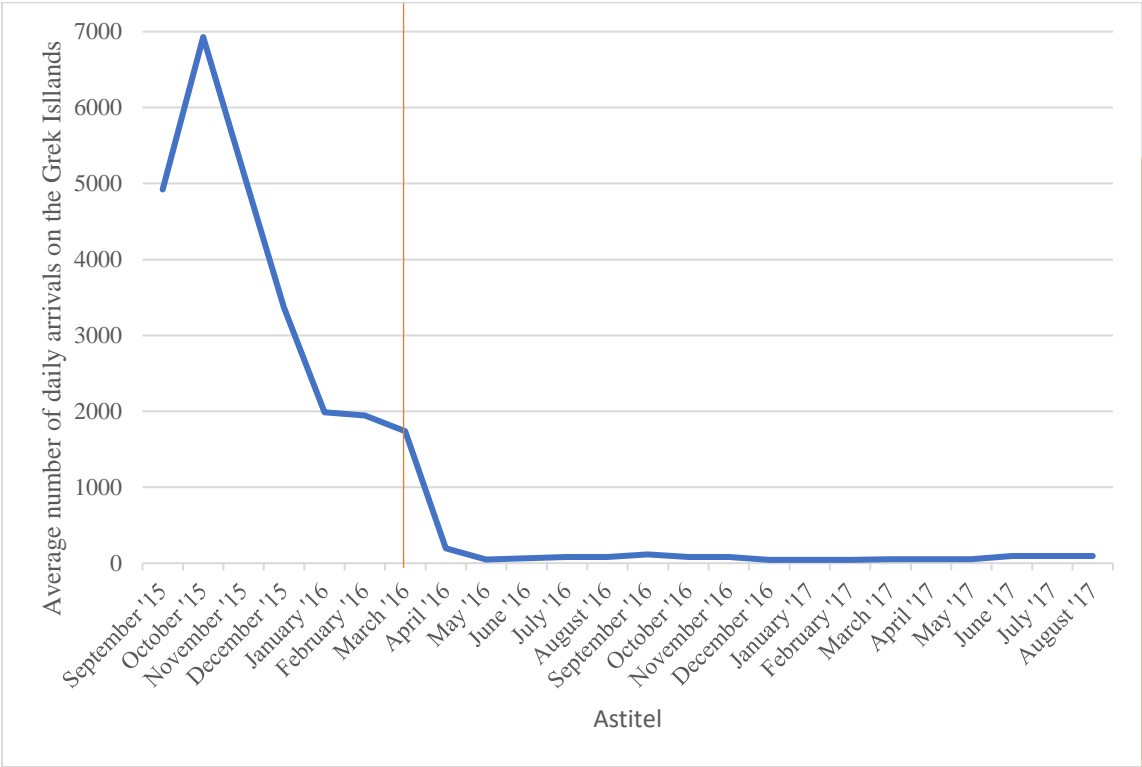


Figure 2. Number of irregular arrivals from Turkey to Greece (across the Aegean) from September 2015 until August 2017, expressed in average daily arrivals per month. The orange line pinpoints the moment the EU-Turkey Statement entered into force (European Commission, 2016a; 2016c; 2016d; 2016e; 2016f; 2016g; 2017a; 2017b; 2017c).

2.2.1.3. Results of the EU-Turkey Statement: readmittance & resettlement of migrants

Immediately after the agreement entered into force, Greece started to return refugees to Turkey. In April 2016, already 325 migrants were readmitted (European Commission, 2016c). Until June 2017, 1,012 non-Syrians and 203 Syrians have been returned to Turkey (Ulusoy & Battjes, 2017, pp. 16-17).

However, this is only a small number compared to the number of refugees still present on the Greek islands. Van Liempt and colleagues (2017, p. 16) reported that Greek hotspots¹¹ held almost double the number of refugees it could officially accommodate, and Weber (2017) has reported that “at the end of 2016, 16,000 refugees and migrants were stuck in government-run camps [on Greek islands]” (p. 10).

The number of resettlements from Turkey (action point 2 of the Statement) has remained low: between April 2016 and December 2017, 11,711 Syrians have been resettled to European Member States (European Commission, 2018, p. 46). The initial agreement was to resettle a maximum of 72,000¹² (Van Liempt, *et al.*, 2017, p. 5).

Furthermore, migrants who were readmitted to Turkey often experienced a vacuum: their asylum application in Greece had been denied, and once returned to Turkey, the Turkish government limited their access to asylum because they should have applied for asylum in Greece¹³ (Alpes, *et al.*, 2017; Ulusoy & Battjes, 2017; Van Liempt, *et al.*, 2017).

2.2.2. Refugees in Turkey and the EU-Turkey Statement

The EU-Turkey Statement did not directly change Turkey’s asylum policy, but it certainly had an impact on it. Since irregular migration across the Aegean became more difficult, more migrants stayed in Turkey (International Crisis Group, 2016). This increased Turkey’s burden. As is visible in Figure 1 (page 18), the number of Syrians residing in Turkey kept increasing after the adoption of the Statement. In 2016, ICG (p. i) estimated that Syrians in Turkey make up 3.5 percent of the population in the country. This percentage has increased to approximately 4.4 percent in 2019 (UNDP & UNHCR, 2019; Worldometers, 2019).

The 3 billion euros promised by the EU had not been fully disbursed in September 2017 (European Commission, 2017c). In March 2016, Turkey already invested around 8.9 billion euros in the refugee crisis in its country (Zetter & Ruaudel, 2016, p. 176). Hence, the Syrian crisis burdened Turkey’s budget, and the EU-Turkey Deal has not alleviated this burden significantly. This could put pressure on human right for refugees. In the next paragraph, I will pay attention to human rights safeguards in the EU-Turkey Statement.

¹¹ Hotspots are facilities on Greek islands, meant to house migrants that have arrived irregularly from Turkey, during their asylum application (Van Liempt, *et al.*, 2017, p. 15).

¹² Weber (2017) indicates a much higher number of resettlements, arguing that “at least 150-250,000” Syrians would be voluntarily resettled (p. 10).

¹³ According to Alpes and colleagues (2017, p. 4), only 33 percent of all non-Syrians returned from Greece to Turkey had received a negative asylum decision in Greece. This can indicate that the majority of the returned (at least non-Syrian) refugees were limited in their access to asylum in both Greece and Turkey, and that Turkey’s reason to restrict their access to asylum might be invalid.

2.2.2.1. *Safeguards of human rights in the EU-Turkey Statement*

The term ‘human rights’ is not mentioned in the EU-Turkey Statement. However, in action point 1, the EU Member States and Turkey promise that “all migrants will be protected in accordance with the relevant international standards and in respect of the principle of non-refoulement” (Council of the EU, 2016, p. 1). Thus, the principle of non-refoulement is emphasized in the statement, but other human rights are not.

The European Union and Turkey have promised in the Statement that all measures described “will be ... monitored jointly on a monthly basis” (Council of the EU, 2016, p. 2). However, practical measures or safeguards are lacking, especially when it comes to human rights violations. Poon (2016) has argued that, since Turkey is not bound by EU law, “procedural [EU] safeguards do not apply” (p. 1200).

Summarized, human rights are not safeguarded in the EU-Turkey Statement in a hard, measurable way. The monitoring process has taken place, but this is a summary of the outcomes of the Statement and an enumeration of remaining challenges – not a critical reflection of possible implications the Statement may have had on Syrian refugees’ human rights (see European Commission, 2016c; 2016d; 2016e; 2016g; 2017a; 2017b; 2017c).

2.2.3. **Recap: Turkey & the EU-Turkey Statement**

The EU-Turkey Statement seems to have resulted in a lower number of migrants travelling from Turkey to Europe. However, there are indications that refugees are now taking even riskier routes (Gammeltoft-Hansen & Tan, 2017; Moreno-Lax & Giuffré, 2019; Rygiel, *et al.*, 2016; Van Liempt, *et al.*, 2017). The number of Syrians resettled from Turkey remained low (Van Liempt, *et al.*, 2017, p. 5).

The European Union and Turkey did not yet actualize all action points described in the EU-Turkey Statement. Most critique by academic scholars is aimed towards the EU, because it fulfilled none of “the core promises given” (Weber, 2017, p. 10) (see paragraph 2.2.1.3 and 2.2.2.).

There is a lack of safeguards of human rights in the EU-Turkey Statement. This makes understanding its impact on human rights even more important. In the next paragraph, essential human rights for refugees are discussed, and definitions will be given on the principle of non-refoulement and the right to work (discussed extensively in respectively paragraph 2.3.1. and 2.3.2.).

2.3. Human rights for refugees

Though all human rights are important for refugees, some are more vital than others. These rights can fulfill refugees' major needs, but simultaneously are often at high risk of violation (Edwards, 2005; Kjærum, 2002). Examples of these rights are:

- The right to seek and enjoy asylum (Article 14 of the Universal Declaration of Human Rights [UDHR]) (Edwards, 2005; Frelick, *et al.*, 2016; Kjærum, 2002);
- The right to leave (Article 13 of the UDHR) (Edwards, 2005; Moreno-Lax & Giuffré, 2019);
- The right to family life (Article 16(1) and 16(3) of the UDHR) (Edwards, 2005; Guiraudon & Lahav, 2000; Harvey, 2000);
- The right not to be detained (Article 9 of the UDHR and Article 31 of the CSR51) (Frelick, *et al.*, 2016; Gammeltoft-Hansen & Hathaway, 2015; Moreno-Lax & Giuffré, 2019; Van Liempt, *et al.*, 2017; Weber, 2017).

Space and time do not allow to examine the impact of the EU-Turkey Statement on all these human rights. Instead, I will focus on two other important rights: the principle of non-refoulement and the right to work. In the next two paragraphs, I will explain what these rights content and emphasize their importance.

2.3.1. The principle of non-refoulement

The principle of non-refoulement (the right not to be refouled) exists in International Human Rights Law [IHRL] and in International Refugee Law [IRL]. Turkey ratified three pieces of IHRL legislation that prohibit breaching the principle of non-refoulement. The International Covenant on Civil and Political Rights [ICCPR] states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (Article 7). According to the Convention against Torture, “no State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture” (Article 3). Lastly, the European Convention on Human Rights [ECHR] has declared that “no one shall be subjected to torture or to inhuman or degrading treatment or punishment” (Article 3). Hence, the principle of non-refoulement is violated in

IHRL when a person is sent back to a state where they risk death¹⁴, torture or other forms of ill-treatment.

The principle of non-refoulement is the cornerstone of IRL (Amnesty International, 2014; D'Angelo, 2009; Oudejans, *et al.*, 2018). The CSR51 prohibits states to return refugees to territories “where his life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion”¹⁵ (Article 33(1) of the CSR51). Indirect refoulement is also forbidden:

Indirect *refoulement* occurs when a State sends back ... to a second recipient State where the sending State knew of [*sic*] ought to have known that the recipient state would not properly process the application of the asylum claimant or refugee, leading to a higher likelihood of a rejected application and potential *refoulement* to persecution (Poon, 2016, pp. 1196-1197).

Concludingly, the principle of non-refoulement should not be breached by Turkey in any of these cases. It is an absolute principle: there are no exceptions possible (Moreno-Lax & Giuffré, 2019, p. 11). Because this principle is essential, general and indivisible, it can be understood as one of the most important rights for refugees: it protects them from their most essential threats.

2.3.1.1. *Pushback operations: acts of refoulement?*

Sometimes, discussion exists on what can be understood to be a breach of the principle of non-refoulement. According to D'Angelo (2009, pp. 285-287), there are two major readings. The restrictive reading states that the principle of non-refoulement is limited to a state's borders: only refugees who have entered the state, should be protected against refoulement. The other reading argues that non-refoulement should also include ‘non-admittance’ at borders (D'Angelo, 2009; Oudejans, *et al.*, 2018). Based on this reading, Amnesty International (2014) has included “pushback operations” in its understanding of refoulement:

¹⁴ That non-refoulement also encompasses non-natural death is once more emphasized in article 6 of the ICCPR (“no one shall be arbitrarily deprived of his live”) and article 2 of the ECHR (“no one shall be deprived of his life intentionally”).

¹⁵ Though Syrians are not recognized as refugees under the CSR51 in Turkey (see paragraph 2.1.1), this article is still applicable to them since “states are bound not to transfer *any individual* [emphasis added] to another country where they may face serious harm – particularly, arbitrary deprivation of life, torture or other cruel, inhuman or degrading treatment of punishment – regardless of the limits of Article 33(2) CSR51” (Moreno-Lax & Giuffré, 2019, p. 11).

Pushback operations, or pushbacks, refer to unlawfully pushing back people who are attempting to cross a border or soon afterwards, towards the country they came from ... without procedural safeguards and without respecting the rights of individuals to challenge their expulsion or apply for asylum. If they lead to people being returned to a country where they risk serious human rights violations, then they also amount to *refoulement* (p. 3).

Hence, according to the non-admittance reading of the principle of non-refoulement, the principle would be breached if Syrians are stopped at Turkey's border and forced to return to Syria.

In practice, most states apply the strict reading of the non-refoulement principle (D'Angelo, 2009). Yet, European Court of Human Rights case law has shown that the principle of non-refoulement "is not limited to those who have entered member States' territories. It may also apply in certain circumstances to those encountered by states' officials in the context of border controls" (Council of Europe, 2016, p. 29).

In this thesis, the reading which includes non-admittance is followed, as this is generally accepted in the academic world (D'Angelo, 2009). Therefore, the principle of non-refoulement can be perceived to be violated (or at risk of violation) when Syrians are forced to return to Syria from Turkey; when Syrians are extradited to another State which is likely to return them to Syria (indirect refoulement); *and* when they are denied access to Turkey when at the borders or immediately returned after entering (pushback).

I focus on violations of refoulement carried out by the state of Turkey, and not possible cases carried out by EU Member States, for two reasons. Firstly, a lot of attention is already paid to acts of refoulement by the EU (see, for example, Oudejans, *et al.*, 2018; Ulusoy & Battjes, 2017; Van Liempt, *et al.*, 2017). Secondly, discussion remains to what extent a state can be held responsible for refoulement taking place in third countries (Gammeltoft-Hansen & Hathaway, 2015; Moreno-Lax & Giuffré, 2019; Oudejans, *et al.*, 2018). It is not my aim to contribute to this discussion of indirect responsibility. Instead, I will limit my focus to breaches of refoulement by the state of Turkey.

2.3.2. Right to work

The right to work is "essential to the achievement of self-sufficiency and family security for refugees and is vital to the process of re-establishing the dignity of the human person and of realizing durable solutions to refugee problems" (UNHCR Executive Committee, 1998, in

Human Rights Watch, 2015, pp. 56-57). According to one of the CSR51-drafters, “without the right to work, all other rights are meaningless”¹⁶ (Henkin, 1950, in Amnesty International, 2014, p. 40). The right to work is an important economic and social right, that provides Syrians a livelihood and better access to other social rights (European Commission, 2016f, p. 29; Zetter & Ruaudel, 2016, p. iii). Examining this right can give more insight in the situation of social human rights in general for Syrian refugees in Turkey.

Turkey is obligated to “recognize the right to work ... [and] safeguard this right” according to Article 6 of the International Covenant on Economic, Social and Cultural Rights [ICESCR]. This right is applicable to non-nationals (Human Rights Watch, 2015, pp. 57-58) and should be provided without discrimination (Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination). This means that refugees in Turkey, regardless their official status, should be provided the right to work (Comment 12(b) and 18 of General comment No. 18 (Economic and Social Council, 2006)).

2.3.2.1. *The right to work in Turkey*

Turkey’s labor market is quite unique. There is a high unemployment rate (9-11 percent) (Amnesty International, 2016b, p. 30; Zetter & Ruaudel, 2016) and a large informal market: around 40 percent of the private sector employees works informally (Del Carpio & Wagner, 2015, p. 10). These employees lack social security and sometimes earn less than minimum wage (Del Carpio & Wagner, 2015; ECRE, 2018).

One could argue that since a large part of the Turkish population is working informally, the right to work is one that is provided for when Syrian refugees get the option to work in the informal sector. However, the Economic and Social Council (2006) has stated that

Work as specified in article 6 of the [ICESCR] must be *decent work*. This is work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration. ... Protection of the right to work [includes] the right of the worker to just and favorable conditions of work, in particular to safe working conditions (Comment no. 7 and 12(c) of the General comment No. 18).

¹⁶ The right to work is granted to refugees under Article 17(1) of the CSR51. However, as Turkey does not recognize Syrians as refugees under the CSR51 (see paragraph 2.1.1.), I focus on the right to work according to the ICESCR.

Furthermore, the Economic and Social Council reasoned that employees work in the informal sector “for the most part because of the need to survive”, and that it is the duty of a state to reduce informal work (Comment 10 of the General comment No. 18).

Since the ICESCR has stressed the importance of legal work (see also Amnesty International, 2014, p. 40), this thesis will focus on Syrian refugees’ access to work in the formal economy. According to the partners of the Regional Refugee & Resilience Plan [3RP], legal employment comprises “jobs for which work permits or work permit exemptions have been granted”¹⁷ (UNDP & UNHCR, 2017a, p. 3).

In this thesis, when analyzing whether the right to work has been granted, two issues are important. The first is to what extent Syrian refugees have *legal* options to work formally – hence, whether work permits or legal work in a work permit exemption sector can be obtained. Secondly, it has to be scrutinized to what extent this right works out *in practice*¹⁸. This means that during the analysis, the following question should be answered: how easy is it to obtain a work permit or to obtain legal employment in a work permit exemption area, and to what extent are work conditions like equal pay, safe and healthy working conditions, and normal working hours safeguarded?

2.4. Recap: body of knowledge

This chapter provided necessary background information. It presented a definition on refugeehood and elaborated on Turkey’s asylum legislation. It also paid attention to the impact of the EU-Turkey Statement on Turkey’s asylum policy and how safeguards in the Statement are lacking. Finally, the principle of non-refoulement and the right to work were discussed. In the next chapter, the methodology of the thesis will be explained.

¹⁷ The formal arrangement for Syrians, the RWPF, has been discussed in paragraph 2.1.1.3..

¹⁸ This is also important according to the Economic and Social Council: “State parties have a specific and continuing obligation “to move as expeditiously and effectively as possible” towards the full realization of article 6” (Comment 20 of the General comment No. 18).

