



*Helsinki Citizens' Assembly Turkey – Refugee Advocacy and Support Program (hCa-RASP)*

## **SYRIAN REFUGEES IN TURKEY : BRIEFING NOTE**

**16 November 2012**

### **170 000 and counting**

The ongoing conflict and turmoil in Syria so far seems to have forced up to 500 000 Syrians to take refuge in neighboring countries. The influx into Turkey is fast approaching the 200 000 mark. The arrivals have doubled over the course of the past 4 months. It is estimated that as many as 170 000 Syrian refugees are currently in Turkey.

Over 110 000 Syrians are registered with the authorities as beneficiaries of Turkey's "temporary protection" policy and accommodated in 14 camps spread across 7 provinces in Turkey's south. Another estimated 60 000 live outside the camps, in town centers in the border region and in Istanbul, of which around 20 000 appear to have arrived in Turkey with passports on short-term visitor status taking advantage of the visa-free travel regime in place since 2009; the remaining 40 000 are refugees who have crossed the border irregularly but avoided detection by authorities upon arrival.

### **"Temporary protection" for Syrians**

While Turkey has opened its borders to Syrians immediately upon the beginning of arrivals in late March 2011, it wasn't until October 2011 that the policy was formally declared, reportedly on the occasion of a UNHCR conference in Geneva, as a "temporary protection" regime loosely inspired by the EU directive governing response to mass influx of refugees. According to UNHCR's interpretation, the policy entails unobstructed admission to Turkish territories, no forcible returns and the provision of basic needs upon registration with the authorities. There is no time-limit envisioned.

All Syrians who cross the border without a passport are required to go into one of the camps in the region. The relatively smaller number of Syrians who entered Turkey with a passport are entitled to stay outside the camps for 3 months on visa-exemption grounds, but they will eventually also have to report to the camps when this period expires.

Turkey shares over 900 kms of land borders with Syria spanning across 6 southern provinces. Most Syrian refugees arrive via the informal crossing points along the border line by Turkey's Hatay province. The arrivals are overseen by the military border units, who receive and escort the newly arrived refugees to the camps in the region.

Since 2009 Turkey and Syria had set up a visa-free travel regime, which allowed Syrian nationals to visit Turkey for up to 3 months. Despite the deterioration of relations between Turkey and the Assad regime, border gates remained open and as many as 20 000 Syrians appear to have arrived in Turkey with their passports.

### **Other “non-European” refugees in Turkey**

In addition to the Syrian refugees in the camps and cities in the south, Turkey also hosts a significant 30 000-strong urban population of refugees and asylum seekers from other countries, mainly Iraq, Iran, Afghanistan and Somalia. During 2011 an all-times high 17 000 new individual asylum applications were made in Turkey. The projection for 2012 is 20 000 largely due to a recent upsurge in the arrivals of Afghan refugees from Iran.

Since Turkey maintains a “geographical limitation” to 1951 Convention, the so-called “non-European” refugees are allowed to stay in Turkey on temporary basis. They apply to UNHCR for the recognition of their refugee status and hope that with UNHCR’s assistance they can be resettled in a third country as the only available long-term solution. UNHCR is able to resettle about 5 000 “non-European” refugees from Turkey per year, mainly to USA, Canada and Australia.

The centerpiece of Turkey’s domestic asylum legislation is the 1994 Asylum Regulation. The domestic protection status Turkey offers to such “non-European” refugees under the 1994 Asylum Regulation is called “temporary asylum” – not to be confused with the “temporary protection” regime Turkey put in place to deal with the mass influx of Syrians. “Non-European” refugees and asylum seekers are dispersed to 50+ locations around Turkey referred to as “satellite cities”, where they are required to stay until the end of their “temporary asylum” proceedings in Turkey.

With regards the Syrians, in fall 2011 UNHCR adopted the position that the international protection needs of all Syrian nationals in Turkey are covered by the Government’s “temporary protection” scheme, and stopped registering Syrians and carrying out status determination for them. Therefore, unlike other nationalities of “non-European” refugees, Syrian refugees in Turkey do not have access to the UNHCR procedure and resettlement.

### **“Refugees ex-Syria”**

As the conflict in Syria escalates, the safety of the substantial Iraqi, Palestinian and other refugee populations inside Syria is another cause of concern. As of present, the number of onward arrivals to Turkey however appears to be relatively small. UNHCR reports that they are aware of no more than 2000 such “refugees ex-Syria”, mainly Iraqi, who arrived in Turkey in the period since the beginning of the turmoil in Syria in March 2011.

