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Border Management and Migration Controls

Turkey Report

N. Ela GOKALP ARAS & Zeynep SAHIN MENCUTEK

Swedish Research Institute in Istanbul (SRII)

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Any enquiries regarding this publication should be sent to us at: ela.gokalparas@sri.org.tr; elagokalp@gmail.com; zeynepsahinmencutek@gmail.com

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List of Abbreviations

AA	Anadolu Agency
AFAD	Disaster and Emergency Management Authority
AI	Amnesty International
APD	Accession Partnership Document
API	Advanced Passenger Information
ASAM	Association for Solidarity with Migrants
BCPs	Border Crossing Points
DG	Directorate General
DGMM	Directorate-General for Migration Management
DMA	Deportation Monitoring Aegean
EU	European Union
FETO	Fettullah Gulen Terrorist Organization
FRONTEX	European Border and Coast Guard Agency
HRW	Human Rights Watch
LFIP	Law on Foreigners and International Protection
IBM	Integrated Border Management
ICAO	International Civil Aviation Organization
IGOs	Intergovernmental Organizations
IOM	International Organization for Migration
ILO	Immigration Liaison Officer
INGOs	International Non-governmental Organizations
IOs	International Organizations
MfA	Ministry of Foreign Affairs
MoI	Ministry of Interior
MoFLSS	Ministry of Family, Labour and Social Services
MSs	Member States
NATO	North Atlantic Treaty Organization
NFI	Non-food Item
NGOs	Non-governmental organization
NMS	Non-member States
NPAA	National Action Programme for the Adoption of the Acquis
PD	Presidential Decree
PDMM	Provincial Directorate of Migration Management
PKK	Kurdistan Workers' Party (Partiya Karkerên Kurdistanê)
PNR	Passenger Name Record
PYD	Kurdish Democratic Union Party
RA	Readmission Agreement
RESPOND	Multilevel Governance of Migration in Europe and Beyond
RSD	Refugee Status Determination
SASF	Social Assistance and Solidarity Foundation
Statement	EU-Turkey Statement
TPIS	Turkish Passenger Information System
TRC	Turkish Red Crescent
TUCG	Turkish Coast Guard Command
UNHCR	United Nations High Commissioner for Refugees

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About the Project

RESPOND is a three-year project (2017-2020) that is funded by the European Commission under Horizon2020 Programme with the goal of enhancing the governance capacity and policy coherence of the European Union (EU), its member states, and neighbours. RESPOND is a comprehensive study of migration governance in the wake of the 2015 Refugee Crisis which is one of the biggest challenges that the Union has faced since its establishment. The crisis foregrounded the vulnerability of European borders, the tenuous jurisdiction of the Schengen system and broad problems with multi-level governance of migration and integration. One of the most visible impacts of the refugee crisis has been the polarization of politics in EU Member States and intra-Member State policy (in)coherence in responding to the crisis.

Bringing together 14 partners from 7 disciplines, RESPOND aims to:

- provide an in-depth understanding of the governance of recent mass migration at macro, meso and micro levels through cross-country comparative research;
- critically analyse governance practices with the aim of enhancing the migration governance capacity and policy coherence of the EU, its member states and third countries.

RESPOND is a comprehensive study of migration governance in the wake of the 2015 Refugee Crisis. The project probes policy-making processes and policy (in)coherence through comparative research in source, transit, and destination countries.

RESPOND addresses how policy (in)coherence between the EU, MSs as well as between states differentially positioned as transit, hosting and source countries affect migration governance. Specifically, by delineating interactions and outcomes between national refugee systems and the EU, we will analyse the reasons behind the apparent policy incoherence.

RESPOND studies migration governance through a narrative which is constructed along five thematic fields: (1) Border management and security, (2) Refugee protection regimes, (3) Reception policies, (4) Integration policies, and (5) Conflicting Europeanization. Each thematic field is reflecting a juncture in the migration journey of refugees and designed to provide a holistic view of policies, their impacts and responses given by affected actors within.

The work plan is organized around 11 work packages (WPs) – of which 8 have research tasks. The project also includes two WPs to organize impact-related activities targeting different audiences, including the scientific community, policy actors and the public in general.

Executive Summary

This report examines the border management and migration control regime in Turkey, analysing its main legal and policy framework as well as the organisations and actors involved in policy implementation. Drawing from the empirical material, the report focuses on pre-entry measures, “at the border” controls, controls within the national territory, and return policy fields. The report aims to understand to what extent, and how, Turkey’s border management and migration control measures have changed from 2011 to 2017, how the changes have influenced policy implementations, and what the main gaps are between the legal frameworks and actual practices. The report also focuses on how relevant (state, non-state and national, local international and supranational) actors interact in implementing measures and what the patterns of cooperation and tensions are among them.

The analysis shows that, in the given period, the dominant perspective in Turkey about border management has revolved first around the notion of humanitarianism, which is exemplified by the open-door policy towards forced migrants from Syria, and later on securitization within the context of combating illegal immigration and protecting national security. The relationship with external actors, such as that of the EU, has played a role in prioritising and strengthening border management in Turkey. Evidence on the main institutions and actors who implement the border management and migration control measures display the key issues at stake. These are primarily related to the presence of more than 20 different legal regulations that are overlapping and contradictory to some extent, the lack of a uniform civilian border management unit and adequate capacity to effectively monitor entries and exits. Moreover, the protracted refugee situation of more than three million Syrians in Turkey, and the highly centralist state policies appear to be important aspects of migration control policy. In reference to the specific fields, the findings are the following: For pre-entry, Turkey’s liberal visa policy and the EU-Turkey Readmission Agreement (RA, 2013) and the EU-Turkey Statement (Statement, 2016) have a significant impact on irregular border crossings (both entries to and exits from Turkey) of migrants. Unilateral cross-border operations and interventions from Turkey in northern Syria have reduced the mass arrivals of Syrians since 2016. Concerning the “At-the-border” dimension, here the policy change from an open-door policy towards stricter border controls are observable. The strict stance was also supported by other measures including the construction of a wall on the Turkey- Syria border, more border surveillance and sea rescue. Main internal controls measures include obligations about registration, reporting, updating and taking travel permits for movement within and out of Turkey.