3. Research design

3.1. Methodology & Information Gathering

The research question of this thesis is answered using qualitative desk research. Existing reports are gathered and analyzed. The aim is to compare human rights for Syrian refugees in Turkey two years before and after the EU-Turkey Statement was adopted. The first period comprises reports published between March 2014 and March 19, 2016, while the second period comprises reports published from March 20, 2016, until December 2018. The date the EU-Turkey Statement entered into force is chosen as turning point, because this enables me to compare the period before and after the Statement.

No reports that were published more than two years before the deal were included. As the LFIP and the TPR entered into force in 2014, reports published before 2014 are less relevant. The second period continues until December 2018 because many annual reports are only published in the end of the year. These would be excluded if March 2018 was chosen as the end of the time frame.

The reports were found using different information gathering methods. To begin with, reports were directly gathered from websites of organizations famous for their human rights reports, like Human Rights Watch and Amnesty International, but also governmental websites, like the USDS. These organizations often have specific reports on the EU-Turkey Statement or on the human rights situation in Turkey. However, more general reports were also included if enough information was provided about the situations for Syrian refugees in Turkey.

Secondly, information was found by using search engines (Google and Ecosia). A series of terms is used: *EU-Turkey Refugee Statement*; *Human rights violations in Turkey*; *Refugee human rights Turkey*; *Human rights report Turkey*; et cetera. A report by European United Left/Nordic Green Left [GUE/NGL] was found this way. Sometimes, information was found that could be used to track down the original source (e.g.: a news article referring to a report). When one annual report was found that was useful for this study, annual reports of other years from the same series were also included.

Lastly, reports and press publications from the European Union were gathered using the website Europa.eu; NGO and international reports were found using the UNHCR-website data2.unhcr.org. The following reports were included: general reports on Turkey; reports on the refugee crisis in Turkey; and reports on the EU-Turkey Statement.

3.1.1. Selection process

No strict selection process was taking place when gathering reports. All reports that provided information on Syrian refugees' human rights in Turkey were included, as long as they were published within the timeframe of the study. For instance, reports were included when:

- The report itself was based on secondary research;
- The report focused on a specific subgroup of Syrians (gypsies or children);
- When the report focused on non-Syrians but included information about Syrian refugees (see Leghtas & Sullivan, 2016);
- When human rights were not the main focus of the report (see, amongst others, European Commission, 2017a).

Hence, the gathering process was not very discriminative. However, some reports found were *not* included, even though they seemed to meet the scope of the study, for the following reasons:

- No research was accomplished at all (e.g., only concerns about policies or future planning were described);
- The report was not available in English;
- Nothing was written about refoulement and/or the right to work for Syrians.

Sometimes, this meant that only part of a report was used. For example, the 3RP-report were partly a reflection of the current situation, but also included future planning. As the latter part was not a reflection of the current reality, this was not included in the analysis.

3.2. Comparing the sources

For the research period 2014-2016, 22 reports were included. For the period after the Statement, 37 reports were included¹⁹. More reports were found in the second period, because in the first year after the Statement, both non-state actors and the European Commission launched reports specifically about the EU-Turkey Statement. Also, more reports were published about the situation of refugees in Turkey in general.

The reports were mainly written by (inter)governmental organizations like the UN and the EU, or by NGOs. Furthermore, academic reports published by a university or by an international research institution are included. Several variables are important in order to make a comparison between the reports gathered (see chapter 4 paragraph 4.1. for the final comparison). In Appendix B and C, attention is given to these variables:

¹⁹ An overview of all reports can be found in Appendix B and C. A time frame can be found in appendix D.

- The author of the report;
- The main focus or aim of the report;
- Perspective of the report (see paragraph 3.2.1.);
- Methodology of the research;
- The time frame of the report.

3.2.1. Legal and practical perspective

During the analysis, distinction is made between the protection of a human right from a legal or a practical perspective. If a right is protected *legally* speaking, this means that in law, the right is protected, and that legal safeguards ensure this. If a right is protected *practically*, this means that the right is also available ‘in practice’. For example, if the principle of non-refoulement is upheld in legislation but violated in practice, this means that the principle of non-refoulement is protected legally speaking but violated from a practical perspective.

3.2.2. Possible biases and dependencies

The authors of the different reports have different aims and approaches to the situation in Turkey (see appendix B and appendix C). For example, the European Commission focuses more on the general effectiveness of the EU-Turkey Statement, while human rights NGOs draw more attention to human rights violations in Turkey. Also, some organizations, like the United Nations, depend financially on state parties (Polman, 2019).

It is likely that such dependencies influence the tone of the research. The EC often speaks about “remaining challenges” in its reports, and does not draw direct responsibility to the Turkish government or to EU Member States, whilst state-independent organizations like Amnesty International are directly accusing states of human rights violations. Different aims can also influence the tone of the report; the EC is likely to focus on the successes of the EU-Turkey Statement, while the Council of Europe or European Parliament parties will be more critical towards the Statement.

However, organizations like the UN or the EC are not *ignoring* human rights violations. They look to the situation from a different angle, sooner talking about ‘challenges’ and not about ‘violations’, but they are unlikely to look away from issues arising regarding human rights. Therefore, it is still useful to include reports from these organizations in the analysis,

because they do provide information about human rights violations and protection in Turkey, even though they may phrase it differently.

3.3. Coding and analysis

This thesis focuses on the principle of non-refoulement and the right to work for Syrian refugees in Turkey. To make the analysis as thoroughly as possible, different codes are made to easily distinguish whether, according to the source, a human right was protected or violated. Some sources may focus on certain risks that increase the chance a human right will be violated; a separate code was made for this. Furthermore, it is coded whether reports looked to human rights from a legal or practical perspective.

Additionally, reports often paid attention to the impact human right violations had: for example, reports stated that a regress in the right to work led to child labor. Separate codes are included in the analysis to gain more insight in these so-called ‘consequences’²⁰.

Lastly, reports often tried to give an explanation why human rights were protected or violated. These factors are coded too, because it gives more insight in the causes. Examples of factors can be found in table 1 (page 37), where a short overview of the coding scheme is given²¹.

Concludingly, different series of codes were included to gather as much information as possible on human rights protection, violations and risks; and causes and consequences of violations. Coding was accomplished by the use of the program ATLAS.ti.8.

²⁰ The word ‘consequences’ in the coding scheme implies that there is a one-on-one connection between the human right analyzed and the consequences found. However, it is important to understand that other factors might also have contributed to the rise of certain patterns. For example, child labor may be more present when the right to work is violated, but this also means that employees were willing to hire children (maybe even over adults). For this reason, the word ‘consequences’ is avoided during the analysis; instead, I speak about “issues and events impacted by (possible) human rights violations”.

²¹ A complete coding scheme and definitions of the codes are given in Appendix E.

Table 1

Overview of the most important codes. Complete overview in Appendix E.

Subject	Coded variables	
Principle of non-refoulement	Non-refoulement protected	Consequences non-refoulement
	Non-refoulement at risk	Practical perspective non-refoulement
	Non-refoulement violated	Legal perspective on non-refoulement
The right to work	Right to work protected	Consequences right to work
	Right to work at risk	Practical perspective on right to work
	Right to work violated	Legal perspective on right to work
Important factors	EU-Turkey Statement	Security issues
	Lack of resources	Tensions
	Policy	Externalization
	Implementation issues	Open border policy
	Culture	Coup

3.4. Limitations of the study

This study has several limitations. I will first discuss the methodological limitations of the research, and then the consequences of the focus and scope of the study.

3.4.1. Methodological limitations

3.4.1.1. Desk research: relying on others

This study did not include primary research, like interviews with Syrians residing in Turkey, because time did not allow to do so. The analysis is fully based on other sources. Not all reports were equally open about their research methods. This was no reason to exclude the report from this thesis (see paragraph 3.1.1.).

The possible dependencies, aims and agendas of the authors (see paragraph 3.2.2.) were also not a reason to exclude reports. The aim of this thesis is not to indicate which reports are ‘more true’ than others; the aim is to search for patterns that come forth from a diversity of sources and that help to gain more insight in the right to work and the principle of non-refoulement for Syrians in Turkey. This way, this thesis contributes to the academic insights in the current situation for Syrian refugees in Turkey and the impact of the EU-Turkey Statement on this.

3.4.1.2. *Overlap between reports*

During the analysis, reports are handled as if it concerned different sources with no connection to one another whatsoever. They are seen as sources of unique information. However, some reports relied on secondary sources in their research. These reports may have repeated findings from other reports. For example, Amnesty International referred to its own subject-specific reports in its annual report (Amnesty International, 2014, in Amnesty International, 2015a). Also, the USDS used information from reports by AI and HRW that were also included in the analysis of this research (Amnesty International, 2014, in United States Department of State, 2014; Human Rights Watch, 2015, in United States Department of State, 2015). Therefore, it may be possible that during the analysis, the same information is found twice, in two different sources. This can create the idea of a pattern, even though the findings come from the same source.

This is not necessarily problematic, because this research included a lot of reports, and some overlap is inevitable. The likelihood that all 59 reports copied each other's findings is highly unlikely, especially since 22 reports included primary research and did not rely (only) on secondary sources (e.g. Armstrong & Jacobsen, 2015; Human Rights Watch, 2015; Developmental Workshop, 2016a; Developmental Workshop, 2016b). Still, patterns are found. Concludingly, it is unlikely that the overlap between different reports creates patterns that would otherwise not have been found in this thesis.

3.4.1.3. *The EU-Turkey Statement as standpoint*

The thesis has been designed around the research question, resulting in a focus on the EU-Turkey Statement. However, it can be called into question whether the EU-Turkey Statement is this important. Other factors are also likely to have influenced the human rights situation for Syrian refugees in Turkey²².

The focus on the date of March 20, 2016 also resulted in less attention for the TPR, which already entered into force in October 2014. The TPR was seen as a major step forward when it came to human rights for Syrian refugees (Human Rights Watch, 2015; İçduygu, 2015; Raijmakers, 2018; Rygiel, *et al.*, 2016; Ulusoy & Battjes, 2017). It could have been interesting to focus on the differences before and after the adoption of the TPR.

²² See chapter 4, paragraph 4.4. for other important factors of influence.

However, in the analysis, other patterns that ensue are also included. In Table 1 (page 37), some of these factors are already mentioned. This inclusion makes it unlikely that the focus on the EU-Turkey Statement in the research question will result in negligence for other important events and political contexts.

3.4.2. Focus and scope of the study

3.4.2.1. Heterogeneity of Syrians in Turkey

This thesis deals with Syrians as if they are one homogenous group²³. However, it is unlikely that 3 million Syrians are dealing with the exact same problems. For instance, Development Workshops (2016b) has written a report on Syrian Dom (gypsies), indicating that they face very different problems than other Syrians, including discrimination by other Syrians. It is likely that there are differences in the needs and human rights issues for Syrians from different ethnicities and in different regions (Development Workshop, 2016a; International Organization for Migration [IOM], 2017; Kaya & Kırac, 2016). Distinction may also be made between Syrians who live inside or outside government-run refugee camps (Development Workshop, 2016b, p. 95) and between Lesbian, Gay, Bisexual and Transgender [LGBT]- and non-LGBT refugees (ECRE, 2018, p. 152).

This thesis looks to Syrians as one group purposefully, because it aims to find general patterns that affect Turkey's largest refugee population. However, subtle differences between the needs and violations for these groups may have been lost due to this general focus.

3.4.2.2. Non-Syrian refugees in Turkey

Another limitation is that this thesis ignores non-Syrian refugees that are residing in Turkey. Turkey hosts a large number of non-Syrian refugees, mostly from Iraq (Amnesty International, 2015, p. 376; European Commission, 2014, p. 65; European Commission, 2015, p. 71; United States Department of State, 2014, p. 35; United States Department of State, 2016, p. 46), but also from Afghanistan, Iran, Somalia, Bangladesh and Pakistan (Amnesty International, 2016b, p. 8; ECRE, 2015b, p. 15; European Commission, 2015, p. 71; Kaya & Kırac, 2016, p. 8; UNHCR, 2017; United States Department of State, 2014). According to AI (2016b, p. 8),

²³ Development Workshop (2016a) has argued that the majority of the studies “carried out on Syrian migrants in Turkey ... have generally depicted them as forming a homogenous group. Few studies have focused on migrant groups in different regions or with different occupations” (p. 23). This means that the majority of the reports included for this study is likely to also have treated Syrians as a homogeneous group.

approximately 400,000 non-Syrian refugees are residing in Turkey. These refugees are subjected to other regulations than Syrians²⁴ (see chapter 2, paragraph 2.1.1.1.). They might struggle with different problems and risk other human rights violations than Syrians do. However, no attention is paid to them in this thesis.

3.4.2.3. Refoulement by the European Union

Van Liempt and colleagues (2017) and Ulusoy & Battjes (2017) have stated that the European Union may have violated the principle of non-refoulement by returning refugees from Greece to Turkey. This thesis focuses on refoulement carried out by the state of Turkey, not by other states. However, it should not be forgotten that the EU may have had a responsibility here, especially when Syrians readmitted from Greece to Turkey risk refoulement, which can be an act of indirect refoulement by the EU.

3.4.2.4. Other human rights

Paragraph 2.3. (chapter 2) discussed different human rights that are of importance for refugees. Space and time do not allow me to include more human rights in this thesis. As explained, the right to non-refoulement is a very essential right, and the right to work can be used as an indicator to gain more understanding about the protection of social human rights in Turkey. Nevertheless, other human rights remain important for refugees, and it could have been interesting to include these in this thesis.

3.5. Recap: research design

In this section, I discussed the methodology of this thesis. Attention was also paid to the limitations of this thesis. Though the limitations should not be neglected, it should be mentioned that this thesis still has added value. It contributes to the larger discussion on the situation of Syrian refugees residing in Turkey by looking for patterns. This can help to detect issues arising in refugee-burdened states and possible problems in agreements like the EU-Turkey Statement.

²⁴ Stateless Palestinians from Syria fall under the same regulation as Syrians, the TPS. However, this thesis pays no attention to this particular group, though they have been affected severely by the Syrian Civil War (Amnesty International, 2014, p. 13; UNDP & UNHCR, 2017b, p. 21).

4. Analysis

4.1. Comparing the data sources 2014-2016 and 2016-2018

Table 2

Overview of the reports included in the analysis.

	2014-2016		2016-2018	
	Total	%	Total	%
Author²⁵	Independent: 9	41	Independent: 12	32
	U.S. Department: 2	9	U.S. Department: 3	8
	EU-bound: 5	23	EU-bound: 11	30
	UN-related body: 6	27	UN-related body: 9	24
			Political party: 1	3
			Council of Europe: 1	3
	22	100	37	100
Research focus	Turkey in General: 5	23	Turkey in General: 4	11
	Human Rights: 8	36	Human Rights: 6	16
	Refugees in Turkey: 9	41	Refugees in Turkey: 27	73
	22	100	37	100
Methodology	Primary research: 9	41	Primary research: 13	35
	Secondary research: 6	27	Secondary research: 16	43
	Unknown: 7	32	Unknown: 8	22
	22	100	37	100
Perspective	Legal: 6	27	Legal: 14	38
	Practical: 9	41	Practical: 11	30
	Both: 7	32	Both: 12	32
	22	100	37	100

²⁵ The differentiation between the different categories of authors may not be as black-and-white as is stated here. Some organizations receive funding from a variety of other organizations (for instance, from the UN and the EU). However, only if the website of the organization declared it was part of an (intergovernmental) organization, the organization was categorized under this larger organization. For example, the IOM (appendix C) has been a UN Related Agency since 2016. Only funding was no reason to categorize an organization under 'EU-bound' or 'UN-related', even though, as has been discussed in chapter 3, paragraph 3.2.2., there is a possibility that this dependency influenced the tone of the research.

In Table 2 (page 41), an overview is provided to give insight in the comparability of the sources. There is a great variety in author, perspectives and methodology. The reports discuss a diversity of topics, although the attention for ‘refugees in Turkey’ grew in the second period. While the latter period included fifteen more reports, sufficient diverse information was found for both periods to find patterns and to draw conclusions.

4.2. Analysis: the principle of non-refoulement

4.2.1. The principle of non-refoulement in the period 2014-2016

Of the 22 reports gathered for the period 2014-2016, 16 reports could be used to analyze the principle of non-refoulement. The following reports were included:

- 4 reports by EU-bound organizations (ECRE, 2015a; 2015b; European Commission, 2014; 2015);
- 2 reports by UN-related bodies (United Nations Country Team, 2015; Working Group on the Universal Periodic Review, 2015);
- 2 reports by the United States Department of State (United States Department of State, 2014; 2015);
- 3 reports by scientific institutions (Armstrong & Jacobsen, 2015; Erdoğan, 2014; Karlidag, *et al.*, 2015);
- and 5 reports by NGOs (Amnesty International, 2014; Amnesty International, 2015; Amnesty International, 2016a; Human Rights Watch, 2015; Norwegian Refugee Council [NRC] & International Rescue Committee [IRC], 2014).

4.2.1.1. Legal perspective on the principle of non-refoulement in the period 2014-2016

Syrian refugees residing in Turkey were protected against refoulement under the TPR. This legal prohibition was emphasized in many reports (Amnesty International, 2014, p. 20; Armstrong & Jacobsen, 2015, p. 10; Human Rights Watch, 2015, p. 16; United Nations Country Team, 2015, p. 13; United States Department of State, 2014, p. 33; United States Department of State, 2015)

When it comes to protecting the principle of non-refoulement, rights provided for refugees in detention are of particular importance, because they are in a very vulnerable position. Persons in Turkey cannot be detained just because they are looking for international protection. Detention should be exceptional and there has to be a substantive reason, for instance, the

identity of the person asking for protection is called into question (Council of Europe, 2016, p. 26; ECRE, 2015a, p. 59; United Nations Country Team, 2015, p. 5). Nevertheless, detention of Syrians who were protected against refoulement took place. They were sometimes brought to removal centers, even though they could not legally be deported. According to ECRE (2015a):

This provision raises considerable tension with the LFIP, which recognizes *non-refoulement* as a core principle in the normative framework of international protection. In that light, the TPR should not allow for the detention of persons who are not deportable under *refoulement* protection on the premise that they *should* be deported under the law (p. 69, see also Norwegian Refugee Council & International Rescue Committee, 2015, p. 9).

Summarizing, there was tension between the principle of non-refoulement and the detention of Syrian refugees in removal centers; one could argue that there might be a risk of violation, especially when these Syrians risked deportation²⁶.