Non-Syrian refugees from Syria appear not to be subject to the “temporary protection” regime for Syrians. They are registered with UNHCR and referred to “satellite cities” the same way other “non-European” refugees are in Turkey. That said, very recently HCA received unconfirmed information suggesting that Palestinian refugees from Syria do benefit from the “temporary protection” scheme and are accommodated in the camps.

## **Management and conditions of the camps**

As of November 9th, the dispersal and breakdown of the Syrian refugee population by province was as follows: Hatay 12 061 (5 camp sites), Gaziantep 22 087 (3 camp sites), Kilis 13 041 (1 container site), Sanliurfa 35 685 (2 camp sites), Kahramanmaras 15 177 (1 camp site), Osmaniye 8 249 (1 camp site) and Adiyaman 5861 (1 camp site). An additional 615 Syrian nationals were undergoing treatment in hospitals around the region.

The camps are managed by the AFAD, Turkey's Disasters and Emergencies Agency, in coordination with the Turkish Red Crescent. The Government has so far chosen to keep UN agencies, international and national NGOs largely at bay. UNHCR plays a minor role in the implementation of the "temporary protection" scheme and maintains a very limited field presence in the border region providing technical advice and assistance in connection with registration, camp management and voluntary returns.

According to UNHCR and other outside observers the overall quality of the services and basic provisions in the camps appear to be met up to high standards. Camps range from about 2 000 to 19 000 in population size. The majority of the locations chosen for the camps are in close proximity to the border. With the exception of the container site in Kilis, all other camp sites offer shelter in tents.

While it appears that the provincial Foreigners Police officials carry out a registration exercise with newly arrived refugees in the camps upon arrival and a form of "ID card" is issued in some camps, mainly to be used in accessing assistance items and services in the camp, there does not appear to be a uniform practice. In any case, there is not sufficient public information regarding the management of arrivals, registration, documentation and voluntary returns.

The gendarmerie is in charge of the security inside the camps and around the perimeters. Residents are allowed to leave the camps for towns during the day. Going forward winterization of the camps is a concern. Dramatic upsurge in arrivals led to overcrowding in some of the camps as the Government continues to build additional camps and accommodation capacity in the region.

## **Syrian refugees outside the camps**

While the population in the camps in Turkey's south has soared in recent months, an estimated 60 000 choose to stay outside the camps. For some it is a matter of avoiding the containment and overcrowding of the camps. Others express fears of infiltration of the camps by agents of the Syrian intelligence. Kurdish refugees in particular report that they fear resentment by Sunni Arabs in the camps due to their lack of sympathies for the FSA and non-involvement in the fighting in Syria. While the basic needs of the camp population are being covered, Syrians outside the camps are left to rely on their own means and resources to survive.

The increasing numbers of Syrians reportedly created strains on the capacity of hospitals in the towns accommodating large refugee populations. The growing presence of Syrians in town centers have led to tensions in some localities, particularly in cities like Hatay where there is a Sunni-Alawite divide similar to the religious fault line in Syria.

## **Participation of national and international NGOs**

To date no national or international NGOs have any operational presence inside the camps. Two Turkish NGOs, the IHH (Humanitarian Aid Foundation) and Support to Life deliver relief items in and around the camps to complement the Turkish Red Crescent. In addition, Medicines Sans Frontieres has a mental health support operation based in Kilis town catering for residents of the camps in Kilis and Gaziantep.

While setting up complementary support services and operations in town centers around the camps to serve both the camp residents and the populations outside the camps would be a sensible alternative, resource limitations currently do not allow any national NGO service providers to establish a permanent presence in the region.

## **Concerns about legal status and lack of official guidance**

Overall, Turkish Government has done a commendable job of taking responsibility for the refugees from Syria, declaring from the onset that the borders would be kept open and quickly setting up camps entirely on own resources. It appears that the principle of nonrefoulement is respected and the basic humanitarian needs of the population in the camps are met. That said, ongoing uncertainties about the legal status of Syrian refugees and lack of consistent and adequate official guidance, coupled with shortages of transparency and oversight are cause of concern.