In formulating policy recommendations, the report concludes that Turkey should develop a more civilian border management structure and eliminate vagueness and contradictions in its legal framework. Regarding the situation at the border, blocking the migratory flows in neighbourhoods by constructing a border wall or conducting unilateral military operations may not be effective border management policy in the long run. In terms of “internal controls”, the implementation of travel permit (to be able to travel within Turkey) measures should be re-formulated, as it significantly limits the exercise of freedom of movement of people who are under international or temporary protection in Turkey. In what concerns the “return” dimension, voluntary returns should be closely monitored and the non-refoulment principle should always be respected. In addition, the procedures and consequences of readmission agreements should be carefully analysed. Moreover, to comply with human right standards, Turkey should act with more transparency and cooperation with non-state actors in apprehension, deportation, and voluntary return of asylum seekers.

1. Introduction

The country report focuses on the border management and migration control regime and its implementation in Turkey with reference to the developments that took place during 2011 and 2017. In general, the term border management refers to the EU's ensemble of legislation, policies, implementations, institutions, and actors (Karamanidou and Kasperek, 2018, p.9). Within the report, border management refers to all the measures regarding admission and entry of third country nationals as defined by the 2016 European Border and Coast Guard Directive.¹ In addition, in the case of Turkey, as a candidate but still as non-EU country, the term migration control also captures the different modes of control that might fall outside the EU's scope as respecting the country-based differences.

Although the RESPOND's WP2 covers macro, meso and micro level analysis, this report only focuses on the macro and meso levels. The macro level analysis focuses on the border management related legal and institutional framework. At the meso level, the report aims to map the non-state institutions and actors involved in the implementation of border management and control policies as well as to explore patterns of cooperation and tensions among them. It also aims to explore border governance among different agencies involved in implementing migration controls and to understand how state and non-state actors involved in, and affected by, understand and respond to border management in Turkey. This includes both cooperation in implementing control policies and patterns of resistance. As following the legal and institutional framework, the report is organized on the basis of the four spaces and phases of controls operated at the macro and meso levels. These include "pre-entry controls", "at the border", "internal control regime" and "return".²

¹ See Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC.

² 1. Pre-entry controls: Readmission agreements, measures relating to preventing unauthorised migration from the third countries; smuggling/trafficking initiatives; visa requirements; 2. 'At the Border': Visa & Schengen regimes, Integrated Border management, surveillance at sea and land borders; smart borders, information databases (EURODAC, SIS, VIS etc.); facilitators package (smuggling- e.g. criminalising transport of unauthorised migrants into the EU by citizens of MS); 3. Internal control regime: Regulations on stay and residence; detention; apprehension measures relating to surveying, locating, detaining and deporting (note: administrative deportation under national law may be different from the EU return regime) unauthorised/undocumented migrants; measures around facilitation/ policies regarding access of migrants to welfare, education, healthcare etc.; 4. Return: Return and readmission of unauthorised migrants, including detention for the purpose of return.

2. Methodology

2.1. Sampling and Data Gathering

The first part of the report focuses on the legal and institutional framework of border management and migration control. It relies on analysis of the post-2011 legal framework which is extremely fragmented. Moreover, the report explores how various other actors have addressed migration control; how their views have interacted with responses that changed over time and affected policy outcomes and implementations. Along with official documents and statements, considering both macro and meso levels, the reports published by international organisations and non-governmental organisations provide data on current implementations. An online search was also conducted to collect media coverage of migration controls. Academic articles and books are widely used in different stages of data analysis and writing results.

The second part of the report on implementation relies on meso level analysis. The report is based on a multi-sited fieldwork, including semi-structured interviews, participant observation, and focus group studies (roundtable) that have been conducted in five cities, namely: Izmir, Sanliurfa, Istanbul, Ankara and Canakkale.³ The meso level analysis is based on 15 border-related meso level interviews in Izmir, 4 in Ankara, 2 in Canakkale, 13 Sanliurfa and 12 in Istanbul. In total 46 semi-structured interviews⁴ have been conducted in those cities between July and November 2018. The interviews were conducted with border-related, high level, state officers including the representatives from ministries, and directorates [Directorate General of Migration Management (DGMM) and Provincial Directorate of Migration Management (PDMM)], local government bodies (municipalities, city councils), law enforcement agencies (Izmir Gendarmerie Department of Anti-smuggling and Organised Crime Unit, Izmir Provincial Directorate of Security Department of Combating Migrant Smuggling and Human Trafficking), provincial civil servants, experts from inter-governmental organisations (such as IOM, UNHCR), representatives of international, national, local non-governmental organisations and lawyers dealing with cases about migrants. Moreover, the authors have observed several policy-oriented workshops in Turkey and have had a dozen informal conversations during those workshops with the policy-makers and practitioners on the one hand, and the representatives of inter-governmental organisations (IGOs), international non-governmental organisation (INGOs) and national non-governmental organisation (NGOs) as well as scholars on the other.