It is important that Syrians in detention can access their procedural rights. The EC (2014) noted that “in April 2014, the Ministry of Interior adopted a new directive on the establishment and management of removal centers ... However, the directive does not make specific reference to access to legal aid or asylum procedures” (p. 64). On top of that, it was nowhere expressively mentioned in law that detained refugees had the right to meet NGO representatives, which might have led to limited or denied access to NGO legal counsellors (ECRE, 2015a, p. 62). These legal gaps might indicate that procedural safeguards were lacking, increasing the risk of refoulement.

Finally, the TPR does not refer directly to an appeal mechanism. This created ambiguity, because it was unclear to what extent “appeal mechanisms and remedies applicable under the LFIP are by deduction applicable in the TPR context” (ECRE, 2015a, p. 72). This could mean that there were no remedies available for Syrians whose TPS was denied. This makes the situation precarious, because Syrians who lost their TPS (see chapter 2, paragraph 2.1.1.2.) were no longer protected against refoulement.

²⁶ Detaining Syrians in removal centers may also be a violation of the protection against arbitrary detention (Article 9 of the UDHR). However, this is outside the scope of this study.

4.2.1.2. *Practical perspective on the principle of non-refoulement in the period 2014-2016*

When examining the principle of non-refoulement from a more practical perspective, a discrepancy could be found between the reports gathered. Two sources looked to the principle from a different angle than the others²⁷. These sources were both published by UN-bodies and were the only sources that argued that Turkey fully complied with the principle of non-refoulement for Syrians, whereby they stated that the adoption of certain legislation protected Syrians from refoulement *in practice* (United Nations Country Team, 2015, p. 13; Working Group on the Universal Periodic Review, 2015, p. 19).

Other sources were less optimistic about this direct application of law. The USDS (2014) found that “seven persons [were returned] to their countries of origin against their will through November [2014]” (p. 36). And in 2015, the EC stated that “incidents where Turkey did not respect the principle of “non-refoulement” were reported and criticized by civil society” (p. 71). In both cases, it is unclear whether Syrians were victim of these breaches of the non-refoulement principle. However, the USDS (2015, p. 44) stated that Syrians had become victim of refoulement in November 2015, when 80 Syrians were refouled, and 50 more were at risk of refoulement after being detained after peaceful protest.

According to some sources, there were cases where Syrians choose to return to Syria voluntarily, but pressure might have been in play:

The refugees told Amnesty International that those who had been sent back were coerced by the Turkish authorities, who said that they would be detained indefinitely unless they agreed to be returned and not attempt to re-enter Turkey (Amnesty International, 2014, p. 11).

In September [2014], at least 200 refugees – mostly Syrian – attempting to travel irregularly to Greece were kept in incommunicado or even secret detention at various locations in Turkey. Many were pressured into agreeing to “voluntarily” return to Syria and Iraq ... (Amnesty International, 2015, p. 373).

The USDS (2015) also reported of ‘voluntary’ repatriation which may not have been as voluntary as it should have been: “At least seven Syrian nationals ... were denied entry and

²⁷ These first source, by the Working Group on the Universal Periodic Review, was written based on a variety of Turkish sources: “relevant governmental institutions, civil society representatives, universities and occupational chambers” (2015, p. 2). The second report was written by a team created from several intergovernmental, UN-bound organizations, amongst others UNICEF, UNHCR and IOM (United Nations Country Team, 2015, p. 1).

detained at an Istanbul airport for several months before opting for voluntary repatriation” (p. 44).

In the former section, it was already mentioned that procedural safeguards for refugees in detention might have been lacking. However, some improvement was visible compared to earlier times, as detained refugees had more options to meet with legal representatives and the UNHCR (ECRE, 2015a, p. 62; United States Department of State, 2014, p. 14). Yet, the UNHCR could not always access detained refugees and therefore had not always an opportunity to interview them (United States Department of State, 2014, p. 36; United States Department of State, 2015, p. 45). Lack of access to the UNHCR could increase the risk of refoulement, since detained refugees could not access asylum procedures properly (see chapter 2, paragraph 2.1.1.).

Regarding pushback operations, Turkey was generally praised for its open border policy²⁸ (Amnesty International, 2014, p. 9; ECRE, 2015a, p. 65; ECRE, 2015b, p. 104; Erdoğan, 2014; Norwegian Refugee Council & International Rescue Committee, 2014, p. 10). The Working Group on the Universal Periodic Review (2015) optimistically stated that “in accordance with her obligations stemming from international humanitarian law, Turkey maintains open border policy for Syrians fleeing violence ... *without any discrimination* [emphasis added]” (p. 20).

Nevertheless, other sources have found the borders less open (Amnesty International, 2014; Amnesty International, 2015, p. 376). Over time, Turkish border security became more strict and access was denied to Syrians who did not have the right documents (Amnesty International, 2014, p. 10; Karlidag, *et al.*, 2015, p. 20). By the end of 2015, it was stated that Turkey only opened its borders to undocumented Syrians if they were in urgent medical need or risked a humanitarian disaster (United States Department of State, 2015, p. 44). It has been argued that selection at the border took place, and that certain ethnic groups, like Yezidis, were denied access, even though they could be “classified as asylum seekers” (United States Department of State, 2014, p. 36).

AI (2014) reported that Syrian refugees were “pushed ... back across the border”, whereby “unlawful or abusive force” was used (p. 4). Refugees were beaten or threatened (Amnesty International, 2014; Amnesty International, 2015, p. 376; Karlidag, *et al.*, 2015, p. 20). In 2014, a 15-year old Syrian boy was beaten to death by Turkish border control (Amnesty International,

²⁸ See, for a more critical perspective, Centre for Transnational Development and Collaboration (2015). *Syrian Refugees in Turkey: Gender Analysis*. United Kingdom: London: Centre for Transnational Development and Collaboration.

2014, p. 11; United States Department of State, 2014, p. 3). Between January and September 2015, at least fifteen other Syrians died due to pushback operations (United States Department of State, 2015, p. 4).

Pushback operations took place for a longer period of time, as the gathered reports first reported about it in June 2014 and continued to do so by the end of 2015 (Amnesty International, 2014; Amnesty International, 2015, p. 43; ECRE, 2015a; United States Department of State, 2015).

4.2.1.3. Issues and events impacted by (possible) violations of the principle of non-refoulement in the period 2014-2016

Ultimately, breaches of the principle of non-refoulement, and deportation to Syria, increase the chance that refugees become victim of human rights violations like indiscriminate violence or inhumane and degrading treatment. During the period 2014-2016, Syrians in Turkey did not always feel safe. They thought they could be sent back to Syria (Amnesty International, 2014, p. 21). Furthermore, the high influx of Syrians created tensions with the Turkish population. In a survey, around 30 percent of the Turkish responders stated that “Syrians should be sent back to their country [despite the war]” (Erdoğan, 2014, p. 7). Governmental parties also threatened Syrians that they might be refouled (United States Department of State, 2015, p. 44). Lastly, since the Syrian-Turkish borders were mostly closed, it is likely that more Syrians would “risk dangerous illegal crossings” to find their way to safety (*ibid.*, p. 46).

4.2.1.4. Factors affecting the principle of non-refoulement in the period 2014-2016

The reports for this period gave little explanation why Syrians would risk refoulement²⁹. It is likely that the high migrant influx played a role, which burdened Turkey’s resources; this increased the risk of a limited access to procedural safeguards (Erdoğan, 2014, p. 15; European Commission, 2015, p. 7; UNDP & UNHCR, 2017b, p. 10; Zetter & Ruaudel, 2016, p. 176). AI (2016a) has argued that pushbacks were partly due to the fact that “the EU was limiting the influx of refugees and migrants at the expense of their human rights” (p. 43).

²⁹ More information on factors affecting the principle of non-refoulement could be found in the analysis of the period after the EU-Turkey Statement, see paragraph 4.2.2.5. It is important to notice that the third reason (political tensions) was not equally present in the period 2014-2016.

4.2.1.5. *Recap: the principle of non-refoulement in the period 2014-2016*

The non-refoulement principle was legally upheld, though procedural issues could impede this principle. In practice, Syrians were removed to Syria against their will, and the ‘voluntary’ basis of ‘voluntary repatriation’ raised questions. Furthermore, detained refugees could not always access lawyers, the UNHCR, or legal counsellors. Lastly, pushbacks increased as the Turkish border closed.

4.2.2. **Principle of non-refoulement in the period 2016-2018**

Of the 37 reports selected for the period 2016-2018, 28 reports could be included for this section. The following reports were included:

- 11 reports by EU-bound organizations (ECRE, 2017, 2018; European Commission, 2016c; 2016d; 2016e; 2016f; 2016g; 2017a; 2017b; 2017c; 2018);
- 2 reports by UN-related bodies (Committee against Torture [CAT], 2016; UNDP & UNHCR, 2017b);
- 1 report by the Council of Europe (Council of Europe, 2016);
- 3 reports by the United States Department of State (United States Department of State, 2016; 2017; 2018);
- 3 reports by scientific institutions (Ulusoy & Battjes, 2017; Van Liempt, *et al.*, 2017; Zetter & Ruaudel, 2016);
- 7 reports by NGOs (Amnesty International, 2016b; Amnesty International, 2017; Amnesty International, 2018; Development Workshop, 2016a; Development Workshop, 2016b; Kaya & Kıracı, 2016; Médecins Sans Frontières, 2017);
- and 1 report by a European Parliament group (GUE/NGL Delegation to Turkey, 2016).

4.2.2.1. *Legal perspective on the principle of non-refoulement in the period 2016-2018*

Reports published after the EU-Turkey Statement were still positive about the TPR because it explicitly prohibited non-refoulement (Council of the EU, 2016, p. 6; ECRE, 2017, p. 116; Kaya & Kıracı, 2016, p. 9; UNDP & UNHCR, 2017b, p. 23). Regarding refugees in detention, indications were given that access to legal counsellors and lawyers for those in detention remained impeded (ECRE, 2017; ECRE, 2018). Furthermore, it should be noticed that “while the law requires that the decision on protection status should be notified to each person to be removed, this does not necessarily imply an individual assessment of the need for removal”

(Council of Europe, 2016, p. 29). Hence, though the principle of non-refoulement was protected in legal terms, legal safeguards for detainees were lacking.

4.2.2.2. *Practical perspective on the principle of non-refoulement in the period 2016-2018*

In all its reports on the implementation of the EU-Turkey Statement, the European Commission (2016c; 2016d; 2016e; 2016g; 2017a; 2017b; 2017c) emphasized that the principle of non-refoulement for Syrians was fully respected. It stated that “a recent visit by EU authorities was able to verify that the situation in the [removal] center complies with the required standards” (European Commission, 2017b, p. 5). Syrians could apply for temporary protection and were released once pre-registered under the TPR (*ibid.*).

However, in its annual reports, the EC (2016f, p. 29; 2018, p. 48) noticed that there had been unconfirmed reports of refoulement cases concerning Syrians. The Committee against Torture (2016) found that Turkey might have breached the principle of non-refoulement “with regard to hundreds of Syrian nationals reportedly returned to their country of origin since mid-January 2016 [until May 2016]” (p. 6). This indicates that refoulement took place after the EU-Turkey Statement was adopted. The Council of Europe (2016) also received claims that “[undesirable] Syrians are, in practice, transported to remote detention facilities where they are subjected to prolonged detention, in some cases, and eventual deportation in Syria” (2016, p. 29). From January till September 2017, 68 cases of possible refoulement were reported by the UNHCR, including Syrians. There were also indications Turkish authorities deported Syrians to Sudan, which would be an act of refoulement (United States Department of State, 2017, p. 41).

More clear accusations came from NGOs. AI (2016a) spoke of “mass forced returns of Syrians by the Turkish security forces” (p. 371). Over one hundred Syrians would be returned to Syria in 2016 (Amnesty International, 2016, in United States Department of State, 2016, p. 46). In December 2017, AI again stated that “there were continued reports of forced returns of refugees ... to Syria” (p. 371). The largest estimation came from the NRC, that estimated that “an approximate 250,000 Syrian refugees [were] apprehended and returned to Syria by Turkish authorities in the first months of 2017” (in ECRE, 2017, p. 23).

Equal to the period 2014-2016, voluntary repatriations to Syria took place, whereby reports questioned how voluntary these repatriations were (United States Department of State, 2016, p.

46). In May and June 2017, “around 300 Syrians were forcibly returned after officials forced individuals to sign forms agreeing to “voluntary return”” (Amnesty International, 2017, p. 372).

More returns took place in 2018, as the situation in Syrian changed and safe zones were established. However, “concerns have been expressed as to the voluntary nature of some returns” (ECRE, 2018, p. 15). It must be noticed that there was no extra examination of the voluntariness of the return: “persons signing voluntary return documents ... do not undergo an interview by a panel aimed at establishing whether return is voluntary” (*ibid.*, p. 114).

Similar to the period 2014-2016, procedural rights seemed lacking. According to AI (2016b), those looking for international protection did “not have access to fair and efficient procedures for the determination of their status” (p. 5). This might have increased the risk of refoulement (*ibid.*, p. 43).

Regarding those in detention, different findings were reported. Boček stated that “lawyers seem to have good access to people in the holding facilities and have a possibility to lodge an appeal” (Council of the EU, 2016, p. 24). On the other hand, the USDS (2017, p. 39; 2018, p. 36) and ECRE (2017, p. 16) found that migrants in detention- and removal centers did not have access to lawyers and interpreters. More optimistically, courts were able to halt deportations when there was a risk of refoulement (ECRE, 2017, p. 25). Concludingly, there was some ambiguity whether procedural rights were provided for Syrian refugees, especially for those in detention.

Pushback operations reportedly remained to take place after the EU-Turkey Statement was adopted (Amnesty International, 2016a, p. 371; Council of Europe, 2016, p. 29; Development Workshop, 2016a, p. 52; ECRE, 2018, p. 118; GUE/NGL Delegation to Turkey, 2016; United States Department of State, 2016, p. 42). Turkish soldiers were allegedly firing on Syrians who tried to enter Turkey (Committee against Torture, 2016, p. 6). According to one source, pushback operations were especially aimed towards Syrians: “They wouldn’t let us through the crossing. So we tried to cross over the minefield. The others, Arabs, Kurds, Turkmen, no one stopped them. Us, they would not let through.” (Development Workshop, 2016b, p. 65).

4.2.2.3. *The EU-Turkey Statement and the principle of non-refoulement*

After the EU-Turkey Statement was adopted, Greece started to return Syrians to Turkey. Whether this has led to acts of refoulment by the state of Greece is outside the scope of this

research³⁰. However, attention is paid to the question whether Syrians who were readmitted from Greece to Turkey were at risk of refoulement once back in Turkey. The Committee Against Torture (2016) stated that it

regrets the lack of information from the State party [Turkey] concerning concrete measures adopted to accommodate returned ... irregular migrants under this [the EU-Turkey] agreement. Furthermore, the Committee is deeply concerned at the lack of assurances that applications for asylum and international protection will be individually reviewed and that individuals filing such applications will be protected from refoulement and collective return. Readmission agreements signed by the State party with other states³¹ reinforce the Committee's concern (p. 7).

When migrants were readmitted to Turkey, they were placed in readmittance facilities or detention centers. Reports indicated that migrants in these facilities were often ill-informed and denied access to legal representation and the UNHCR (Amnesty International, 2016b, p. 17; GUE/NGL Delegation to Turkey, 2016; United States Department of State, 2017, p. 39). Ulusoy and Battjes (2017) argued that there were “clear infringements of procedural rights”, increasing the risk of refoulement (p. 5). Furthermore, readmitted migrants in detention centers were threatened to be deported to their countries of origin (“no matter what their nationalities are”) when they disobeyed the guards or disrupted order (GUE/NGL Delegation to Turkey, 2016, p. 6)

Around 16 to 19 Syrians who were readmitted to Turkey decided to return voluntarily to Syria (European Commission, 2017a, p. 6; 2017b, p. 6; 2017c, p. 6; Van Liempt, *et al.*, 2017, p. 22). The EC did not question the level of voluntariness of these returns. According to Van Liempt and colleagues (2017), “the situations for Syrians in Turkey is so desperate that 19 readmitted Syrians have decided to return to Syria where ... their lives are now again at risk” (p. 22). So, equally to other voluntary repatriations to Syria, one may again question whether these returns are truly voluntary.

³⁰ More information on this subject by found in Amnesty International (2016b) and Ulusoy & Battjes (2017). Furthermore, Médecins sans Frontières (2017, p. 19) warned against the possible risk of scraping “the few procedural safeguards that currently exist” in the EU-Turkey Statement, which would lead to more cases of refoulement.

³¹ According to Moreno-Lax and Giuffré (2019), Turkey has readmission agreements with ‘refugee-producing’ countries like Afghanistan, “thereby increasing the risk of repatriation and *refoulement*” (p. 7).

4.2.2.4. *Issues and events impacted by (possible) violations of the principle of non-refoulement in the period 2016-2018*

Equal to the period 2014-2016 (see paragraph 4.2.1.3.), breaches of non-refoulement might have resulted in inhumane and degrading treatment and indiscriminate violence for those who returned to Syria. As the border between Turkey and Syria remained closed, it is also likely that more dangerous crossings continued to take place (Médecins Sans Frontières, 2017).

4.2.2.5. *Factors affecting the principle of non-refoulement in the period 2016-2018*

The reports named different reasons that, according to them, explained why the principle of non-refoulement would have been breached and remained at risk of being breached. In line with AI (2016a; see paragraph 4.2.1.4.), Zetter and Ruaudel (2016) have argued “the EU-Turkey negotiations on migrants and Turkey’s pledge to the EU to restrict transit through its territory to Europe” was a major reason for unlawful detention, deportation and refoulement (p. 173). As GUE/NGL (2016) critically analyzed: “Turkey has been hired [by the EU] as a deportation agency” (p. 12).

One could argue that the promised 1:1 scheme (see chapter 2, paragraph 2.2.1) would facilitate Turkey’s burden, because for every readmitted Syrian from Greece to Turkey, a more vulnerable Syrian would be resettled to a European country. Between April and September 2016, 9,000 Syrians were resettled from Turkey. At the same time, 1,896 migrants (of all nationalities) were returned to Turkey (European Commission, 2017c). However, when the refugee population in a state reaches over 3.6 million, it can be called into question whether resettling a few thousand refugees truly reduces burdens. Also, the total resettlement of 11,711 Syrians by 2018 is small compared to the 72,000 promised (European Commission, 2018, p. 46; Van Liempt, *et al.*, 2017).