Although Turkey's "temporary protection" approach appears in broad compliance with international law, there is no proper domestic law basis for the policy, outlining the principles and procedures for the international protection that Turkey is offering to Syrian nationals. While it appears that there is an April 2012 "secret circular" by the Ministry of Interior (MOI), reportedly providing instructions to Foreigners Police branches regarding procedures to be applied to different categories of Syrians, the authorities have so far refused to make this document public.

The only meager domestic law basis for the "temporary protection" policy is Turkey's 1994 Asylum Regulation, which ambivalently provides that mass movements of refugees are to be halted at the border and not allowed into territory "unless there is an MOI instruction to the contrary". In the present case, we are to interpret that there is indeed a Ministry instruction "to the contrary", which – by definition – is a discretionary status, therefore uncertain and subject to change.

Neither do the authorities provide any other kind of written guidance to Syrian nationals as to their rights and obligations and procedures that apply. Lack of official guidance creates question marks for example with regards to the status, rights and obligations of Syrians who entered with a passport on visa-exemption grounds, whether they would be eligible to maintain regular status in Turkey beyond the 3-month visa-exemption period by obtaining a residence permit, without having to register in the camps – the way they used to before the mass influx began.

Another element of the policy which remains uncertain due to lack of official guidance from either the Government or UNHCR concerns the treatment of non-Syrian refugees arriving from Syria. While such "refugees ex-Syria" appear not to be subject to the "temporary protection" regime, and are registered with UNHCR and referred to "satellite cities" the same way other "non-European" refugees are, very recently HCA received unconfirmed information suggesting that Palestinian refugees from Syria also benefit from the "temporary protection" scheme and are accommodated in the camps.

## **Concerns about transparency and oversight**

HCA and other leading national human rights and refugee advocacy NGOs have twice filed joint written requests to be allowed to visit the camps in the border region for oversight purposes. On both occasions the requests were turned down ostensibly on confidentiality reasons. The lack of transparency regarding the procedures and practices at the borders and in the camps is a major problem. To date the only source of public information regarding the management of the Syrian refugee influx are the press statements by the AFAD, which merely present up-to-date statistical data on arrivals and voluntary returns, the population in the camps and do not provide any details on practices.

There is no official public information available on key questions such as the protocols followed by military units in first-reception stage at border crossing points, the reported coordination mechanism in place between the FSA and Turkish authorities to manage crossings and admissions, registration and documentation of camp residents, and arguably most critically with regards to the management of voluntary returns. This lack of transparency on practices is further compounded by the absence of a proper domestic law basis for the “temporary protection” regime and any other forms of written guidance on procedures that apply to Syrians.

Since February this year, UNHCR Turkey Representation has a small field team of national staff based in the region, who appear to visit all camps regularly and interact with the authorities and refugees. UNHCR defines the role of this field team as providing technical assistance on matters related to registration, camp management, voluntary returns and preserving the humanitarian character of the camps. While UNHCR would therefore be in a position to observe any gaps and shortcomings in practices and procedures, the agency so far did not make any such evaluations public to make up for the lack of transparency on the part of the authorities.

## **45 000 voluntary returns**

The Government’s reluctance to allow the contributions of national and international NGOs in the camps and the limited presence and involvement of UNHCR and other UN agencies in the border region raise concerns particularly with regards to the oversight of the many thousands of reported voluntary returns to Syria since the beginning of the influx in March last year.

According to Government figures, of the 155 000 Syrians who crossed the border to take refuge in Turkey since March 2011, over 45 000 have subsequently returned to Syria voluntarily. While it should be acknowledged that, save for one seemingly isolated case, there have been no complaints by refugees of forced returns from Turkey, lack of transparency on cross-border movements and practices in the border region and the absence of any independent NGO presence in the camps remains a concern.

UNHCR’s current field presence of 8 staff appears insufficient to cover the entire region, over 110 000 refugees in 14 camps in 7 provinces. Therefore any monitoring presence accomplished by UNHCR field officers should be acknowledged in context.

## **Concerns about the civilian character of the camps**

It appears a principal reason why the Government has chosen to manage the Syrian influx and the camps in such contained fashion has to do with the way in which Turkey’s Syrian refugee policy is

intermingled, if not entirely conflated, with the Government's proxy involvement in the conflict inside Syria.

As the influx of Syrian refugees in Turkey reached crisis-proportions, the relations between Turkey and the previously-friendly Assad regime have cooled off significantly. Turkey emerged as a vocal proponent of regime change in Syria and became one of the main backers of the Free Syrian Army (FSA) and the patron of the Istanbul-based Syrian National Council.