To deepen understanding of complex border management processes and bordering practices, empirical accounts are needed. Considering this, the researchers did fieldwork in Ankara, Istanbul and Canakkale, but particularly focused on two border provinces – Izmir and Sanliurfa - to collect comprehensive data about border management. Ankara does not have a high migrant and/or refugee⁵ population and it is not one of the border provinces. Nevertheless, as a capital city it is important as it hosts international, European and national policy making and implementing institutions and their main headquarters or centres such as the EU Delegation to Turkey as well as the high-level of national institutions such as the related ministries, but also the Directorate General of Migration Management. In addition, Ankara hosts not only IGOs but also important international as well as national NGOs. Like Ankara, Istanbul is not a border province, but nearly 600,000 Syrians live in Istanbul, which is the highest urban population in

³ The fieldwork and the meso level, border-related semi-structured interviews in Izmir, Ankara and Canakkale were conducted and analysed by Dr. N. Ela Gokalp Aras (SRII). In Sanliurfa, they were conducted by Dr. Zeynep Sahin Mencutek (SRII) and in Istanbul by Prof. Dr. Ayhan Kaya (Istanbul Bilgi University) and Dr. Susan Rottmann (Ozyegin University).

⁴ The list of interviews is provided in the Appendix 2.

⁵ Ankara has 88,373 refugees as of 27 December 2018 (Gocgov, 2018a).

Turkey (DGMM, 2019a). It has always been an important “transit hub” and a destination city for internal migration.

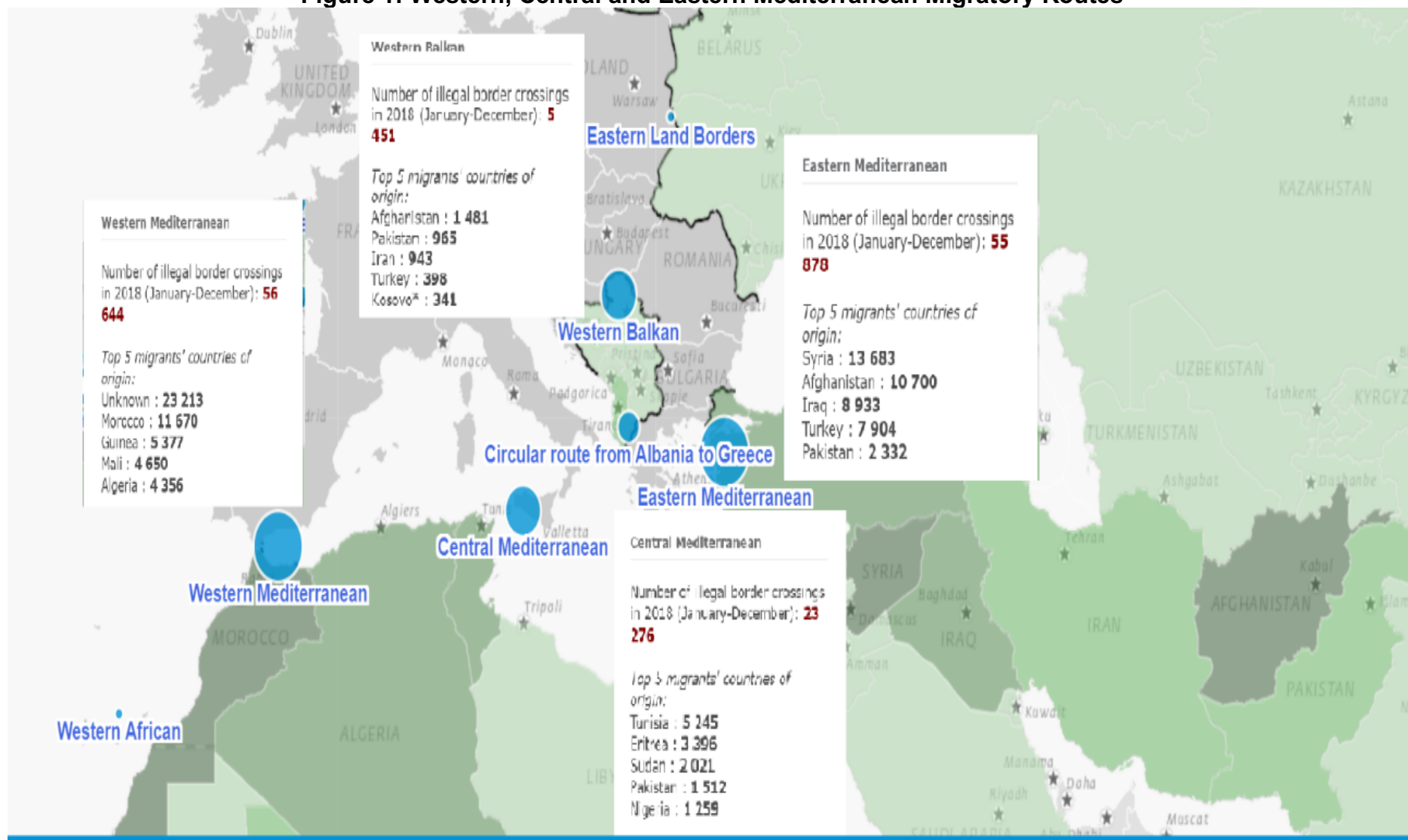
Izmir is a large metropolis in the western extremity of Anatolia and the third most populous city in Turkey. It has been an important “transit” or “gateway” city, which is a significant location for the irregular transit migration from Turkey to Europe. It is the main sea-border crossing point (exit) both geographically and socially. Since the 1990s, Izmir has been impacted by the increasing number of international migrants who move to and through the city, and who have come with the intention of settling and/or working, seeking asylum or transiting to a third country (Biehl 2014, p.56). As the main transit hub of the Aegean Sea, Izmir has witnessed an intense migratory movement in the summer 2015. The city hosts large numbers of Syrians as the eighth largest city for Syrian population in the ranking in Turkey. As of March 2019, there are 143,666 registered Syrian refugees, who are under temporary protection (*gecici koruma*) in Izmir (DGMM, 2019a). Although the city is not a border one, the majority of the irregular migration networks are located there. Izmir has important ties, not only because of the Eastern Mediterranean Sea route, but also its link with Istanbul’s networks. The control seems extremely difficult, which provides a space for those migrants with intense transnational networks (Ibid., p.56).