Secondly, Turkey’s asylum policy is criticized. The risk of breaches indicates “serious shortcomings and problems in the implementation phase of the system” (Ulusoy & Battjes, 2017, p. 10).

Lastly, political tensions impacted the principle of non-refoulement. On July 15, 2016, a coup attempt took place in Turkey, followed within a week by a State of Emergency and an announcement of the Turkish Government that it would “lodge a derogation to the European Convention of Human Rights” (Council of Europe, 2016, p. 4). Furthermore, a Presidential Decree was announced in October as a reaction to the coup attempt (International Crisis Group, 2016, p. 8; United States Department of State, 2016, p. 42). This Decree created a risk “for ...

refugees [to] be deported at any stage of their international protection application if they are recognized as “a member of a terrorist organization”” (Ulusoy & Battjes, 2017, p. 14). Formal procedures were neglected sometimes in these cases (Van Liempt, *et al.*, 2017, pp. 20-21). Procedural safeguards were removed under the State of Emergency, which increased the risk of refoulement (Amnesty International, 2018, p. 50; ECRE, 2017, p. 24; European Commission, 2016f, p. 25; European Commission, 2018, p. 5; Van Liempt, *et al.*, 2017). ECRE (2018) stated that

the derogation from the principle of *non-refoulement* for reasons such as public order, security and terrorism, introduced by way of emergency decree in October 2016 was consolidated by law in February 2018. Removal decisions have increasingly been used on these grounds in 2018 (p. 14).

Concludingly, the reactions on the coup attempt resulted in an increased risk of violations of the principle of non-refoulement.

The EC shortly mentioned the coup attempt in one report on the EU-Turkey Statement (2016e), stating that “the EU ... called on the Turkish authorities to observe the highest standards in the rule of law and fundamental rights” (p. 2). The State of Emergency and its possible consequences for refugees’ human rights were not discussed in any of the implementation reports. The State of Emergency was ended on July 19, 2018 (United States Department of State, 2018, p. 1). Based on the gathered reports, it could not be determined whether refugees’ procedural rights and fundamental human rights were fully restored after this period.

4.2.2.6. *Recap: the principle of non-refoulement in the period 2016-2018*

The principle of non-refoulement remained under pressure in the period 2016-2018. Equal to first period, pushbacks and questionable voluntary repatriations took place. The EU-Turkey Statement might have put more pressure on the principle of non-refoulement, as irregular migrants were readmitted to Turkey and brought to removal and readmittance centers, where they had limited access to procedural rights. However, the risk increased by the EU-Turkey Statement might be minor compared to the risk on violation that was created by political tensions in this period.

4.3. Analysis: right to work

4.3.1. Right to work in the period 2014-2016

Of the 22 reports gathered for the period 2014-2016, 21 reports could be used to analyze the right to work. The following reports were included:

- 5 reports by EU-bound organizations (ECRE, 2015a, 2015b; European Commission, 2014; 2015; 2016a);
- 3 reports by UN-related bodies (UNDP & UNHCR, 2014; Working Group on the Universal Periodic Review, 2015; United Nations Country Team, 2015);
- 2 reports by the United States Department of State (United States Department of State, 2014; 2015);
- 3 reports by scientific institutions (Armstrong & Jacobsen, 2015; Erdoğan, 2014; Karlidag, *et al.*, 2015);
- 7 reports by NGOs (Amnesty International, 2014; Amnesty International, 2016a; Centre for Transnational Development and Collaboration [CTDC], 2015; Human Rights Watch, 2015; Leghtas & Sullivan, 2016; Norwegian Refugee Council & International Rescue Committee, 2014; Ortadoğu Stratejik Araştırmalar Merkezi [ORSAM], 2015);
- And 1 report by another institution (Del Carpio & Wagner, 2015).

4.3.1.1. *Legal perspective on the right to work in the period 2014-2016*

The only way for Syrians to access the labor market legally is by obtaining a work permit. Before October 2014, Syrians were obliged to have a residence permit before they could apply for a work permit (Amnesty International, 2014). Turkey's asylum policy made obtaining a residence permit difficult for Syrians, which made it inherently hard to receive a work permit (see chapter 2, paragraph 2.1.1. for further explanation) (United States Department of State, 2014).

When the TPR was adopted in October 2014³², there was some uncertainty. According to some, the TPR provided Syrians more straightforward access to the legal labor market (Amnesty International, 2014; Leghtas & Sullivan, 2016; Norwegian Refugee Council & International Rescue Committee, 2014; UNDP & UNHCR, 2014; United States Department of

³² The LFIP entered into force in April 2014. This legislation provided better labor market access for refugees with a Refugee Status under the CSR51 and for those who fell under subsidiary protection (ECRE, 2015a, p. 54; United Nations Country Team, 2015, p. 14), but Syrians are placed under a different regulation (see paragraph 2.1.1.2.).

State, 2014). However, even though the TPR *promised* Syrians the right to work, no real legislation was adopted until January 2016 (European Commission, 2014; European Commission, 2015). HRW (2015) delved deeper into the exact problem before this time and concluded that the TPR

states that “procedures regarding the employment of persons benefiting from temporary protection shall be determined by the Council of Ministers” and that beneficiaries “may apply to the Ministry of Labor and Social Security for receiving work permits to work in the sectors, professions and geographical areas ... to be determined by the Council of Ministers.” Thus, in principle, the regulation acknowledges the possibility of lawful access to the labor market, but any such access would need to come through subsequent regulations that have not yet been issued (p. 36).

In September 2015, the European Commission mentioned that “Turkey should still adopt legislation giving Syrians under temporary protection access to the labor market” (p. 25). Hence, during this period, there was no legal certainty that Syrians could access legal employment (ECRE, 2015a, p. 73; ECRE, 2015b, p. 134; Human Rights Watch, 2015, p. 36). Syrians under temporary protection had “no guarantee that the authorities will grant ... a work permit” (ECRE, 2015a, p. 73). More straightforward, the USDS has argued that, due to these legal obstacles, “Syrians under temporary protection have no right to work” (United States Department of State, 2015, p. 45; see also ECRE, 2015b, p. 135; Human Rights Watch, 2015, p. 36).

From January 15, 2016 onwards, work permits became more accessible because the RWPF was adopted. The last report analyzed in this period, which was published early March 2016, announced that Turkey had started providing Syrians access to the labor market³³ (European Commission, 2016a, p. 5).

4.3.1.2. *Practical perspective on the right to work in the period 2014-2016*

According to AI (2014), Turkey failed “to provide clarity as to the legal status and entitlements of refugees once they entered Turkey” (p. 20). As a result, Syrians were not always aware that they could obtain a work permit once they had a residence permit. Furthermore, working permits turned out to be “extremely difficult to obtain” (Amnesty International, 2014, p. 25; see

³³ The impact of the RWPF on Syrians’ right to work will be discussed more extensively in paragraph 4.3.2.. See chapter 2, paragraph 2.1.1.3. for a comprehensive explanation on the Regulation on Work Permits for Foreigners under Temporary Protection.

Del Carpio & Wagner, 2015; ECRE, 2015b). During their research, neither AI (October 2014) nor the CTDC (October 2015) could identify any Syrian refugee who possessed a work permit.

Work opportunities for Syrians were generally scarce (Amnesty International, 2016a, p. 373; Armstrong & Jacobsen, 2015; Karlidag, *et al.*, 2015). There were no high-skilled jobs available, which could force higher-educated Syrians to take lower-skills jobs (Ortadoğu Stratejik Araştırmalar Merkezi, 2015). There was also a lack of employment opportunities in refugee camps. Consequently, Syrian refugees left the camps and moved to cities for work (Erdoğan, 2014; Ortadoğu Stratejik Araştırmalar Merkezi, 2015; UNDP & UNHCR, 2014).

The most recent report included in this period, published March 4, 2016, stated that “15 applications for a work permit had been made to the Turkish authorities by Syrian refugees” (European Commission, 2016a, p. 5). No information was given on the number of work permits granted.

4.3.1.3. Issues and events impacted by (possible) violations of the right to work in the period 2014-2016

Since options for legal employment were extremely limited, most Syrians worked in the informal sector (Amnesty International, 2014; Del Carpio & Wagner, 2015; UNDP & UNHCR, 2014; United States Department of State, 2015). As the informal sector was a tolerated way of employment in Turkey (Del Carpio & Wagner, 2015), the Turkish government did not prosecute Syrian refugees who worked illegally (Amnesty International, 2014; Centre for Transnational Development and Collaboration, 2015).

Nevertheless, Syrians who worked informally were “vulnerable to exploitation” (Amnesty International, 2014, p. 24; see also Amnesty International, 2016; Erdoğan, 2014; Karlidag, *et al.*, 2015; Ortadoğu Stratejik Araştırmalar Merkezi, 2015; United States Department of State, 2015). Syrians generally earned less than Turkish who worked in the informal sector (Amnesty International, 2014; Centre for Transnational Development and Collaboration, 2015; Karlidag, *et al.*, 2015; UNDP & UNHCR, 2014). Furthermore, there have been records of abuses of labor rights and arbitrary lay-offs (Amnesty International, 2014; UNDP & UNHCR, 2014). According to the CTDC (2015, p. 10), Syrian women working in the informal sector were regularly harrassed and discriminated. These Sryian employees had no access to complaint procedures because they worked informally (Amnesty International, 2014).

Since Syrian refugees were more willing to work for a lower wage than Turkish people, lower-skilled Turkish were concerned that Syrians might take over their jobs (Karlidag, *et al.*,

2015; Ortadoğu Stratejik Araştırmalar Merkezi, 2015; UNDP & UNHCR, 2014). This resulted in tensions between Syrians and Turks:

On the employee's side, the situation seems rather unpleasant. The availability of a Syrian who will work for 300TL monthly in a bakery, instead of a local person who will ask for 1000TL for the same job increases the social tension and refusal (Erdoğan, 2014, p. 20).

The Turkish population was not positive about the idea that they should provide jobs to Syrians and sometimes protested against their presence (Centre for Transnational Development and Collaboration, 2015; Erdoğan, 2014). Furthermore, the willingness of Syrians to take lower wages decreased the wages offered in the informal sector (Ortadoğu Stratejik Araştırmalar Merkezi, 2015, p. 17; UNDP & UNHCR, 2014, p. 78).

Generally, Syrians did not make enough money to cover their basic needs (Amnesty International, 2014; Human Rights Watch, 2015). Children could not be sent to school due to a lack of financial resources (Amnesty International, 2014; Human Rights Watch, 2015; Karlidag, *et al.*, 2015). According to several reports, the lack of employment opportunities contributed to the rise of child labor under Syrian refugees in Turkey (Centre for Transnational Development and Collaboration, 2015; European Commission, 2014; Human Rights Watch, 2015, p. 39; Karlidag, *et al.*, 2015; UNDP & UNHCR, 2014; United States Department of State, 2015). It was easier for children to find work, "because they will work for even lower wages than adult Syrian refugees" (Amnesty International, 2014, p. 26).

Furthermore, it has been noticed that the lack of employment and the consequential shortage of financial resources might have led to an increase in child marriage, begging and survival sex (Centre for Transnational Development and Collaboration, 2015; UNDP & UNHCR, 2014; United States Department of State, 2015). According to the CTDC (2015), their circumstances made Syrians also more prone to radicalization:

Poverty pushes many women to accommodate the demands and request by radical groups, on the short run, this places women in weak positions not capable of saying no, due to their need for food and shelter, and, on the long run, this could pave the way for the creation of fertile ground for the radicalization of younger generations of Syrian refugees, who are also vulnerable (p. 16).

More generally, Syrians' financial struggles were an "influential hardship on their access to both Turkish schools and temporary education centers" (Human Rights Watch, 2015, p. 23). Hence, their situation brought Syrian refugees in Turkey to a standstill.

4.3.1.4. *Factors affecting the right to work in the period 2014-2016*

Three implementation issues regarding policy were important factors affecting Syrian refugees' right to work. First of all, the Turkish government approached Syrians as "guest" who were expected to stay temporarily (Centre for Transnational Development and Collaboration, 2015; Erdoğan, 2014). Secondly, once Syrians were registered in a certain province, they could not access legal employment in other provinces (Amnesty International, 2014, p. 23; Centre for Transnational Development and Collaboration, 2015, p. 9). Thirdly, the legislation that provided more clarity on work permit applications for refugees with a TPS, was long in coming (see paragraph 4.3.1.1.).

Another factor contributing to the legal employment difficulties was the cultural differences between Turks and Syrians. Syrians struggled with linguistic and cultural differences, making them less attractive to possible future employers (Centre for Transnational Development and Collaboration, 2015, p. 17; Karlidag, *et al.*, 2015, p. 22; Ortadoğu Stratejik Araştırmalar Merkezi, 2015, p. 19).

However, it must not be forgotten that Turkey was facing a difficult task: the enormous influx of Syrian migrants in such a short period of time (already reaching 2.5 by the end of 2015) put "pressure on the local economy and on the Government to provide jobs and services" (UNDP & UNHCR, 2014, p. 78; UNDP & UNHCR, 2019).

4.3.1.5. *Recap: the right to work in the period 2014-2016*

Though legally seen, Syrian refugees could obtain work permits, there were many practical constraints. This did not improve directly with the adoption of the TPR in October 2014, as necessary extra legislation was postponed. Hence, the legal protection of the right to work did not result in a practical access to employment. Because legal work was not accessible, Syrian refugees accepted informal jobs, risking exploitation. Furthermore, the impossibility of Syrian to enter the formal labor market and to make proper wage might have resulted in an increase in child labor, child marriages and survival sex. Lastly, tensions rose because Turkish locals felt excluded from the informal labor market.

In January 2016, legal provisions were provided in the form of the RWPF, which gave Syrians more options to apply for a work permit. However, as only two reports included for this period were published after January 2016 (European Commission, 2016a; Leghtas & Sullivan, 2016), little is known about the effect of these provisions within this timeframe. A small number of Syrians applied for a permit in January, but it was unclear whether these permits were granted.

4.3.2. Right to work in the period 2016-2018

Of the 37 reports selected for the period 2016-2018, 30 reports could be included for this section. The following reports were included:

- 9 reports by EU-bound organizations (ECRE, 2017; 2018; European Commission, 2016c; 2016d; 2016e; 2016f; 2016g; 2017c; 2018).
- 5 reports by UN-related bodies (Global Refugee Youth Consultations, 2016; International Organization for Migration, 2017; UNDP & UNHCR, 2016; 2017a; 2017b).
- 1 report by the Council of Europe (Council of Europe, 2016);
- 3 reports by the United States Department of State (United States Department of State, 2016; 2017; 2018);
- 4 reports by scientific institutions (International Crisis Group, 2016; Ulusoy & Battjes, 2017; Van Liempt, *et al.*, 2017; Zetter & Ruaudel, 2016);
- and 8 reports by NGOs (Amnesty International, 2016b; Amnesty International, 2017; Development Workshop, 2016a; Development Workshop, 2016b; Grisgraber & Hollingsworth, 2016; Kaya & Kırac, 2016; Norwegian Refugee Council, 2017; World Food Plan Turkey, 2016).

4.3.2.1. Legal perspective on the right to work in the period 2016-2018

In the reports analyzed for this period, many authors emphasized the importance of the RWPF, adopted in January 2016 (see chapter 2, paragraph 2.1.1.3.) (European Commission, 2016c, p. 9; European Commission, 2016d, p. 5; Grisgraber & Hollingsworth, 2016, p. 2; UNDP & UNHCR, 2016, p. 72). This legislation gave Syrian refugees under TPS more opportunities to access a work permit or to be legally employed in a work permit exemption sector (Council of Europe, 2016, p. 15; Development Workshop, 2016a, p. 52; Zetter & Ruaudel, 2016).

According to the EC (2016f), the RWPF “paves the way to improving the livelihoods of the Syrian refugees and their prospects of integration” (p. 29). The legislation was especially seen as a step forward because it would overcome the paperwork related to a work permit application. Therefore, it would facilitate legal labor market access for Syrians (UNDP & UNHCR, 2016; Zetter & Ruaudel, 2016, p. 173)

4.3.2.2. Practical perspective on the right to work in the period 2016-2018

While the RWPF was legally perceived as one of the major solutions of Syrian refugees’ labor struggles, it was criticized from a practical view. There were several reasons for this. First of all, there were some general issues. Some sectors were not accessible: foreigners were not allowed to work as dentist, nurse, midwife, pharmacist or lawyer. Hence, Syrians with these professions were forced to look to other, often lower-skilled jobs (Grisgraber & Hollingsworth, 2016). Furthermore, Syrians were bound to the province where they have been registered (Grisgraber & Hollingsworth, 2016; United States Department of State, 2016, p. 47; United States Department of State, 2017, p. 42). However, in their search for work, Syrians often travelled to other provinces. If their work permit was not valid in these provinces, they might have felt forced to work in the informal sector. This was especially a problem for Syrian Dom (gypsies), who travel a lot (Development Workshop, 2016b), but also for other Syrians (Development Workshop, 2016a). Legally, Syrians had a possibility to move if this meant they could be employed elsewhere:

The Ministry of Employment and Social Security has provided employers with the possibility to make one official declaration before a public notary that a beneficiary is starting employment, in order for that beneficiary to transfer his or her place of residence within 30 days. However, due to obstacles in obtaining a work permit ... and to the fact that employers do not actively make the necessary official declarations, they are not able to change their address from the place of first registration (ECRE, 2017, p. 128).

Secondly, organizations were critical about the fact that employers should lodge the work permit application, as “the length of the process, combined with the size of the informal labor market, limit the incentives for employers to formalize the status of their Syrian employees” (UNDP & UNHCR, 2017a, p. 4; see also International Crisis Group, 2016, p. 8; International

Organization for Migration, 2017, p. 12; United States Department of State, 2016, p. 52). The expectation of Refugee International was that

Big firms and companies ... are the employers that are most likely – and arguably most able financially – to apply for work permits for Syrians ... Smaller enterprises will be less able to offer the work permit sponsorship and may well continue to rely upon informal workers (Grisgraber & Hollingsworth, 2016, p. 5).

Quotas made it even more unlikely that small- or medium-sized companies would legally hire Syrians (*ibid.*). Boček noticed that generally, “employers have little motivation to apply for work permits. They prefer to pay low rates to illegal workers. Moreover, the bureaucracy involved in making an application is cumbersome” (Council of Europe, 2016, p. 16). Thus, it seemed unlikely that employers who hired Syrians informally would put a lot of effort in legalizing their employees’ labor status, especially because this would increase the overall costs (due to processing costs of the application and increased wage³⁴) (UNDP & UNHCR, 2017a, p. 4; United States Department of State, 2018, p. 39).