In recent months as the conflict inside Syria escalated, Turkey came dangerously close to an outright confrontation with the Assad regime following the fatal shooting down of a Turkish military reconnaissance plane by Syrian air defenses in June, and the killing of 5 Turkish civilians in the border town of Akcakale in October by what-appears-to-be an astray mortar shell fired by the Syrian army.

In the context of growing hostility between Turkey and the Assad regime, Turkey's support to the FSA and the reported cross-border mobility of FSA fighters risk the erosion of the distinction between refugees and rebels. In addition to the 14 refugee camps in the region, there is another camp in Apaydin, Hatay, which is said to accommodate officers of the FSA and their families and served until recently as the headquarters for the FSA. It also appears there are recovering rank-and-file FSA fighters and their families among the residents of all camps.

While neither the Apaydin camp nor any of the refugee camps appear to accommodate any arms as such, according to reports, FSA agents openly carry out recruitment and political mobilization activities in the refugee camps, which also serve as logistical hub and rest and recuperation place by the FSA. It appears that these activities are reportedly tolerated if not actively encouraged by the authorities by giving free access to FSA elements.

According to UNHCR's 2006 Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum, authorities need to take concrete measures against the militarization of refugee camps, most principally by ensuring that armed elements do not access the camps and making provisions for the continuous monitoring and screening of the camps.

### **"Waiting cues" on the Syria side**

The proximity of some of the camps to the border and the presence of a significant IDP-type population in "waiting cues" on the Syria side of the border further exacerbate concerns about the safety and security of refugees seeking shelter in Turkey. In response to the dramatic increase in arrivals July onward, the authorities have reportedly begun to limit the number of admissions per day, which led people to make shelter waiting to be allowed to cross. Since August the AFAD and Turkish Red Crescent have begun to deliver relief and aid items at 5 border points to assist the population waiting on the other side. The Turkish relief charity IHH has also extended operations to assist this population. As of early October there were about 12 000 Syrians waiting on the other side of the border.

While the local authorities are careful to clarify that the limits on admissions is a practical measure to manage arrivals and does not in any way indicate a diversion from the open border policy, the escalation in armed clashes in northern parts of Syria raise concerns about the safety of the population in "waiting cues".

## **Onward movement to EU**

While many Syrians find ways to hold on in Turkey, others explore ways to travel onward to EU countries to seek protection. In Istanbul, HCA was approached by many Syrians who inquire about legal ways to reach EU countries for the purpose of seeking protection. Many apply to the consulates of EU member states to request visas. Some have family members in EU countries and try to secure travel permissions on family unification grounds. Others try irregular routes to travel onward. HCA has received requests for assistance by Syrians from detention places in the Turkey/ Greece border region as well as the Istanbul Ataturk Airport, which is an important international hub for connecting flights heading for EU destinations.

While it appears that the Government strictly refrains from any forcible returns to Syria and intercepted Syrians are eventually released and transferred to the camps in the border region, non-Syrian refugees from Syria who are intercepted by the Greece border or the airport encounter the usual arbitrary obstacles accessing the asylum procedure in Turkey and securing protection from refoulement. HCA is aware of at least one case of a group of Palestinian refugees from Syria intercepted at Istanbul Ataturk Airport not allowed to enter Turkey and apply for asylum and deported to a third country.

## **Prospects of “safe haven” inside Syria**

While in light of the upsurge in arrivals, the Turkish Government has been exploring international support for a UN-authorized “safe haven” inside Syria, the idea remains at best a distant prospect due to objections from Russia and China and little appetite for military action on the part of Turkey’s NATO allies. Despite the massive increase in arrivals there are no indications as of present that Turkey considers revising its current policy of keeping the borders open.

## **International solidarity and a larger role for UNHCR**

Turkey was initially reluctant to call for international solidarity and invite UNHCR’s assistance to help manage the camps and cover the humanitarian needs of the Syrian refugees. The recent dramatic upsurge in arrivals has mitigated the Government’s position.

Under the September revision of UN’s Syria Regional Response Plan covering the period from June through December 2012, 76 million\$ were requested from the international community for Turkey, largely to be spent on basic needs and services and to enable UNHCR to substantially increase its operational presence in the camps and the border region. As a comparison, the Turkish Government proclaims to have spent about 210 million\$ of own resources so far to meet the humanitarian needs of Syrian refugees.