Until 2010, the sea route to Greece was the major channel for migrants. Due to the increased surveillance at the sea border since 2016 by Greek and Turkish coast guards in collaboration with the European Border and Coast Guard Agency (Frontex), the crossings shifted to the land border. As will be shown in this report, central measures of regaining control over the sea border such as the RA (2013) and the Statement of March 2016 have been implemented mainly through Izmir. In addition, the North Atlantic Treaty Organization (NATO) Defence Ministers took the decision on 11 February 2016 to deploy ships to the Aegean Sea to support Greece and Turkey, as well as the EU’s border agency Frontex, in their efforts to tackle the refugee and migrant crisis (NATO, 2016). Thus, since Izmir also hosts the NATO base, it is an increasingly important province in terms of border management and migration control. The following three figures show the spatial importance of Izmir in terms of irregular migration cross-border migratory movements. Figure 1 displays the importance of the “Eastern Mediterranean Route”, which has the higher numbers for sea-border crossings rather than the land border. Figure 2 displays the importance of Izmir in the region, particularly in reference to border crossings to the Greek islands. Figure 3 shows the importance of the region and Izmir in terms of irregular migration.

Due to the intense number of border-crossings to Lesbos, a Greek island, from 2014 onwards, Canakkale was also included in the research, particularly Kucukkuyu, a town in the Ayvacik district. The researcher also visited the important crossing-points, where International Organization for Migration (IOM) has temporary outreach teams and where the Coast Guard has special headquarters following from the sharp increase of irregular border-crossings in 2015 from Turkey to Greece. In this regard, along with Cesme, Dikili⁶, where the readmissions have been conducted until 22nd July 2019), was also visited.

⁶ According to the meso level interview with state and non-state actors in Izmir and Ankara, as a part of the EU-Turkey Statement (based on the Turkey-Greece Readmission Protocol legally), Gumusluk/Bodrum, Dikili and Cesme/Izmir had been used at the beginning. However, during the report period, only Dikili was mentioned for the continuing readmissions by the above-mentioned meso level actors.

Figure 1: Western, Central and Eastern Mediterranean Migratory Routes



Source: FRONTEX, "Migratory Map", Available at: <<https://frontex.europa.eu/along-eu-borders/migratory-map/>> [Accessed 14 February 2018].

Figure 2: Important Border-Crossing Points at the Aegean Sea



Source: Association for Solidarity with Migrants (ASAM), “Aegean Border”, Presentation at RESPOND Turkey 1st Routable Meeting, 17 December 2018, Istanbul Bilgi University, Istanbul.

Figure 3: Irregular Migrants Apprehended in 2017 by Provinces



Source: Directorate General of Migration Management (DGMM) (2018). “Irregular Migration Statistics”, Available at: <http://www.goc.gov.tr/icerik6/irregular-migration_915_1024_4746_icerik> [Accessed 16 January 2019].

The fieldwork in Sanliurfa took place in the three most populated districts of the city, namely Eyyubiye, Haliliye, (both of which are in the city centre) as well as Siverek, which is 81 kilometres away from the province centre (Nufusu, 2018). Traditionally, Sanliurfa has not been a city receiving internal or international immigrants. As of March 2019, it hosts the second largest Syrian population in Turkey, with 451,434 Syrians. 24 % of the total population

(1,985,753) are Syrian, meaning that every one person out of four in the city is Syrian (DGMM, 2019a).

Figure 4: Map of Turkey-Syria Border



Source: Türkiye Gazetesi, 2019. “*Sinir Namustur*”. Available at: <https://www.turkiyegazetesi.com.tr/gundem/330765.aspx> [Accessed 18 February 2019]

Participant observations in some provincial state offices that directly engage with border enforcement, internal controls, and deportations also provided significant insights to researchers about the implementation of policies at the local level and in the bureaucratic culture. Moreover, Ceylanpinar town (100 km away from the province centre) which lies on the Syrian border and having both an official border gate and a crowded refugee camp (hosting around 22,000 refugees) was visited. The researchers also took a drive along the border where the Syrian town of Ras al’Ayn (Resul-Ayn in Turkish) is just less than one kilometre away. This visit enabled to see the land border, its geographical dimension, the locations of the settlements in the border region, the recently established border wall as well as to learn about previous interactions of these towns.

Sanliurfa is one of the four provinces in Turkey to have a border with Syria. The length of border is 250 km out of total 911 km of Turkey-Syria border. The population density of the first 0–100 km of land from the borderline (both in Turkey and Syria) is high, as there are several towns on the border. The centre of Sanliurfa is only 55 km away from the border. The province has three official border gates, namely Akcakale, Mursitpinar, and Ceylanpinar located in the respective border towns. Just across these towns, there are three towns on Syrian territory (Tel-Abyat, Aynel-Arab, and Resul-Ayn respectively). This appears like a border line dividing a large town into two towns that remain in the territory of different countries. Sanliurfa has become an important location for the settlement of Syrian refugees in Turkey since 2011. Although it is a relatively less visible and less studied province in the context of refugee research in Turkey (compared to Gaziantep), it hosts more Syrian refugees than Gaziantep. Sanliurfa has also three refugee camps (officially called temporary shelter/accommodation centres) which host 67,682 Syrians, the highest number among the other nine provinces which have similar camps (GocGov-Distribution, 2018).