Thirdly, it was not easy to be legally self-employed. Syrians who started their own business had to walk through “fourteen different steps which may be easier for larger businesses to go through than small ones” (UNDP & UNHCR, 2017a, p. 4). It was therefore unlikely that Syrians who wanted to set up small businesses would apply for a work permit.

The number of provided work permits was proportionally very low (see Table 3, page 61). In March 2016, approximately 2,000 Syrians had applied for a work permit, but it was unclear how many permits were obtained (Amnesty International, 2016b, p. 30; Council of Europe, 2016). Boček has noticed that the number of lodging applications constituted “a very small percentage of the working-age Syrian population in Turkey” (Council of Europe, 2016, p. 16). Although the number of work permits approved was already doubled in September 2016 compared to whole of 2015 (European Commission, 2016e, p. 6), the total number of Syrians with a work permit remained low: in 2017, only 1.2 percent of all Syrians of working age had a permit.

³⁴ As noted earlier, Syrians in the informal sector often earned below minimum wage (ECRE, 2017, p. 136). Article 10 of the RWPF demanded that Syrians with a work permit would be paid at least minimum wage. It is therefore likely that their labor costs would increase.

Table 3

Percentage of work permits granted for the entire Syrian population

Year	Number of registered Syrians	Work Permits	%
2016 (November)	2,790,767	11,102	0.40
2017 (December)	3,424,237	15,700	0.46
2018 (March)	3,567,130	19,925	0.56
2018 (September)	3,567,658	27,930	0.78

Note. Syrians who work in an exempted sector or Syrians who received a work permit via a different procedure were not included in the number of work permits in this table. Also, the total number of registered Syrians is used – not the number of Syrians of working age, as these numbers were not available. Hence, the total number of Syrians with a legal access to work is likely to be higher than the percentages showed in this table, because other legal routes were possible as well. However, the RWPF was seen as the most convenient way to access the legal labor market (ECRE, 2017; ECRE, 2018; European Commission, 2016g; European Commission, 2018; UNDP & UNHCR, 2019).

Seasonal jobs, which are exempted from a work permit, were submitted to changing weather conditions. Syrians often lost their jobs when the season was over (UNDP & UNHCR, 2016, p. 63). This was problematic since most Syrian households relied on seasonal or temporary jobs as the main source of income (World Food Plan Turkey, 2016, p. 3).

Concludingly, although the number of work permits was slowly growing, most Syrians were left empty-handed. 97 percent of the Syrians of working age had no legal possibility to work (hence, no work permit or a formal job with exemption of work permit) (UNDP & UNHCR, 2017a, p. 6). Especially women were left behind: in September 2018, only 8.9 percent of the work permits were provided to Syrian women (ECRE, 2018, p. 134).

4.3.2.3. Issues and events impacted by (possible) violations of the right to work in the period 2016-2018

Because of the practical implications mentioned, Syrians had a hard time obtaining a work permit (Global Refugee Youth Consultations, 2016, p. 13; International Organization for Migration, 2017, p. 12). AI (2017) concluded that “despite improvements ... most adult Syrian refugees had no access to lawful employment” (p. 371). As a result, Syrians continued to work in informal and low-paid jobs (Development Workshop, 2016a, p. 53; ECRE, 2017, p. 136; UNDP & UNHCR, 2016, p. 62). It has been estimated by the ICG (2016, p. 8) that approximately 300,000 to 500,000 Syrians worked in the informal sector. A large number of

Syrians, approximately 30 percent, remained unemployed (Global Refugee Youth Consultations, 2016; Kaya & Kıracı, 2016, p. 23).

The income of Syrians in the informal sector remained low. Around 46 percent of all Syrian laborers earned below minimum wage (against 20 percent of all Turkish laborers) (ECRE, 2017, p. 136). Whereas the monthly wage for Turks for low-skilled jobs was around 1400-1600 TL, Syrians only received between 700 and 750 (Development Workshop, 2016a, p. 55; Grisgraber & Hollingsworth, 2016, p. 3; Kaya & Kıracı, 2016, pp. 29-30; Norwegian Refugee Council, 2017, p. 12)

Issues as discussed in paragraph 4.3.1.3. remained. Syrians were vulnerable to exploitation, often working long hours (Amnesty International, 2016b, p. 30; Council of Europe, 2016, p. 16; Development Workshop, 2016a; International Crisis Group, 2016; International Organization for Migration, 2017, p. 12; Kaya & Kıracı, 2016, p. 23; UNDP & UNHCR, 2016). In some sectors, expenses like shelter, food and processing costs were cut from one's pay, as Syrians found jobs via an intermediary (Development Workshop, 2016a, pp. 12, 138; ECRE, 2017, p. 135; ECRE, 2018, p. 136). Sometimes, Syrian were not paid at all (Development Workshop, 2016a, p. 54; Development Workshop, 2016b, p. 74; Norwegian Refugee Council, p. 22). The lack of social security made informally working Syrians vulnerable to discrimination, harassment and arbitrary lay-off (Kaya & Kıracı, 2016, p. 30; Development Workshop, 2016a; Zetter & Ruaudel, 2016).

Tensions between Syrians and Turks remained, which was partly due to the (perceived) changes in the labor market (Global Refugee Youth Consultations, 2016, p. 9; International Organization for Migration, 2017, p. 11). Zetter and Ruaudel (2016, p. 177) found that lower-educated Turkish women were withdrawn from the labor market and replaced by (cheaper) Syrians. Turks perceived that Syrian refugees were “unfair competitors and exploiters of economic opportunities and legal gaps” (Norwegian Refugee Council, 2017, p. 12). Wages remained lower, which made it “harder for many new jobseekers to argue for better conditions” (International Organization for Migration, 2017, p. 12). At the same time, house prices increased in areas where many Syrians were residing (Kaya & Kıracı, 2016, p. 26; Zetter & Ruaudel, 2016, p. 177).

The difficult financial situation for Syrians made “the traditional role of Syrian men as the family breadwinner ... untenable” (UNDP & UNHCR, 2016, p. 29). Since adults did not make enough money to provide for their family, child labor and begging remained an issue (Amnesty International, 2016b, p. 31; Council of Europe, 2016; Development Workshop, 2016a; Development Workshop, 2016b; ECRE, 2017; International Crisis Group, 2016; Kaya & Kıracı,

2016; Norwegian Refugee Council, 2017, p. 12; UNDP & UNHCR, 2017b). Development Workshop (2016a, pp. 15, 105) found that in the agricultural sector, 30 to 50 percent of all the children was involved in child labor. This also meant that children lacked education, which made them vulnerable to exploitation in the future (Development Workshop, 2016a; International Organization for Migration, 2017, p. 13; Norwegian Refugee Council, 2017, p. 18)

Child marriages, sometimes involving children as young as twelve, also remained a problem³⁵ (Council of Europe, 2016, p. 22; Development Workshop, 2016a; Norwegian Refugee Council, 2017, p. 19; UNDP & UNHCR, 2016; United States Department of State, 2016, p. 43; United States Department of State, 2018, p. 36). Furthermore, Syrian adults were involved in (forced) prostitution (Council of Europe, 2016, p. 23; UNDP & UNHCR, 2016, p. 73; United States Department of State, 2016, p. 43).

Hence, the lack of the opportunity to work legally for many Syrians in the period 2016-2018 resulted in a continuation of the problems described in the period 2014-2016.

4.3.2.4. Factors affecting the right to work in the period 2016-2018

There were several reasons why the RWPF was not the solution for all problems found in the period 2014-2016. Firstly, Syrians were not always aware that they could apply for a work permit, and were sometimes reluctant (Norwegian Refugee Council, 2017, pp. 12, 16). They felt like they are not qualified for jobs available, mostly due to cultural differences (especially language issues) (Council of Europe, 2016, p. 17; Global Refugee Youth Consultations, 2016; Grisgraber & Hollingsworth, 2016; Kaya & Kırac, 2016; UNDP & UNHCR, 2017a, p. 5; Zetter & Ruaudel, 2016, p. 175). Sometimes, Syrians were too low-educated, or could not prove their level of education (Council of Europe, 2016; Norwegian Refugee Council, 2017, p. 12; Zetter & Ruaudel, 2016, p. 175). Therefore, Syrians only had one major advantage compared to Turkish laborers: their willingness to work for lower wages. However, as the RWPF obligated employers to pay at least minimum wage, Syrians were afraid they would lose this advantage (International Crisis Group, 2016, p. 8).

Secondly, the distributed number of work permits by the government remained low. Work permits were only given out gradually “to crack down on black market practices and allow

³⁵ Child marriages were both part of some Syrian subcultures and a financial mean to support the family (Development Workshop, 2016a; UNDP & UNHCR, 2017b). Therefore, one must be careful to draw conclusions about the impact of the right to work to child marriages. Yet, reports argued that the financial situation was a contributing factor to the increase in child marriages.

[Syrian refugees'] employment within a legal framework, without hurting the local workforce" (Zetter & Ruadel, 2016, p. 175). Another reason was that the government's capacity to approve applications was limited (Zetter & Ruadel, 2016, p. 179). However, Syrians' livelihoods were at stake, and they were sometimes desperate to earn an income one way or another. Therefore, the slow distribution of work permits might have forced them to remain in the informal sector, not cracking down the black market but encouraging it (Development Workshop, 2016a; World Food Plan Turkey, 2016). It is also said that Turkey's slow implementation process increased child labor³⁶ (Development Workshop, 2016b, p. 89).

Thirdly, and closely connected to the second reason, there were bureaucratic issues regarding work permits. As mentioned, incentives for employers were low as they had to pay more and had to apply for these work permits for their future employees (see paragraph 4.3.2.2.). Businesses consisting of less than fifty employees were not subjected to regular inspection tracking illegal employment; hence, small business employers had little to fear when they hired employees illegally (Development Workshop, 2016a). Also, the 10 percent quota rule could be very unfeasible, especially in the border regions, where 30 to 50 percent of the population consists of Syrian refugees (Council of Europe, 2016, p. 16; Grisgraber & Hollingsworth, 2016, p. 5). It remained unclear when quotas exemptions could be made and how easily these were granted (UNDP & UNHCR, 2017a, p. 5).

Fourthly, policy implementation issues as described in paragraph 4.3.1.4. remained. Syrians were approached as guests, and not every employer was equally willing to hire 'temporary' workforce (Kaya & Kıraç, 2016, p. 8; Norwegian Refugee Council, 2017, p. 21; Ulusoy & Battjes, 2017, p. 12; Van Liempt, *et al.*, 2017, p. 9). The RWPF, as discussed above, did not solve this issue, as employers were reluctant to lodge work permit applications (International Crisis Group, 2016, p. 8; International Organization for Migration, 2017, p. 12; UNDP & UNHCR, 2017a, p. 4; United States Department of State, 2016, p. 52).

Lastly, political tensions had an impact on Syrians' chances to find employment. The coup attempt on July 15, 2016, and the Presidential Decree following, impacted this severely. The Decree limited the freedom of movement for Syrians, as no travel documents were provided since (International Crisis Group, 2016, p. 8; United States Department of State, 2016, p. 42). As discussed before (paragraph 4.3.2.2.), the ability to move freely was important for Syrians

³⁶ In the analyzed period, it was relatively common that Syrian men older than forty were no longer hired as Syrian children were preferred, who were cheaper and had a better understanding of Turkish (Norwegian Refugee Council, 2017, p. 19). Therefore, it is possible that Turkey's slow implementation process is not the only factor contributing to the increase in child labor: even if older men would be able to obtain a work permit, there might not be work available for them, because children were favored.

in search for employment; the consequences of the coup attempt may further have hindered their employment possibilities.

4.3.2.5. *The EU-Turkey Statement and the right to work*

It is unclear whether the EU-Turkey Statement directly impacted the right to work for Syrian refugees in Turkey. No indications of this were found in the reports analyzed. However, Zetter and Ruaudel (2016, p. 179) have stated that Turkey's efforts to provide work permits to Syrians were based on the JAP closed with the EU in November 2015, when Turkey promised to improve the living conditions of Syrians (Rajmakers, 2018). The right to work is an important in this regard (see chapter 2, paragraph 2.3.2.) (Human Rights Watch, 2015).

Furthermore, with the EU-Turkey Statement, the EU promised to “ensure funding of further projects for persons under temporary protection ... notably in the field of ... living costs” (Council of the EU, 2016, p. 2). The reports on the implementation of the EU-Turkey Statement (European Commission, 2016c; 2016d; 2016e; 2016g; 2017a; 2017b; 2017c) did not indicate how much exactly had been funded and to what projects, but only gave limited information on how they promoted the right to work for Syrian refugees.

First of all, the EU funded language education, which is an important factor affecting Syrians' work opportunities (see paragraph 4.3.1.4. and 4.3.2.4.) (European Commission, 2017b, p. 12). However, language education was often provided during the day, when Syrians in the informal sector were working (Council of Europe, 2016, p. 17). It is uncertain when the EU's funded language courses took place.

Secondly, a couple of the implementation reports stated that EU-funded projects improved labor market access (European Commission, 2016c, p. 10; European Commission, 2016d, p. 13; European Commission, 2017b, p. 13). However, it should be mentioned that funding went to “soft measures” (European Commission, 2016c, p. 10) and “bottom-up projects” (European Commission, 2016d, p. 13; European Commission, 2016e, p. 11). Therefore, it is unlikely that EU funding was invested in accelerating the work permit procedures, though RWPF work permits were the main way for Syrians to access lawful employment³⁷.

³⁷ It is possible that these soft measures may have had an indirect effect, for instance, they could have made it more attractive for employers to hire Syrians legally. This could have had an impact on the right to work, especially on the local level. However, in chapter 2, paragraph 2.3.2.1., I explained that I address the right to work from a legal perspective, and that I would discuss the following: how easy is it to obtain a work permit or to obtain legal employment in a work permit exemption area, and to what extent are work conditions safeguarded? The EU-Turkey Statement did not result in improved hard measures that made obtaining work in the formal sector possible.

Lastly, the EU signed a project with World Bank “to enhance access to short- and long-term employment for refugees and host communities” (European Commission, 2017c, p. 12). This was a measure for several host communities and refugees, and it is unclear what the impact of this measure was on the right to work for Syrian refugees residing in Turkey.

Hence, based on this research, it is not possible to directly connect the EU-Turkey Statement to the right to work. Funding went mostly into soft measures and bottom-up projects, not in improving the disbursement of work permits or other hard measures that would result in more Syrians being able to access the legal labor market.

4.3.2.6. *Recap: the right to work in the period 2016-2018*

Until 2016, the limited job opportunities were a main motivator promoting Syrians residing in Turkey to travel to the EU (International Crisis Group, 2016, p. 7). The RWPF was received as *the* solution needed. However, Syrians and their employers were reluctant to apply for a work permit. Together with the bureaucracy and the slow application process, this resulted in only a very small number of Syrians obtaining a work permit. Though legally, the right to work was provided, practical obstacles remained. The coup attempt and following political tensions worsened the situation. The cooperation between Turkey and the EU resulted not in direct investments in the work permit application procedures.

4.4. Analysis 2014-2018: other visible patterns

Until now, this chapter discussed to what extent the principle of non-refoulement and the right to work were protected over the period 2014-2018. I also described factors of influence that were indicated by the reports. However, the reports also mentioned other patterns which are important to mention in this thesis.

4.4.1. General positivity towards Turkey's open border policy

Generally, reports were positive about Turkey's attitude towards the Syrian refugee crisis. The reports did not ignore the challenges that come with Turkey's asylum policy, but nevertheless argued that Turkey was doing generally well – the best it could considering the circumstances (European Commission, 2014, p. 67; Human Rights Watch, 2015, p. 14). AI (2014) stated that “despite their flaws ... the government's policy contrast sharply with the failure of the international community ... to take responsibility for the refugee crisis” (p. 5). It was articulated that, at least in the period 2014-2016, Turkey welcomed Syrian refugees (Amnesty International, 2014, pp. 5, 10; Amnesty International, 2015, p. 43; United States Department of State, 2014, p. 35). However, Turkey was criticized for lacking durable solutions for Syrians (ECRE, 2015b, p. 16; United States Department of State, 2016, p. 48) and for closing the Syrian-Turkish border more and more from the end of 2015 onwards (Amnesty International, 2014, p. 10; Karlidag, *et al.*, 2015, p. 20; United States Department of State, 2015, p. 44). Furthermore, reports became more critical after the State of Emergency circumscribed refugees' human rights (European Commission, 2016f, p. 25; European Commission, 2018, p. 5).

4.4.2. The vulnerability of the Temporary Protection Status

The TPR provides a TPS to Syrians in Turkey. However, some Syrians are excluded (see chapter 2, paragraph 2.1.1.2.). Since the State of Emergency, Syrians more often lost their status as they were accused of being involved in crime or terrorism (ECRE, 2018, p. 114; United States Department of State, 2016, p. 44). Sex workers also risked losing their TPS, because they were considered a threat to public order and health (ECRE, 2017, p. 148; ECRE, 2018, p. 151). This means that some Syrians could not enjoy their rights like they should.

Syrians accused of criminal acts were detained in removal centers, even though they could not be returned to Syria due to the non-refoulement principle:

It appeared that the authorities envisaged the removal of these detainees to third countries in due course. It was not clear whether this prospect was realistic; it is difficult to envisage that any third country would be willing to accept non-nationals with criminal or terroristic backgrounds. I was therefore not persuaded that their administrative detention had any basis at all in the LFIP. It appears that these detainees were held on the basis of the broad power in the TPR to detain indefinitely those excluded from temporary protection (Council of Europe, 2016, p. 27).

Summarizing, though the TPS was meant to provide Syrians protection, the status was vulnerable. It was not always equally easy to access and could also be lost for sometimes arbitrary reasons, while legal procedures were lacking in the court process (Van Liempt, *et al.*, 2017, pp. 20-21).

4.4.3. Politics of non-entrée and lack of resources

Murat Erdoğan (2014, p. 4) has argued that the EU attitude of ““open your eastern borders but always keep the western ones closed so that they won’t come” raises severe ethical and conscientious concerns”. It has been stated that Turkey is victim of “the failure of the international community to share responsibility for hosting refugees” (Amnesty International, 2016b, p. 4). President Erdoğan (2015) has blamed the European Union for not taking this responsibility:

Today there are around two million siblings [refugees] within our borders who fled from ... Syria ... Two million here, 130,000 in the whole of Europe. Where is [your commitment] to human rights, the Universal Declaration of Human Rights? Wasn't it you who were protecting the oppressed (in International Crisis Group, 2016, p. 11)?