Until 2011, Sanliurfa could be characterized as a province of internal emigration, but the Syrian civil war has substantially changed the character and demography of the city. The province has become a multi-ethnic and multi-lingual city with Turkish, Arab, and Kurdish communities. This has made the city an attractive place for Syrians to arrive and settle down. Moreover, there are kinship ties between local border communities in Sanliurfa and communities living in the northern border areas within Syria. The region has been separated with the construction

of the national territories of Turkey and Syria in the early 20th century.⁷ Since then, cross-border social and economic relations (the flow of people and goods) have continued in different forms from marriages to trade (smuggling) and daily visits between each side within the limits of central states' allowances or illegally. The liberal visa policies and rapprochement between Syrian and Turkish governments from 2002 to 2011 eased such interactions. Thus, border permeability, concerning the intensity of the interactions between borderline towns and villages, was very high before the Syrian crisis and remained so until 2015-2016 when the Turkish government adopted restrictive controlling measures.

2.2. Data Gathering and Analysis

We, as the Turkey RESPOND research team (Swedish Research Institute in Istanbul, Istanbul Bilgi University and Ozyegin University), conducted many of the interviews in Turkish, however some were conducted in Arabic with the assistance of translator and some in English.

We used the common-coding scheme of WP2 that was used by the other consortium members of the REPSOND Project, making some country specific revisions and additions. In addition, the four dimensions of analyses are taken into consideration for categorisation of the codes, namely, "pre-entry controls", "at the border", "internal control regime" and "return". Interview data is analysed by using qualitative content analysis and Nvivo11 Plus Programme that allowed us to systematically categorize, describe and interpret the collected material. We used both a deductive and inductive approach in creating our coding frame for meso level analysis. We started with the developed categories indicated in the WP2 guideline and then focused on Turkey specific aspects which are critical to understand border management. The original data itself required us to add new main categories, such as context related developments, and sub-codes under the original code.

2.3. Limitations

Due to sensitivities about national security issues in Turkey and the security of researchers, we faced difficulties in accessing formal interviewees from security forces like those from border check points (*Hudut Karakolu*), Gendarmerie, and Police Force in Sanliurfa. Thus, interviews with these actors could not be conducted in this city. For Izmir, the researcher managed to conduct interviews with both Izmir Gendarmerie Department of Anti-smuggling and Organised Crime Unit and Izmir Provincial Directorate of Security Department of Combating Migrant Smuggling and Human Trafficking; but despite numerous efforts, the Coast Guard Aegean Sea Region Command did not accept our interview request.

Another important limitation is accessing reliable data about deportations, particularly when it came to checking and reporting results, as it raises issues related to ethics and researcher safety. Although the Bar Associations, as well as the lawyers who have been working in this field in Izmir, Sanliurfa and Istanbul provided important insights, it should be noted that researchers could not get permission to access the removal centres, consequently, they could not conduct any interviews with the officers at those centres. However, the report provides reflections from the meso level actors despite this limitation.

Finally, due to the high numbers and visibility of the Syrian refugees, the interviewees and legal framework mainly focuses on Syrians. We tried to overcome this with additional information regarding non-Syrians.

⁷ Current borders of Turkey were drawn by Treaty of Lausanne in 1923 after the Turkish War of Independence. During the Ottoman Empire, the border lines were more permeable, there were strong kinship, tribal, religious and ethnic ties. Due to the Turkey's national security related concerns and territorial disputes with neighbouring countries (with Syria over Hatay), the southeast borderlines have remained important and subject of securitization until the 2000s.

3. Key Developments since 2011

Since 2011, challenges pertaining border management have arisen, marked by mass arrivals of Syrians to Turkey and the continued use of entrances from Afghan, Iraqi, Iranian and African irregular migrants. Following the Syrian Civil War, adopting an unconditional “open door policy”, Turkey welcomed all the Syrian refugees fleeing from the conflict. This policy was mainly driven by both domestic and foreign, geopolitical policy concerns such as to present itself as a powerful country in the region, to play a regional mediator role and to contribute to the solution of humanitarian problems through diplomacy (Gokalp Aras and Sahin Mencutek, 2015, p.202 and 2016). Changes in refugee policies, including restrictive border controls and non-arrival policies⁸ can be explained with reference to “the critical juncture that was reached (in terms of the sheer magnitude of the refugee situation and the protracted nature of the crisis) as well as a redefinition of the strategic interests (including growing security problems and constraints faced in the previous foreign policy objectives)” (Ibid., p.101). However, based on our fieldwork findings, the “open-door policy” has been dynamically changing and recently it is not implemented in practice.

Syrians mainly preferred Turkey as the destination country, due to geographical closeness, accessibility and the ease of transportation. Syrians were able to enter the country via official border crossings or unofficial ones with or without passports. Turkey had an agreement, made in 2009, that allows visa-free entry to citizens of Syria - the details of which will be outlined in the “pre-entry” part of the report. Until 2016, Turkey did not cancel the visa-exemption regime for the citizens of Syria. Thus, Syrians holding passports were able to flee to Turkey from other host countries such as Lebanon, Egypt, Jordan and other countries along with the land borders due to the open-door policy. Starting from October 2011, Turkey granted Syrians temporary protection status based on the Regulation on Temporary Protection in 2014 (Official Gazette, 2015)⁹.

The Turkish government approached Syrians’ arrival as an incident of emergency as it was such a massive population movement. During the first phase, the Syrian refugees were settled in the camps along the border cities. However, the Turkish government did not allow international agencies to have access to the camps. Even the United Nations High Commissioner for Refugee (UNHCR)¹⁰ was only able to access camps after February 2012 (Ibid., pp.102-103). The capacity of the camps was limited and during this period the newly arriving Syrians, who had their own financial resources, settled in border cities or moved to the cities where they had kinship and ethnic networks and believed it was more likely to have job opportunities.

Turkey’s open-door policy towards Syrians represent a shift from Turkey’s past responses to similar mass movements, such as from Iraq in the wake of the Gulf War in 1991, when the country avoided opening its borders and did not grant status to migrants. As Turkish policymakers were overwhelmed by the sheer numbers of post-1991 Iraqi arrivals, the issue

⁸ These measures can be different from the other restrictive practices used in recent years. In general, those policies can be understood as the measure that aim directly to impede access to asylum such as visa regimes, carrier sanctions, and immigration pre-inspection (Gibney, 2005, p.9).

⁹ The Regulation has been translated into English, which is available at <http://www.goc.gov.tr/files/files/temptemp.pdf> (Accessed 19 December 2019).

¹⁰ During the field research in Izmir, the informants stated that the World Food Programme representative have also access to the camps to monitor and evaluate the “food-card” implementation. It is stated that the representatives of Turkish Red Crescent (*Kızılay*) and United Nations Children’s Emergency Fund (UNICEF) have been visiting the camps. UNICEF specifically was mentioned as having no problem for its access since it has been funding the temporary education centres as well as child-friendly spaces. The respondents addressed UNICEF as the funding institution and *Kızılay* as the implementing one.

was internationalized and securitized from the outset (Kaynak, 1992; Latif, 2012; Ihlamur-Oner, 2014; Gokalp Aras and Sahin Mencutek, 2018). Responses to the mass arrival of Syrians were different as the Turkish government “has avoided viewing Syrian mass arrivals as a security threat and asking for international burden sharing in the early years, as a demonstration of its more flexible and liberal humanitarian response as compared to the pre-2011 period” (Gokalp Aras and Sahin Mencutek, 2018, p.80). Gradually revisiting the unconditional open-door policy to slowdown, the arrivals of refugees, Turkey lined towards finding solutions within Syria such as delivering aid shipments to a border crossing - known as “zero-point delivery”¹¹-, establishment of cross-border camps, and working on safe zone alternatives (Ahmadoun, 2014, p.14). Turkey urged the United Nations Security Council to create a “safe haven” and “no-fly zone”, a similar solution to the Iraqi refugee crisis in 1991. However, as of 2019, this zone could not be created due to the conflict of interests within the Council itself.

The “open-door” policy started to be replaced by a “closed door” policy in practice, which has become more consistent since 2012. This change became more visible in 2015 partly because it was reported by the human-rights NGOs (Human Rights Watch/HRW, 2012; AI, 2014). Most recently, only three out of ten land border official gates are open for limited periods of time for commerce and humanitarian aid (HRW, 2014; Kanat and Ustun cited in Koca, 2015, p.217). Amnesty International (AI) claims that there are limited open border gates, and Syrians without passports are not allowed to cross the border unless they can prove urgent humanitarian needs (AI, 2014, p.10). Also, AI argues that access for some Palestinians were denied due to absence of proper visas (Ibid. p.12). As detailed below, the empirical research for this report conducted in different cities confirms that the open-door policy has turned into a closed-door policy, or at least a highly controlled one. Despite the empirical evidence, on 13 March 2016, President Erdogan stated that “Ankara’s open-door policy for Syrian refugees will continue due to the responsibility coming from Islamic civilization, contrary to Western hypocrisy” (Dailysabah, 2016). Furthermore, the official declaration of 3 April 2016 repeats this official statement:

There is not any change in this attitude. Turkey is bound by its obligations under international law and is determined to continue providing protection to the Syrians who have fled from violence and instability in their country (MfA, 2016).

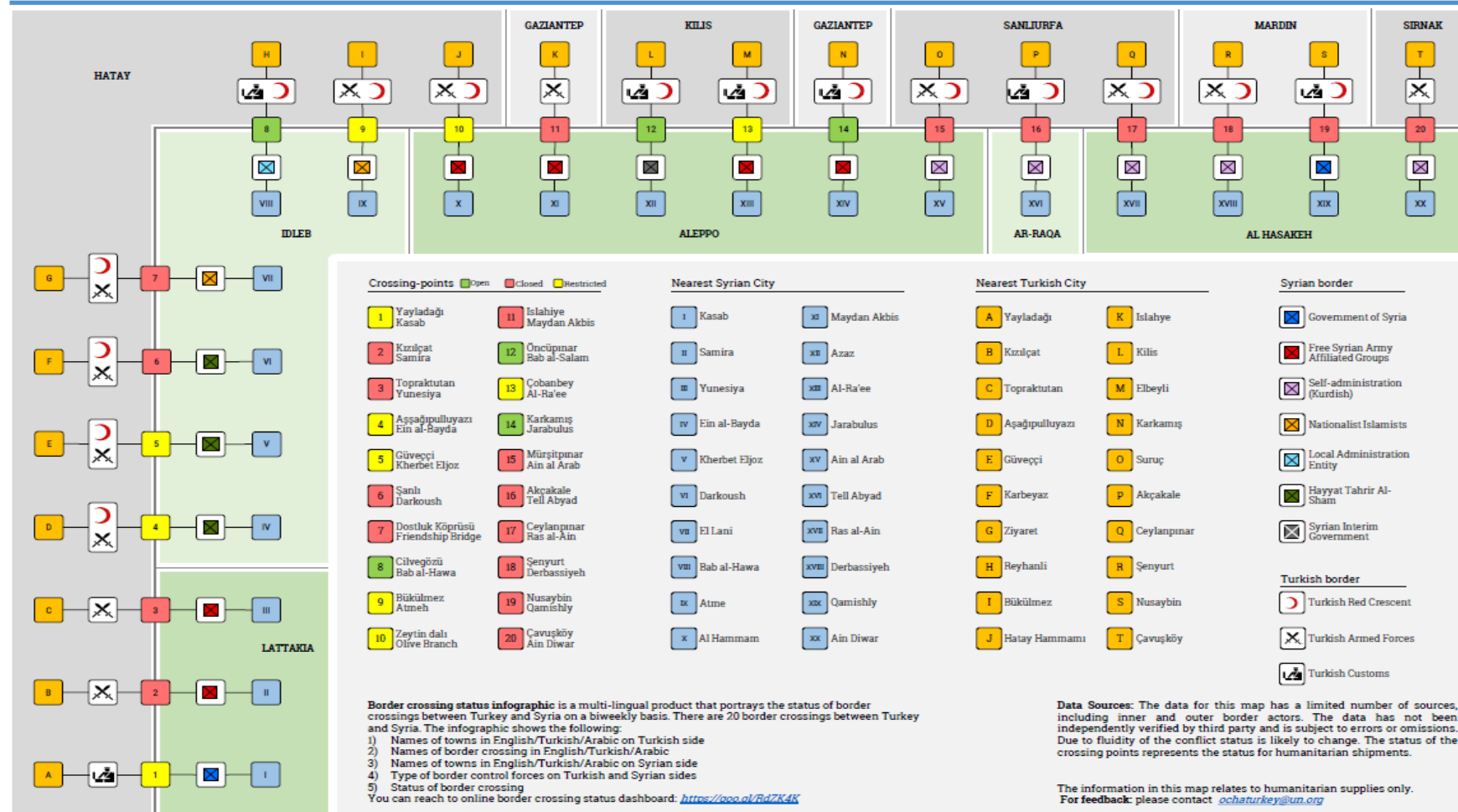
According to official records, it is possible to see the active or inactive border gates. For example, with Syria, out of 14 gates only 6 of them are active (Border Gates, 2019). Regarding numbers as of 21 March 2019, the registered Syrian refugees are 3,651,635 (DGMM, 2018a). In addition, figure 5 provides detailed information about the recent situation at the borders. The inconsistency between official declarations regarding the “open-door” policy and the situation in practice is quite controversial. As detailed below in the report, the fieldwork and the semi-structured interviews at meso level display that the “open-door” policy is not valid in practice anymore. There are only exceptional permissions for border-crossings due to emergency cases and severe health issues.