Closely connected to these politics of non-entrée, is the issue regarding resources (Erdoğan, 2014; Norwegian Refugee Council & International Rescue Committee, 2014). When Turkey promised to help to stop irregular migration towards the EU, it was inevitable that the number of migrants residing in Turkey would keep growing (see Figure 1, page 18). The millions of migrants who fled to Turkey had very limited knowledge of Turkish (Development Workshop, 2016a, p. 54), no proof of education (Grisgraber & Hollingsworth, 2016, p. 5) and limited resources (International Crisis Group, 2016, p. 7).

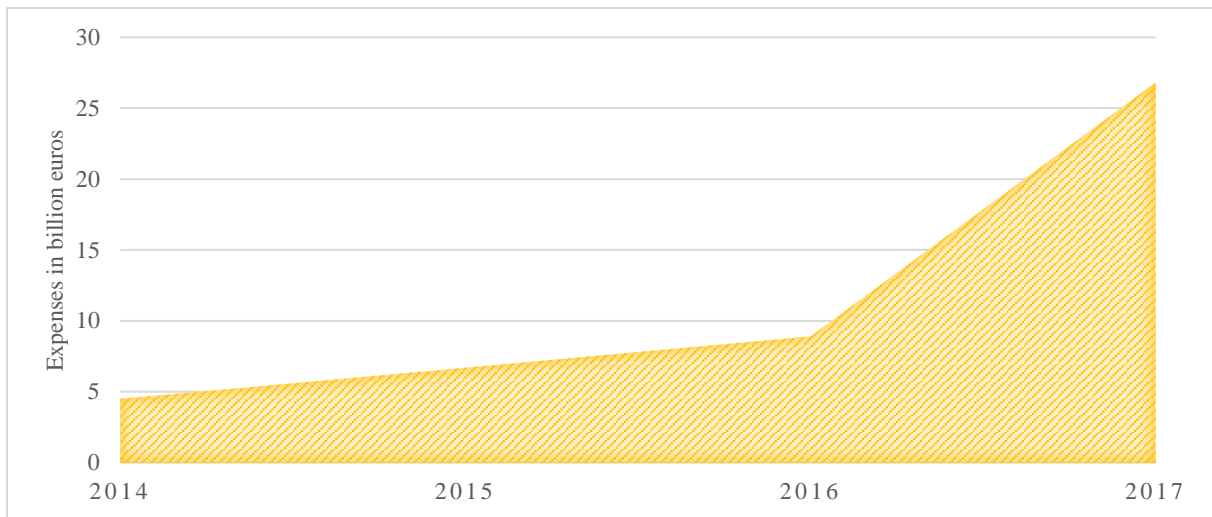


Figure 3. Expenses by the Turkish government in the Syrian refugee crisis, in billion euros. (Erdoğan, 2014, p. 15; European Commission, 2015, p. 7; UNDP & UNHCR, 2017b, p. 10; Zetter & Ruauadel, 2016, p. 176).

The Turkish Government invested large amounts of money in the Syrian population. In 2014, 4.5 billion euros was spent. The expenses grew to 26.8 billion euros in 2018. At the same time, foreign support remained limited. The UNHCR struggled to collect half of the money needed, and in 2014, foreign support covered only 4.5% of the expenses of Turkey for the refugee crisis (see Figure 3) (Erdoğan, 2014, p. 15). In the EU-Turkey Statement, the EU promised once more to support Turkey with 3 billion euros; however, this had not been fully disbursed by September 2017 (European Commission, 2017c). One can also question whether 3 billion euros is sufficient, considering the expenses. When Turkey was blamed for not managing the Syrian crisis well, the prime minister’s public diplomacy coordinator stated that

Our GDP is what it is. We have a large young population and many unemployed who complain Syrians are reducing their access to jobs and services. ... There is just so much we can do We need more support to develop our capacity (Öztürk, 2016, in International Crisis Group, 2016, p. 10).

5. Conclusion

Based on the data in this research, it can be concluded that the EU's politics of non-entrée have far-reaching impact on migrants' living conditions. The goal of this thesis was to scrutinize one of the agreements coming forth out of these politics, namely the EU-Turkey Statement, and to find out what the impact of this Statement was on human rights for refugees residing in Turkey.

Turkey faced an enormous challenge as the number of refugees from Syria grew from 8,000 to 3.6 million since the Syrian Civil War broke out in 2011 (UNDP & UNHCR, 2019). Turkey does not recognize Syrians as refugees under the Convention on the Status of Refugees, because it applies a geographical limitation on Refugee Status. However, recently, the government has implemented new policies to improve the situation for non-European refugees residing in Turkey (the Law on Foreigners and International Protection and the Temporary Protection Regulation).

Two legal human rights were chosen for further examination: the right to work and the principle of non-refoulement. The latter right is of particular significance for refugees because it is the core basis of international protection. The right to work is important for refugees since it can provide them a livelihood and improve their living conditions. Since it is a social right that often improves access to other rights (European Commission, 2016f, p. 29; Zetter & Ruaudel, 2016, p. iii), the right to work can also be used as an indication of the status of social rights in general.

This thesis examined the impact of the EU-Turkey Statement on these rights by analyzing reports from a variety of sources. Reports published in the two years before the Statement were compared with reports published in the two years after the Statement. The research question was: *To what extent and how has the EU-Turkey Statement impacted the principle of non-refoulement and the right to work for Syrian refugees in Turkey?* In the next two paragraphs, this research question is divided into two parts and is answered for the right concerned. First, a short summary of the findings is given, after which the question is answered.

5.1. Answer to the research question

5.1.1. To what extent and how has the EU-Turkey Statement impacted principle of non-refoulement for Syrian refugees in Turkey?

During the examined period, 2014-2018, Turkey was accused of breaches of the principle of non-refoulement. Syrians were forced to return to Syria, although the war was ongoing, and the

risk of indiscriminate violence and inhumane and degrading treatment remained present. Furthermore, there was a risk of breaching the principle of non-refoulement because certain procedural safeguards were lacking. This mostly affected refugees in detention, who were allegedly threatened to be returned to Syria if they would not behave, and who had limited or no access to lawyers, legal counsellors or the UNHCR (Amnesty International, 2016b, p. 17; ECRE, 2015a, p. 62; GUE/NGL Delegation to Turkey, 2016; United States Department of State, 2017, p. 39). The inability of the UNHCR to access refugees in detention may mean that refugees were not granted an official status like TPS, which increased the risk of refoulement.

Furthermore, the process of voluntary repatriation was impugned. There were indications that Syrians were forced to sign voluntary return documents, and no safeguards were available to confirm the voluntariness of these returns (Amnesty International, 2014, p. 10; ECRE, 2018, p. 15, 114; Karlidag, *et al.*, 2015, p. 20; United States Department of State, 2015, p. 44). When safe zones were established in Syria in the period after the EU-Turkey Statement, the discussion on voluntary repatriation continued, as more Syrians continued to return to Syria.

Pushback operations would have taken place continuously in the period 2014-2018 (Amnesty International, 2014; Amnesty International, 2015, p. 43; Amnesty International, 2016a, p. 371; Council of Europe, 2016, p. 29; Development Workshop, 2016a, p. 52; ECRE, 2015a; ECRE, 2018, p. 118; GUE/NGL Delegation to Turkey, 2016; United States Department of State, 2016, p. 42). Turkish border guards were accused of using threats and violence against refugees in need. The erratic process around the principle of non-refoulement, including the reported pushback operations, may have resulted in Syrians taking more dangerous routes when trying to flee their country (United States Department of State, 2015, p. 46).

In the analysis, no considerable improvement of procedural safeguards was found during the examined period. Instead, two factors might have even increased the risk of non-refoulement: the EU-Turkey Statement in March 2016 and the State of Emergency from July 2016 till July 2018.

As a result of the EU-Turkey Statement, the number of irregular migrants residing in Turkey increased. Though the Statement and the following evaluation reports stated that the principle of non-refoulement was respected (Council of the EU, 2016; European Commission, 2016c; 2016d; 2016e; 2016g; 2017a; 2017b; 2017c), critical sources showed that safeguards were still lacking (GUE/NGL Delegation to Turkey, 2016; Ulusoy & Battjes, 2017). Some readmitted Syrians decided to move back to Syria, and it has been stated that it were the dire conditions in Turkey that were the main drivers of such choice (Van Liempt, *et al.*, 2017, p. 22). Furthermore,

in the EU-Turkey Statement, no safeguards were implemented to decrease the risk of refoulement.

When the State of Emergency was declared after the Turkish coup attempt in July 2016, the risk of refoulement increased. In the European Commission reports on the EU-Turkey Statement, no attention was given to the possible negative consequences of this State of Emergency for Syrian refugees. However, it has been shown that during the State of Emergency, Syrians could easily lose their TPS when accused of being member of a criminal or terrorist organization, or were otherwise perceived a threat to national security, public order, public security or public health (Amnesty International, 2018, p. 50; ECRE, 2017, p. 24; European Commission, 2016f, p. 25; European Commission, 2018, p. 5; Ulusoy & Battjes, 2017, p. 14; Van Liempt, *et al.*, 2017). For instance, prostitutes could lose their protection status because they were perceived a threat to public order and health (ECRE, 2017, p. 148; ECRE, 2018, p. 151). Losing one's TPS meant that someone was no longer protected against refoulement.

Hence, in answer to the first part of the research question, the EU-Turkey Statement most likely had a negative impact on the principle of non-refoulement for Syrian refugees residing in Turkey. Due to this Statement, the number of Syrians only kept increasing. No safeguards were provided to protect these refugees against refoulement. The risk increased after the announcement of the State of Emergency.

5.1.2. To what extent and how has the EU-Turkey Statement impacted the right to work for Syrian refugees in Turkey?

During the two years before the EU-Turkey Statement, the right to work was limited for Syrians. The process of applying for a work permit was cumbersome and the chances of obtainment were low (Amnesty International, 2014, p. 25; Del Carpio & Wagner, 2015; ECRE, 2015b). The Temporary Protection Regime (2014) promised improvement but lacked the legislation measures needed to actualize these promises. The reports described that as a result, most Syrians felt forced to work in the informal sector. This increased the risk of exploitation (including harassment, discrimination, low wages, long working hours and unsafe working conditions), and due to the low wages, an increase of child labor, child marriages, begging and survival sex was reported (Centre for Transnational Development and Collaboration, 2015; European Commission, 2014; Karlidag, *et al.*, 2015; UNDP & UNHCR, 2014; United States

Department of State, 2015). Furthermore, tensions rose between Syrian refugees and low-skilled Turks, as Turks felt withdrawn from their jobs (Erdoğan, 2014).

The situation slightly improved in January 2016, when the Regulation on Work Permits for Foreigners under Temporary Protection was adopted. This regulation gave Syrians the opportunity to apply for a work permit based on their protection status, which made the permit easier accessible. Furthermore, seasonal work in the agricultural and husbandry sector was exempted, and Syrians could work legally in this sector without the need to apply for a work permit. However, in 2017, only 3 percent of the Syrians of working age residing in Turkey had a legal possibility to work (UNDP & UNHCR, 2017a, p. 6). The major issue was the slow implementation of the policy and the low pace in which applications were issued. Furthermore, both Syrian employees and Turkish employers remained reluctant when it came to lodging applications (Norwegian Refugee Council, 2017, pp. 12, 16). Their dire economic situation forced many Syrians to keep working in the informal sector, despite the negative consequences (Development Workshop, 2016a; World Food Plan Turkey, 2016).

Concludingly, the lack of smooth implementation was the most important issue impacting the right to work. Furthermore, cultural differences and language issues played a role (Council of Europe, 2016; Global Refugee Youth Consultations, 2016; Grisgraber & Hollingsworth, 2016; Kaya & Kırac, 2016; UNDP & UNHCR, 2017a; Zetter & Ruadel, 2016). The RWPF did not motivate employers to hire more Syrians legally, because it was a burdensome process and quota rules could be inconvenient (Council of Europe, 2016). More recently, the State of Emergency following the coup attempt slowed down the application process and limited Syrians' freedom of movement, further restricting their employment possibilities (International Crisis Group, 2016, p. 8; United States Department of State, 2016, p. 42).

In this thesis, it was assumed that the right to work could only be provided through legal work: therefore, the accessibility to work permits was important. No direct connection could be found between the EU-Turkey Statement and a better access to work permits. In the Statement, the EU promised funding for humanitarian and non-humanitarian purposes. The EU has invested in projects relating to labor market access (European Commission, 2016c; 2016d; 2016e; 2016g; 2017a; 2017b; 2017c). Goal of these investments was to make Turkey a viable replacement for the EU (Oudejans, et al., 2018, p. 21). Generally, the projects invested in were bottom-up and existed of soft measures. No investments were put in accelerating the application process or promoting the formal over the informal market for Syrian refugees.

5.1.3. Final conclusion

The EU-Turkey Statement is one of the events that might have influenced the principle of non-refoulement and the right to work for Syrian refugees residing in Turkey, but it was certainly not the only factor. The impact on the EU-Turkey Statement on the right to work was ambiguous and seemed minor. The Statement did contribute to risks of violations of the right to non-refoulement because it increased the burden on Turkey, which resulted in more pressure on asylum procedures. This might have increased the risk of refoulement. However, two overarching and interconnected political aspects seem to be of bigger influence: the general European Union politics of non-entrée, and Turkey's lack of resources.

I will begin with discussing the EU's politics of non-entrée. This thesis began with an explanation on how the EU implements different externalization policies to stop undesired irregular migration towards the EU (chapter 1, paragraph 1.1.1.). The EU-Turkey Statement was one of these politics of non-entrée, but it was not the only agreement made between the EU and Turkey. It was closed within a framework of several agreements, whereby Turkey received different incentives if it would stop migration from Turkey to Europe (Polman, 2019). Hence, the EU-Turkey Statement must be understood in the broader context of EU's politics of non-entrée, which also includes other agreement and different incentives.

This is where the second aspect comes in. Since Turkey agreed to help stop irregular migration towards the EU, it was foreseeable that this would result in an even bigger increase of (Syrian) refugees in Turkey. Turkey was facing more than 3 million migrants with a very limited knowledge of the Turkish language, no proof of education and limited resources (Development Workshop, 2016a, p. 54; Grisgraber & Hollingsworth, 2016, p. 5; International Crisis Group, 2016, p. 7). To provide them an adequate standard of living, Turkey needed to intervene to help Syrians to meet their basic needs. But it could only do so to a certain extent. Turkey struggled with a nationally high unemployment rate, a large informal labor market and parallelly aimed to remain the domestic stability (Amnesty International, 2016b, p. 30; Del Carpio & Wagner, 2015, p. 10; International Crisis Group, 2016, p. 10; Zetter & Ruaudel, 2016).

However, by pointing out these two contextual aspects, I am not arguing that Turkey is a victim of circumstances. The State of Emergency following the coup attempt in July 2016 certainly impacted the protection status of Syrians, increasing the risk of refoulement and impacting their (already limited) right to work (Amnesty International, 2018; ECRE, 2017; ECRE, 2018;

International Crisis Group, 2016; Ulusoy & Battjes, 2017; United States Department of State, 2016; Van Liempt, *et al.*, 2017). Though attributing responsibility is outside the scope of this thesis³⁸, Turkey's asylum and work permit policy has certainly impacted the human rights of Syrian refugees residing in Turkey.

But looking back to the research question of this thesis (*To what extent and how has the EU-Turkey Statement impacted the principle of non-refoulement and the right to work for Syrian refugees in Turkey?*) it becomes apparent that there are multiple factors and events that caused this increased risk. The non-entrée stance of the European Union had contributed to the current situation concerning the right to work and the principle of non-refoulement.

5.2. Context of the research in the academic world

This thesis contains the first academic research in which human rights for Syrians in Turkey were compared before and after the EU-Turkey Statement. However, it can be connected to existing research when considering the bigger picture: one, the effect of EU's cooperation with Turkey on human rights, and two, the broader impact of EU's policies of non-entrée on refugee rights. In line with earlier research (Polman, 2019; Poon, 2016; Rygiel, *et al.*, 2016), this thesis found that the EU-Turkey Statement had negative implications on Syrian refugees' human rights in Turkey, though it was not the only reason human rights were at risk of violation in Turkey.

One of the goals of this thesis was to contribute to the discussion whether Turkey was a safe third country considering the requirement of non-refoulement (Article 38(1)(c) of Directive 2013/32/EU). In line with earlier research (Frelick, *et al.*, 2016; Rygiel, *et al.*, 2016; Ulusoy & Battjes, 2017; Weber, 2017), this thesis found that Turkey might have breached the principle of non-refoulement for Syrians in the period 2014-2018. Also, legal safeguards were lacking (especially since the State of Emergency), which undoubtedly increases the risk on refoulement (Ulusoy & Battjes, 2017; Van Liempt, *et al.*, 2017).

5.3. Recommendations for further research

It should be acknowledged that this study has its limitations. Though the sample of the analysis was large and diverse enough to find patterns that are likely to reflect reality, further study is

³⁸ For a further discussion on responsibility see Oudejans, *et al.* (2018) (for a legal perspective) and Polman (2019) (for a practical perspective).

necessary. The recommendations for further research derive from the limitations discussed in before (see chapter 3, paragraph 3.4).

It would be recommended to focus on different groups of refugees in Turkey: not only distinguishing Syrians from non-Syrians, but also investigating differences within these two larger groups, like Yezidis from Iraq or LGBT-refugees from Syria. Furthermore, other human rights could be included as well³⁹. It would also be recommended to include other factors next to agreements like the EU-Turkey Statement, as this thesis concluded that there are more factors that may have had a larger impact on the human rights status.

In future research, the problem of repeated findings (see chapter 3, paragraph 3.4.1.2.) should also be overcome. This can be achieved by only including reports that have accomplished their own research, or only including reports that are fully open about their resources (like the USDS), during which attention is paid that no information that is repeated from other sources, is included in the analysis. Furthermore, it is also possible to include primary research by accomplishing field work.

Lastly, research should not stop at Turkey's borders. In its politics of non-entrée, the EU also closed deals with other states, like Libya and other Northern-African states (Polman, 2019). Often, refugees are 'stuck' in those states as they cannot move to the EU, nor can return to their homeland. It is both interesting *and* necessary to examine human rights in these states. Human rights are fundamental as they provide people life with dignity. This is even more true for refugees, who need international protection. It is important to understand how the EU's politics of non-entrée impact their rights, both in Turkey and other states. In the end, this could result in an improvement of the status of refugees' human rights and their living circumstances, and prevent them from being victimized by these politics in the future.