¹¹ Turkey has invented the term “zero-point operation”, which refers to a special form of aid delivery. According to international law, there needs to be either the receiving government’s approval or a U.N. Security Council resolution to be able to deliver aid to a country. Since both of these requirements are unachievable in Syria, Ankara has created its own way: Trucks carry aid just to the border, from which Syrian people in need take it over the frontier with trucks. In this way, the border violation is avoided (Hurriyet Daily News, 2014).



SYRIAN ARAB REPUBLIC TURKEY | SYRIA: Border Crossings Status

1 May 2019



Source: UN Office for the Coordination of Humanitarian Affairs (OCHA). Available at: <<https://reliefweb.int/report/syrian-arab-republic/turkey-syria-border-crossings-status-1-may-2019-enartr>> [Accessed 8 May 2019].

Finally, it needs to be mentioned that Turkey has recently opened a new gate at the Turkey-Syrian border, which became operational in late 2018 for speeding up the delivery of humanitarian aid to Afrin and meeting the infrastructural needs of the region. As of 15 March, the TRC used that door for sending trucks to Syria (Hurriyet Daily News, 2019).

Regarding the Turkey-Syria border, the Turkish government has developed a border security strategy to prevent infiltration by “militias and terrorist groups”. This strategy is stemmed from Turkey’s concern that the power vacuum and increasing influences of Kurdish military groups in northern Syria threaten border security. Turkey has framed and implemented its unilateral cross-border operations as the only option for security as it serves as a border from “threats” and is part of their right to self-defence. On 22 February 2015, Turkey launched its first cross-border military operations in Syria, called *Sah Fırat* Operation. In 2016, Turkey launched a broader scale military operation called, Operation Euphrates Shield (*Fırat Kalkanı Harekati*, 24 August 2016- 29 March 2017) and in January 2018 Operation Olive Branch (*Zeytin Dalı Harekati*) conducted in the Kurdish-controlled Afrin region in Northern Syria. There is a direct link to the Syrian refugees. President Erdogan explicitly linked the operations to the repatriation of the over three million Syrian refugees currently in Turkey, back to Syria (TRT, 2018). In a separate statement, the president’s wife publicly noted that the operation was to ensure safety in the region, noting “when security and stability is ensured in the region with Operation Olive Branch, new flows will be stopped and those who are already here are expected to be able to return to their country” (Hurriyet Daily News, 2018). She also referred to Operation Euphrates Shield after which more than 140,000 Syrians returned to Jarablus (ibid.). Thus, these operations also address a shift in Turkey’s approach to Syrian refugees and the increasing emphasis on “return policy” (Gokalp Aras, 2019, p.7). Although Turkey’s military incursions into Northern Syria raise concerns about violation of Syria’s sovereignty and Turkey’s quest for power in the Middle East, it has not yet been challenged or criticized by the international community.

Another key development is the “security wall” at the Turkey-Syria and Turkey-Iran borders which was constructed in 2016. The details about this wall, as well as the one between Turkey and Iran, are given under the “at the border” sub-section.

The “exit” dimension at the Western borders of Turkey carries utmost importance in relation to migration towards Europe. Although details will be given later on in this report, the most significant developments since 2011 at those borders are linked with the EU. By 2015, a number of factors resulted in the intensification of the collaboration between the EU and Turkey. These factors include: Turkey’s failure of its assertive policy in the region and the internationalization through the United Nations strategy, the size and length of stay of Syrian refugees, the increasing incidents¹², the increasing PYD control of territories close to Turkey and the impact of the so called “Refugee Crisis in Europe”¹³. As we have argued above, the sheer volume of post-2011 movements from Syria made the country’s response to the matter also an issue of national security independent from the EU. So, in 2015 at the peak of mass arrivals from the Turkish shores to Greece, Turkish policy and the EU objectives in controlling irregular migration once again intersected (Heck and Hess, 2016 and 2017; Gokalp Aras 2019).