³⁹ Chapter 2, paragraph 2.2. shortly discussed what other rights are of great importance for refugees (and at high risk of violation). However, this list is not exclusive, and attention should also be paid to other human rights.

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Appendix B: overview of the reports 2014-2016

Table 4

Summary of the reports included for the analysis 2014-2016. Number of reports per subject.

Author type⁴⁰	Independent: 9	EU-bound: 5	UN-related body: 6
	U.S. Department: 2		
Research focus	Turkey in general: 5	Human rights: 8	Refugees in Turkey: 9
Methodology	Primary research: 9	Secondary research: 6	Unknown: 7
Perspective	Legal: 6	Practical: 9	Both: 7

Table 5

Overview per report for the analysis 2014-2016.

Author⁴¹	Report	Aim	Perspective	Methodology	Time frame
AI (2014)	<i>Struggling to Survive</i>	Discussing Turkey's contribution to and issues with Syrian refugees.	Practical	Individual and group interviews with +/- 300 non-camp Syrians.	06/2014-10/2014
AI (2015)	<i>Report 2014/15</i>	Describe human rights violations worldwide, chapter about Turkey.	Mostly practical	Unknown. Seems to rely mostly on secondary sources.	01/2014-12/2014
AI (2016a)	<i>Report 2015/16</i>	Describe human rights violations worldwide, chapter about Turkey.	Mostly practical	Unknown. Seems to rely mostly on secondary sources.	01/2015-12/2015
CTDC (2015)	<i>Syrian Refugees in Turkey: Gender Analysis.</i>	Examine the needs of Syrian women and LGBTQ people	Mostly practical	Literature review, social media analysis and in-depth interviews and meetings with 350 refugees and professionals	03/2015-10/2015

⁴⁰ See note 25, page 41.

⁴¹ When an author was known, in-text references referred to the author. The tables refer to the organization. For example, the report by Refugees International in this period was written by Leghtas & Sullivan, to whom is referred to in the text; in this table, I refer to Refugees International. When the in-text reference diverged from the name of the organization, in Table 5 and 7, the name of the author can be found between parentheses.

EC (2014)	<i>Turkey Progress Report</i>	Examine Turkey as a candidate country for the EU	Mostly legal	The report uses a variety of sources: the government of Turkey, EU Member States, European Parliament Reports and reports from international and non-governmental organizations. "Progress is measured on the basis of decisions taken, legislation adopted and measures implemented" (p. 3).	10/2013-09/2015
EC (2015)	<i>Commission Staff Working Document 2015 Report</i>	Report about Turkey in the context of the EU enlargement strategy.	Mainly legal	Input from the Turkish government, EU Member States, European Parliament Reports, and information from international and non-governmental organizations (p. 4)	10/2014-09/2015
EC (2016a)	<i>EU-Turkey Joint Action Plan - Third implementation report</i>	Inform on the activation of the Joint Action Plan.	Legal	Unknown.	02/2016-03/2016
ECRE (2015a)	<i>Asylum Information Database Country Report: Turkey</i>	Part of the AIDA project, to promote EU asylum legislation	Mostly legal	Unknown.	01/2015-05/2015
ECRE (2015b)	<i>AIDA Asylum Information Database. Country Report: Turkey</i>	Part of the AIDA project, to promote EU asylum legislation	Mostly legal	Unknown.	06/2015-12/2015
Feinstein International Center (Armstrong & Jacobsen, 2015)	<i>Addressing Vulnerability?</i>	Exploring the vulnerability, targeting and protection in cash transfer programming and the overall effectiveness (p. 6).	Practical	Assessment of 9,166 Syrian households; 10 focus groups (85 respondents).	05/2014-01/2015

Hacettepe University (Erdoğan, 2014)	<i>Syrians in Turkey: Social Acceptance and Integration Research.</i>	Social acceptance and integration of Syrians in Turkey; providing predictions for developing public policies.	Practical	144 in-depth interviews with Syrians and locals; survey with 1501 people; media analysis (78 institutions); NGO analysis; expert contacts.	09/2014-11/2014
Human Rights Watch (2015)	<i>Preventing a Lost Generation: Turkey.</i>	Discuss barriers to education for Syrian refugee children.	Legal and practical perspective	Interviews with 50 households, in total 136 households	06/2015-12/2015
Norwegian Refugee Council & International Rescue Committee (2014)	<i>No Escape. Civilians in Syria Struggle to Find Safety Across Borders</i>	Give insight in the situation of Syrians trying to leave Syria.	Legal and practical perspective	Unknown.	11/2014
ORSAM (2015)	<i>Turkish Red Crescent Community Center Project Needs Assessment Report</i>	Get a better understanding of the background and needs of the Syrian population	Practical perspective	Survey with 328 refugees, contact with NGOs, group interviews and in-depth interviews	01/2015-02/2015
Refugees International (Legthas & Sullivan, 2016)	<i>"Except God, We have no one".</i>	Describe the situation of non-Syrian refugees compared to Syrian refugees in Turkey.	Practical perspective	Interviews	12//2015-02/2016
SREO Research & IRIS (Karlıdag, et al., 2015)	<i>Strangers in Strange Lands.</i>	Appraising "the living conditions and access to services of Syrian refugees" (p. 8).	Practical perspective	Survey with 607 respondents.	Published 09/2015

UNDP & UNHCR (2014)	<i>Regional Refugee & Resilience Plan 2015-16: Turkey</i>	Assess the current situation for refugees in Turkey and make plans for the future.	Legal and practical	Unknown.	01/2014-12/2014 (appr.)
United Nations Country Team (2015)	<i>Universal Periodic Review of Turkey 2015</i>	“Information on the promotion and protection of human rights in Turkey.”	Mostly legal	“a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations” ⁴² .	01/2015-12/2015
United States Department of State (2014)	<i>Turkey 2014 Human Right Report</i>	Assess human rights in Turkey.	Legal and practical perspective	Wide variety of sources, “including government officials; victims of human rights abuse; academic and congress studies; and reports from press, international organizations, and NGOs concerned with human rights”. When “judging a government’s policy, the reports look beyond statements of policy or intent and examine what a government actually has done to prevent human rights abuses” (Appendix A) ⁴³	01/2014-12/2014

⁴² United Nations Human Rights Council. *Universal Periodic Review*. Retrieved on April 12, 2019, from www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx

⁴³ Bureau of Democracy, Human Rights and Labor (2014). Appendix A: Notes on Preparation of the Country Reports and Explanatory Notes. *Country Report on Human Rights Practices for 2014*. United States Department of State.

United States Department of State (2015)	<i>Turkey 2015 Human Right Report</i>	Assessment of human rights in Turkey.	Legal and practical perspective	Wide variety of sources, including “government officials; victims of alleged human rights violations and abuses; academic and congress studies; and reports from press, international organizations, and [NGOs] concerned with human rights (...) The reports look beyond statements of policy or intent to examine what a government actually did to respect human rights and promote accountability” ⁴⁴ .	01/2015-12/2015
Working Group on the Universal Periodic Review	<i>National report submitted ... : Turkey</i>	Assessment of human rights in Turkey.	Legal perspective	“Relevant governmental institutions, civil society representatives, universities and occupational chambers were consulted in the preparation process and they significantly contributed to the content of the report.”	02/2015-10/2015
World Bank Group (Del Carpio & Wagner, 2015)	<i>The Impact of Syrian Refugees on the Turkish Labor Market.</i>	Assess the impact of Syrians on the labor market.	Legal and practical perspective	Micro-level data from the Turkish Household Labor Force Survey in 2010 and 2014.	2010-12/2014

⁴⁴ Bureau of Democracy, Human Rights and Labor (2015). Appendix A: Notes on Preparation of the Country Reports and Explanatory Notes. *Country Report on Human Rights Practices for 2015*. United States Department of State.

Appendix C: overview of the reports 2016-2018

Table 6

Summary of the reports included for the analysis 2014-2016. Number of reports per subject.

Author type⁴⁵	Independent: 12	EU-bound: 11	UN-related body: 9
	U.S. Department: 3	Council of Europe: 1	Political party: 1
Research focus	Turkey in general: 4	Human rights: 6	Refugees in Turkey: 27
Methodology	Primary research: 13	Secondary research: 16	Unknown: 8
Perspective	Legal: 14	Practical: 11	Both: 12

Table 7

Overview per report for the analysis 2014-2016.

Author⁴⁶	Report	Aim	Perspective	Methodology	Time frame
AI (2016a)	<i>Report 2016/17</i>	Describe human rights violations worldwide, chapter about Turkey.	Mostly practical	Unknown. Seems to rely mostly on secondary sources.	01/2016-12/2016
AI (2016b)	<i>No safe refuge</i>	Showing that Turkey does not provide effective protection to refugees and asylum-seekers	Legal and practical perspective	Desk research on Turkey's domestic legislation, and field research by interviewing staff ad 13 NGOs that work with refugee-related issues and 57 refugees (4 Syrians).	03/2016-05/2016
AI (2017)	<i>Report 2017/18</i>	Describe human rights violations worldwide, chapter about Turkey.	Mostly practical	Unknown. Seems to rely mostly on secondary sources.	01/2017-12/2017
CAT (2016)	<i>Concluding observations on the fourth periodic reports of Turkey</i>	Reflection of measures adopted to give effect to the Convention against Torture in Turkey	Mostly legal	The State parties submit "reports on the measures they have taken to give effect to their undertakings under the Convention". ⁴⁷	04/2016-05/2016

⁴⁵ See note 25, page 41.

⁴⁶ See note 41, page 87.

⁴⁷ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1998). *General guidelines regarding the form and contents of periodic reports to be submitted by state parties under article 19, paragraph 1, of the convention.* United Nations.

Council of Europe (2016)	<i>Report on the factfinding mission to Turkey by Ambassador Tomáš Boček</i>	Identify how the Council of Europe can assist Turkey in meeting the challenges posed by the refugee crisis.	Legal and practical perspective	Discussion with representatives, visits to removal centers and holding facilities, talks with those detained.	05/2016-06/2016
Development Workshop (2016a)	<i>Fertile Lands, Bitter Lives</i>	Report on the struggles of Syrian migrants working in seasonal migratory agricultural labor.	Legal and practical perspective	Semi-structured interviews with Syrian agricultural workers; survey with 250 Syrian families (1662 individuals).	05/2016-10/2016
Development Workshop (2016b)	<i>Dom Migrants from Syria</i>	Analyze the present situation of Syrian Dom Migrants in Turkey.	Legal and practical perspective	More than 400 face to face interviews and 27 group interviews with Dom men and women.	07/2016-11/2016
ECRE (2017)	<i>Country Report: Turkey</i>	Part of the AIDA project, to promote EU asylum legislation	Mostly legal	Based on desk research, field visits and information collected from organizations and professionals.	01/2016-12/2017
ECRE (2018)	<i>Country Report: Turkey</i>	Part of the AIDA project, to promote EU asylum legislation	Mostly legal	Based on desk research, field visits and information collected from organizations and professionals.	01/2018-12/2018
EC (2016c)	<i>First report on the progress made in the implementation of the EU-Turkey Statement</i>	Progress report on the EU-Turkey Refugee Statement	Mostly legal	Information from EU and Turkey sources.	03/2016-04/2016
EC (2016d)	<i>Second report on the progress made in the implementation of the EU-Turkey Statement</i>	Progress report on the EU-Turkey Refugee Statement	Mostly legal	Information from EU and Turkey sources.	03/2016-06/2016

EC (2016e)	<i>Third report on the progress made in the implementation of the EU-Turkey Statement</i>	Progress report on the EU-Turkey Refugee Statement	Mostly legal	Information from EU and Turkey sources.	06/2016-09/2016
EC (2016f)	<i>Turkey 2016 Report</i>	Report about Turkey in the context of the EU enlargement strategy	Mostly legal	The report is “based on input from a variety of sources, including contributions from the government of Turkey, the EU Member States, European Parliament reports and information from various international and non-governmental organizations.”	10/2015-09/2016
EC (2016g)	<i>Fourth report on the progress made in the implementation of the EU-Turkey Statement</i>	Progress report on the EU-Turkey Refugee Statement	Mostly legal	Information from EU and Turkey sources.	09/2016-12/2016
EC (2017a)	<i>Fifth report on the progress made in the implementation of the EU-Turkey Statement</i>	Progress report on the EU-Turkey Refugee Statement	Mostly legal	Information from EU and Turkey sources.	12/2016-03/2017
EC (2017b)	<i>Sixth report on the progress made in the implementation of the EU-Turkey Statement</i>	Progress report on the EU-Turkey Refugee Statement	Mostly legal	Information from EU and Turkey sources.	03/2017-06/2017
EC (2017c)	<i>Seventh report on the progress made in the implementation of the EU-Turkey Statement</i>	Progress report on the EU-Turkey Refugee Statement	Mostly legal	Information from EU and Turkey sources.	06/2017-09/2017

EC (2018)	<i>Turkey 2018 Report</i>	Report about Turkey in the context of the EU enlargement strategy	Mostly legal	The report is “based on input from a variety of sources, including contributions from the government of Turkey, the EU Member States, European Parliament reports and information from various international and non-governmental organizations.”	09/2016-02/2018
GUE/NGL (2016)	<i>What Merkel, Tusk and Timmermans should have seen during their visit to Turkey</i>	Human rights violations under the EU-Turkey Refugee Deal	Mostly practical	First-hand observations in the detention centers; observing Syrian refugees at the Turkish-Syrian border; and information from meetings with “various stakeholders”. “Direct testimonies of refugees.”	05/2016
Global Refugee Youth Consultations	<i>Turkey. National Refugee Youth Consultation Summary Report</i>	To connect and have a better understanding of the situation of young refugees.	Practical	Discussions and consultations with 20 refugees and 5 Turkish participants.	11/2015-06/2016
International Crisis Group	<i>Turkey’s Refugee Crisis: The Politics of Permanence</i>	Reflecting on Turkey’s response to the refugee crisis.	Mostly practical	Field research and interviews with Syrians in Turkey, state institutions, political parties, NGOs and international organizations.	11/2016
International Organization for Migration	<i>Quantitative and Qualitative Assessment of Host-Refugee Cohesion in Three Districts in Turkey</i>	Assessing how Turkey deals with the challenge of mitigating the negative impact of hosting Syrian refugees under TPS.	Practical	28 key informant interviews (276 participants) and 252 self-administered questionnaires.	06/2017
KNOMAD (Zetter & Ruadel, 2016)	<i>Refugees’ Right to Work and Access to Labor Markets</i>	Investigate the role and impact of legal and normative provisions providing and protecting refugees’ right to work.	Legal and practical perspective	Assessment of refugee and employment law, policies and practices that facilitate or constrain the right to work, and mediating socioeconomic conditions.	09/2016

Médecins Sans Frontières (2017)	<i>One year on from the EU-Turkey deal</i>	Challenging the 'alternative facts' on the EU-Turkey deal.	Practical	Unclear	03/2016-03/2017
Norwegian Refugee Council (2017)	<i>Needs Assessment of Syrian Refugees Living in Altındağ, Ankara</i>	Decide what is required to cover basic needs for cash support of Syrian refugees in Turkey	Practical	Interviews with 154 Syrian households and 14 Turkish families; 23 key informant interviews with host communities representatives and Syrians.	06/2016-01/2017
Refugees International (Grisgraber & Hollingsworth, 2016)	<i>Planting the Seeds of Success?</i>	Reflection of the implementation of Turkey's work permits for refugees.	Mostly legal	Unclear, indications in the text for interviews.	12/2015-04/2016
Support to Life (Kaya & Kiraç, 2016)	<i>Vulnerability Assessment of Syrian Refugees in Istanbul</i>	Identifying the vulnerabilities and basic protection needs of Syrian refugees.	Legal and practical perspective	In-depth interviews with 200 key informants, 124 household questionnaires (744 individuals) and 18 focus group discussions (136 individuals).	04/2016
UNDP & UNHCR (2016)	<i>3RP 2017-18: Turkey</i>	Identifying what humanitarian assistance is necessary for the most vulnerable Syrians in Turkey.	Legal and practical perspective	Unknown, includes at least interviews.	01/2015-12/2016
UNDP & UNHCR (2017a)	<i>3RP Livelihoods and Employment Data Analysis</i>	Providing an overview on the progress made in fostering jobs and income opportunities for Syrians by 3RP partners.	Mostly practical	Unknown.	01/2017-12/2017
UNDP & UNHCR (2017b)	<i>3RP 2018-2019 in Response to the Syria Crisis</i>	Reflection on the 3RP	Mostly legal	Unknown	01/2017-12/2017
UNHCR (2017)	<i>Desperate Journeys</i>	Gaining more insight in the struggles of refugees coming to Europe.	Mostly practical	Unknown	01/2017-06/2017

United States Department of State (2016)	<i>Turkey 2016 Human Rights Report</i>	Human rights in Turkey	Legal and practical perspective	Wide variety of sources, including “government officials; victims of alleged human rights abuses; academic and congressional studies; and reports from press, international organizations, and [NGOs] concerned with human rights (...) The reports look beyond statements of policy or intent and examine what a government actually has done to respect human rights.” ⁴⁸	01/2016-12/2016
United States Department of State (2017)	<i>Turkey 2017 Human Rights Report</i>	Human rights in Turkey	Legal and practical perspective	Wide variety of sources, including “government officials; victims of alleged human rights violations and abuses; academic and congressional studies; and reports from the press, international organizations, and [NGOs] concerned with human rights (...) The reports look beyond statements of policy or intent to examine what a government actually did to protect human rights” ⁴⁹ .	01/2017-12/2017

⁴⁸ Bureau of Democracy, Human Rights and Labor (2016). Appendix A: Notes on Preparation of the Country Reports and Explanatory Notes. *Country Report on Human Rights Practices for 2016*. United States Department of State.






⁴⁹ Bureau of Democracy, Human Rights and Labor (2017). Appendix A: Notes on Preparation of the Country Reports and Explanatory Notes. *Country Report on Human Rights Practices for 2017*. United States Department of State.

United States Department of State (2018)	<i>Turkey 2018 Human Rights Report</i>	Human rights in Turkey	Legal and practical perspective	Wide variety of sources, including “government officials; victims of alleged human rights abuses; academic and congressional studies; and reports from the press, international organizations, and [NGOs] concerned with human rights (...) The reports look beyond statements of policy or intent to examine what a government actually did to respect human rights” ⁵⁰ .	01/2018-12/2018
Universiteit Utrecht (Van Liempt, <i>et al.</i> , 2017)	<i>Evidence-based assessment of migration deals</i>	Evaluate the impact of the EU-Turkey Statement	Legal and practical perspective	Virtual data collection in Turkey	07/2017-12.2017
Vrije Universiteit (Ulusoy & Battjes, 2017)	<i>Situation of Readmitted Migrants and Refugees from Greece to Turkey under the EU-Turkey Statement</i>	Assess the impact of the EU-Turkey Statement on readmitted migrants	Legal and practical perspective	Semi-structured in-depth interviews with 7 lawyers and 5 NGO practitioners	12/2016-03/2017
World Food Plan Turkey (2016)	<i>Off-Camp Syrian Refugees in Turkey</i>	Assess food security for off-camp Syrian residing in Turkey	Practical	Interviews with 1,562 off-camp Syrian refugee households	06/2016-12/2016

⁵⁰ Bureau of Democracy, Human Rights and Labor (2018). Appendix A: Notes on Preparation of the Country Reports and Explanatory Notes. *Country Report on Human Rights Practices for 2018*. United States Department of State.

Appendix D: timeline reports

In this appendix, you can find a timeline of the reports included in the analysis of this research. Four different timelines are made, for the two different periods and the two different human rights⁵¹. The names used in the timeline match with the names used in appendix B and C. The following colors are used to show to which author group the reports belong:

	UN-related bodies
	NGOs
	EU-bound organizations
	Scientific institutions
	Other

⁵¹ A thinner contour on the left side of the report is an indication that the research for this report started before the timeline.

The principle of non-refoulement

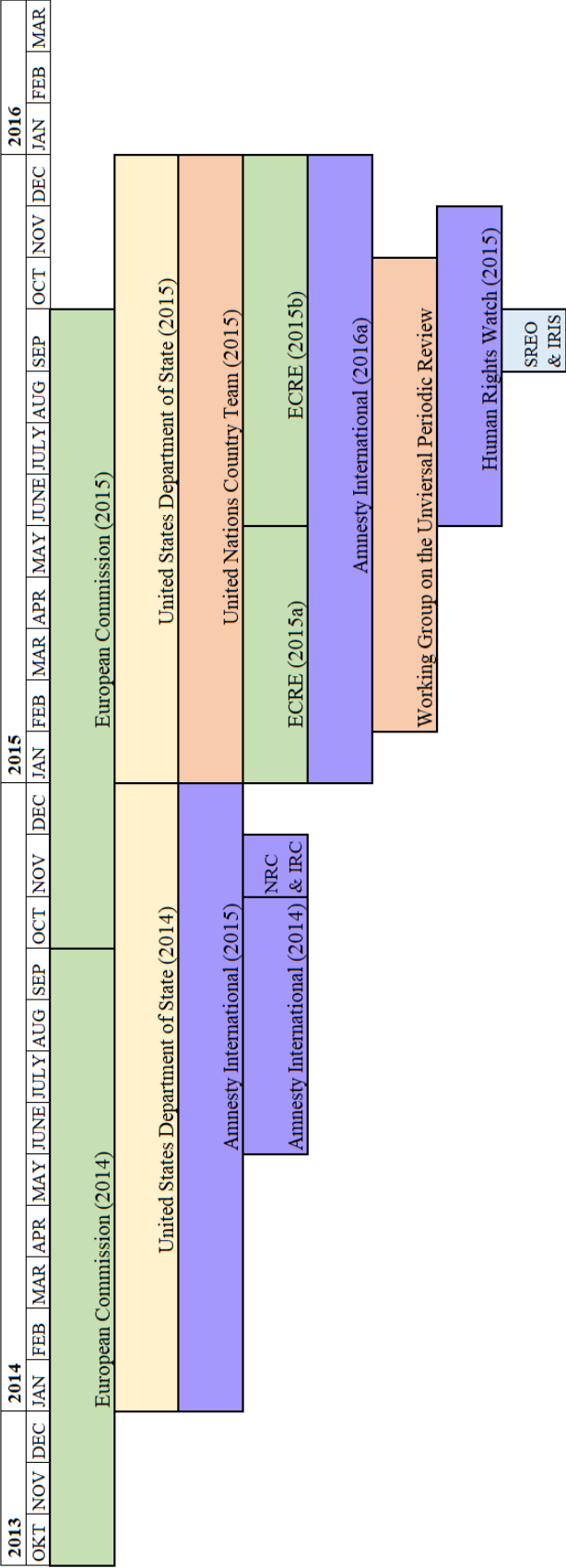


Figure 4. Reports included for the analysis of the non-refoulement principle in the period 2014-2016.

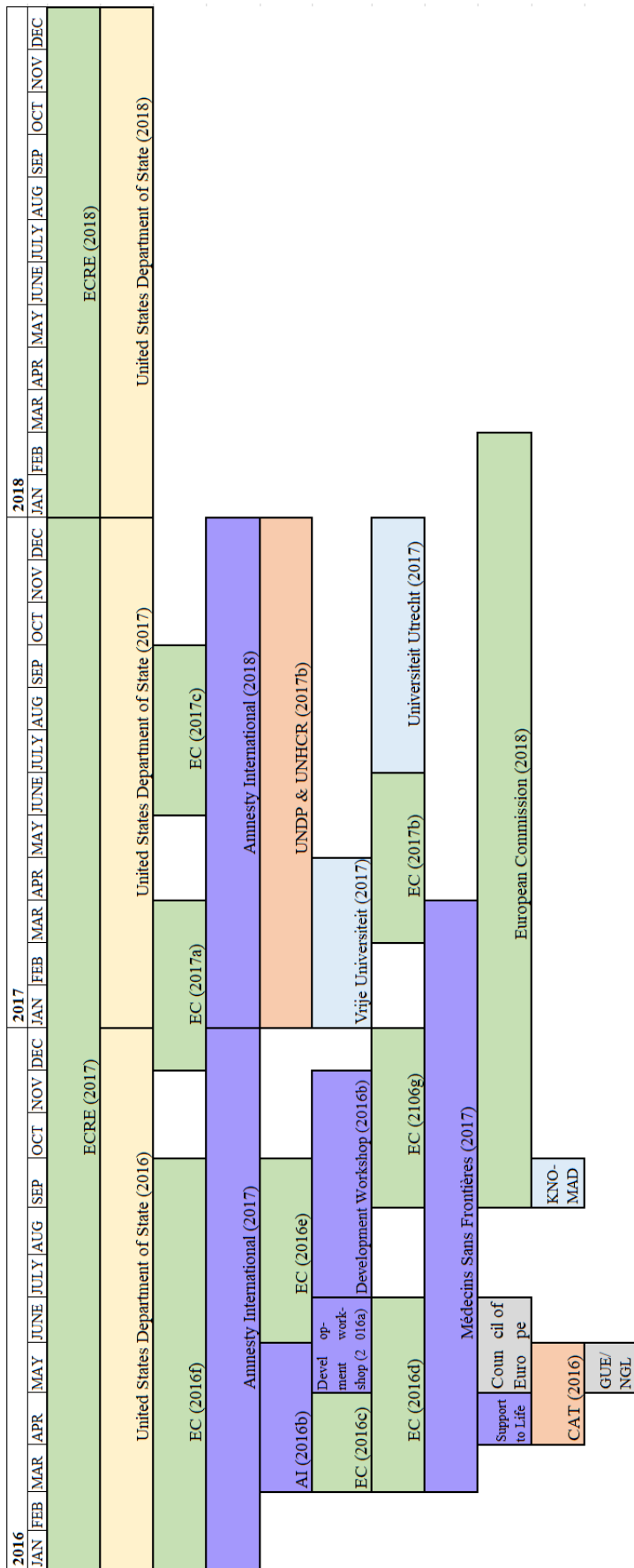


Figure 5. Reports included for the analysis of the non-refoulement principle in the period 2016-2018.

The right to work

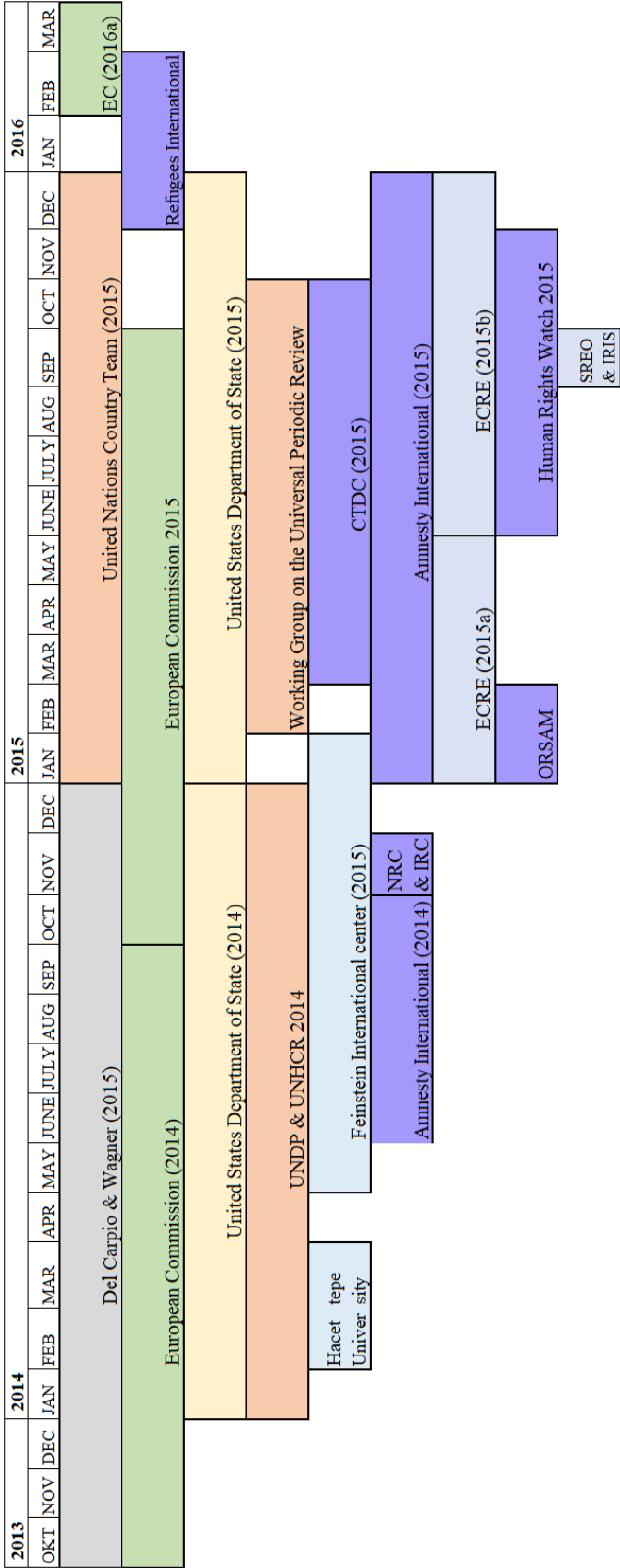


Figure 6. Reports included for the right to work in the period 2014-2016.

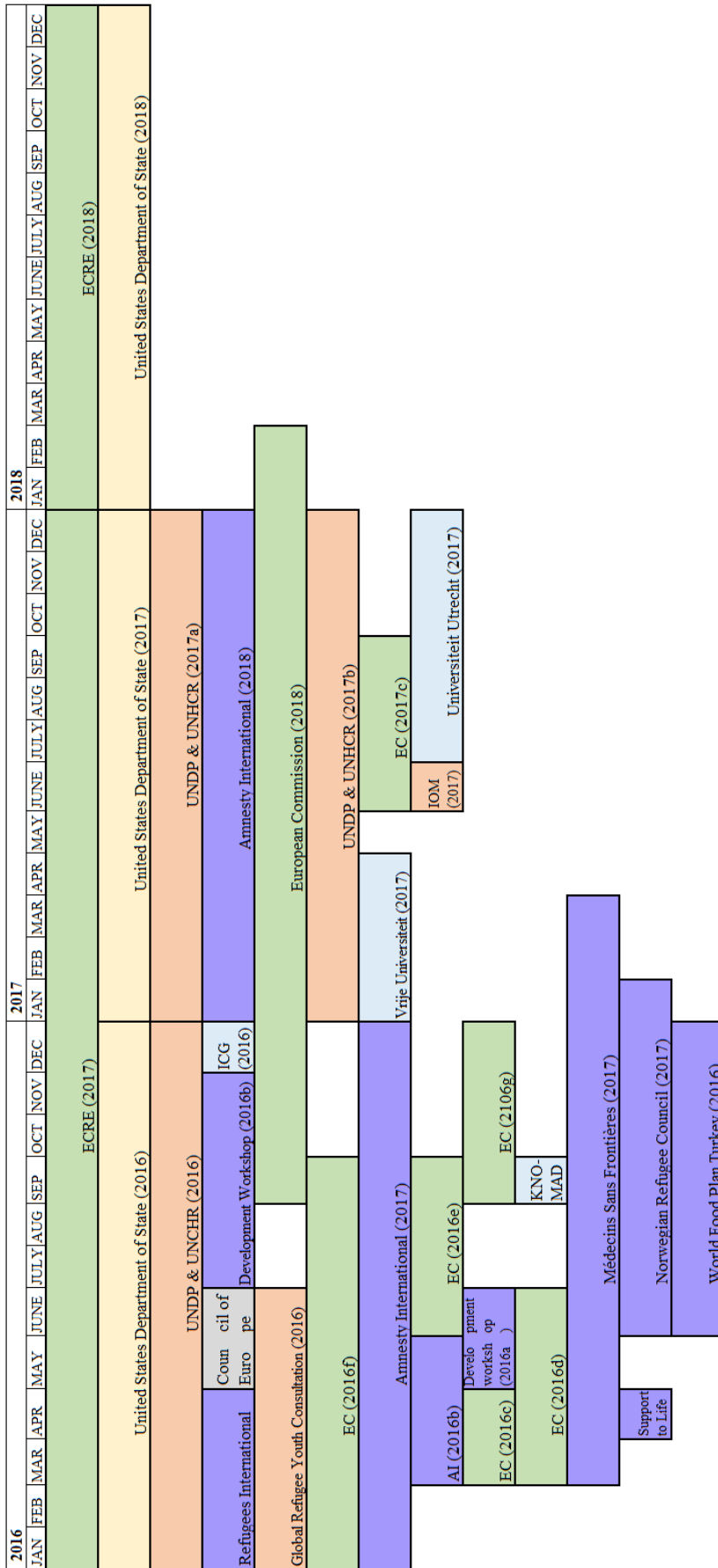


Figure 7. Reports included for the right to work in the period 2016-2018.

Appendix E: code overview

Table 8

Overview of the codes used in the analysis

Code group	Code	Explanation
General report information	Aim of the report	Explanation by the authors of the report what the aim, goal or research question of the report is.
	Dependencies	Notes by the author of possible dependencies on other actors.
	General legal perspective	The report takes a legal perspective, which is stated or becomes clear in its methodology.
	General practical perspective	The report takes a practical perspective, which is stated or becomes clear in its methodology.
	Methodology	Explanation by the authors on how the report was created and how research was accomplished.
	Statistics	Numbers found in the report that were later used to provide statistics on, amongst others, work permits.
	Important factors	Coup
Culture		Cultural differences, including language issues, between Turks and Syrians is given as a reason for the current stand on a human right in Turkey.
EU-Turkey Statement		Information on the EU-Turkey Statement and how it possibly affected human rights for Syrian refugees.

	Externalization	Externalization of migration policies by the EU and other Western States (especially politics of non-entrée) is given as a reason for the current stand on a human right in Turkey.
	Implementation issues	Though a right may be legally present, there are implementation problems. Therefore, it is not practically available.
	Lack of resources	A lack of resources by the State of Turkey is given as a reason for the current stand on a human right in Turkey.
	Open border policy	The open borders between Turkey and Syria are given as a reason for the current stand on a human right in Turkey.
	Policy	Turkey's asylum policy is given as a reason for the current stand on a human right in Turkey.
	Security issues	Security issues and factors leading to security issues are given as a reason for the current stand on a human right in Turkey.
	Tensions	Tensions between Turks and Syrians are given as a reason for the current stand on a human right in Turkey. Sometimes, tensions are the result of the current state of affairs regarding human rights.
Rights analysis general	Human rights in general	Information provided on the state of human rights in general in Turkey.
Principle of non-refoulement	Consequences non-refoulement	Indications that certain events are taking place due to the fact that the principle of non-refoulement is protected, at risk or violated. Pushbacks are included in this code.
	Definition refoulement	Some reports explain how they understand (non)-refoulement.

	Legal perspective non-refoulement	The report focuses on the principle of non-refoulement from a legal perspective.
	Practical perspective non-refoulement	The report focuses on the principle of non-refoulement from a practical perspective.
	Principle of non-refoulement at risk	The principle of non-refoulement is at risk; there are indications (but no confirmations) or refoulement, or procedural safeguards are lacking.
	Principle of non-refoulement protected	The principle of non-refoulement is upheld: Syrians are not send back to Syria or to other dangerous third countries.
	Principle of non-refoulement violated	There is proof of refoulement cases including Syrian refugees.
Right to work	Consequences right to work	Indications that certain events are taking place due to the fact that the right to work is protected, at risk or violated. Examples: labor exploitation, child labor, survival sex.
	Definition right to work	Some reports explain how they understand the right to work.
	Legal perspective right to work	The report focuses on the right to work from a legal perspective.
	Practical perspective right to work	The report focuses on the right to work from a practical perspective.
	Right to work at risk	The right to work seems at risk because of, for example, implementation issues; it is out of reach.
	Right to work protected	Syrians are provided access to legal work.
	Right to work violated	Syrians are not provided access to legal work, or there are too many obstacles.

Turkey's asylum policy	Conditional refugee	Information on the regulation for non-European and non-Syrian refugees.
	Relation Turkey-EU	Information on the relationship between the EU and Turkey, with a special focus on its relationship regarding migration management.
	Temporary Protection Regulation	Information on the Temporary Protection Regulation for Syrians.
Discussion issues	Non-Syrians	Information on the situation of non-Syrian refugees in Turkey.
	Other discussion issues	Discussion issues that come up in the report and are useful as discussion point in the thesis.