¹² December 2011 incidents: : Syrian–Turkish border clash; F4 jet incident; June 2012 interception of Turkish aircraft; October 2012 cross-border clashes; January 2013 incident; February 2013 bombing; April 2013 border air raid; May 2013 Akcakale incident; 2013 Reyhanli bombing; 2013 helicopter incident; January 2014 incident on Syrian Kurdistan border; January 2014 Turkish airstrike; March 2014 Turkish shoot down of a Syrian aircraft

¹³ For further details: https://ec.europa.eu/echo/node/4115_fr and <https://www.unrefugees.org/emergencies/refugee-crisis-in-europe/>

In December 2013, Turkey and the EU signed a controversial and long-awaited Readmission Agreement (RA, 2103). In response, the EU introduced the Roadmap towards a Visa-Free Regime with Turkey, which raised Turkey's expectations regarding direct visa exemption (Roadmap, 2013). Those two documents are mainly related with the long-standing externalization policy of the EU; however, as it was mentioned above, the developments in 2015 when millions crossed the Balkan Route had a significant impact on the EU-Turkey relations in regards to border management. In this framework, the first important development was the Joint Action Plan (JAP) agreed upon by Turkey and the EU on November 29, 2015 sought to stem the mass migration movements (European Commission, 2015a).

One of the important developments since 2011 is the inclusion of NATO as a third party in border management. NATO Defence Ministers took swift decisions on 11 February 2016 to deploy ships to the Aegean Sea to support Greece and Turkey, as well as the EU's border agency Frontex, in their efforts to regain control over the movements of migrants and refugees (NATO, 2016). Following the JAP, the EU-Turkey Statement (EU-Turkey Statement, 2016), mostly referred to as the EU-Turkey deal, was accepted by both sides and accelerated the implementation of the RA. In brief, the EU Heads of State or Government and Turkey agreed "to end irregular migration flows from Turkey to the EU, ensure improved reception conditions for refugees in Turkey and open up organised, safe and legal channels to Europe for Syrian refugees" (European Commission, 2018a, p. 1). In the course of time, Turkey started to challenge "NATO's presence role in the Aegean Sea" and was increasingly unwilling to allow "even NATO forces to patrol part of its maritime border", thus it formally requested its termination in 2017 (Dimitriadi et al., 2018, p.15). The details about those developments regarding border management at the Western borders will be discussed later in this report.

In the summer of 2016, the political context of Turkey, in particular after the coup attempt on 15 July, changed dramatically and a "state of emergency" was declared which lasted until 18 July 2018. After the attempt, due to national security concerns, in particular to prevent irregular escapes from the country, Turkey tightened its border controls. Turkey even suspended the Turkey-Greece Readmission Protocol in response to a decision by a Greek court to release eight former Turkish soldiers who fled the country a day after the 15 July coup attempt (TRTWorld, 2018). The impact of the attempted coup was significantly visible, particularly during the fieldwork in Izmir as will be discussed later in this report.

4. Legal Framework

4.1. Pre-Entry Controls

4.1.1. Visas

This section firstly addresses the following questions: what are the legal arrangements for issuing visas? Which nationals need visas to enter? What have been the major developments since 2011? Secondly, the EU-Turkey collaboration regarding the visa policy will be analysed in respect to Turkey's candidate status.

Turkey has been implementing liberal and flexible visa policy, in particular for the countries in Caucasus, the Middle East and Africa. Visa exemptions apply for the countries which are in the negative list of the EU such as Libya (2009), Jordan (2009), Tajikistan (2009), Azerbaijan (2009) and Lebanon (2010). Although visa requirement for some of those countries have been re-issued, that is not the case for all of them, for example, Iran and Iraq still have visa exemption (MfA, 2019a). Kaiser and Kaya (2015) noted that "the regime governing entry and residence in Turkey is more liberal and flexible in comparison with the EU acquis", and "Turkey

faces a problem of balancing its interest for accession to the European Union which asks Turkey to tighten its entry regime with the demands of its growing tourism industry for a liberal visa policy” (p.12). Thus, since the first Accession Partnership document (APD) in 2001, the Council emphasized the need for Turkey to start the alignment of visa legislation and practice with those of the EU (Council Decision, 2001).

Turkey’s transposition of the Schengen Visa code in the wake of its accession talks for full membership to the EU, started in October 2005. In the framework of the Schengen Visa code, the demands of the EU can be summarized as investigating fake documents to combat irregular migration, abolishing the practice of issuing visas at borders, harmonization regarding visa stickers and types, respecting negative and positive list of countries regarding visa requirements and providing standardised visa policy for all the EU members. However, in practice, according to the LFIP (2013), the Council of Ministers can decide on visa exemption for certain countries and the issuing of visas at borders are still the case although the EU has been demanding the abolishment of this practice, instead suggesting a longer and more detailed procedure. Besides the technical problems such as visa types and stickers, the most controversial issue is still Turkey’s liberal visa policy; Turkey still provides mutual visa exemption for the countries that are on the EU’s negative list (Gokalp Aras, 2013, p.315). Since 1998, all the progress reports of the Commission mentioned this discrepancy between the EU’s negative visa list and Turkey’s mutual visa exemption countries list. In addition to the EU’s negative visa list, there is also a positive list, whereby Turkey needs to align its own procedures taking into account the EU’s list. In terms of the positive list, it ought to be mentioned that there is no uniformed and standardised visa procedure for all the EU members. For example, some of the member states’ citizens can enter with their national identity cards, which is not possible for some of the others. According to the most recent progress report for Turkey (European Commission, 2019a, p.49), Turkey continues to apply a discriminatory visa regime towards 11 Member States. Parallel to the EU’s demands, it should be noted that there are also some important developments as a part of visa policy; for example, the biometric security features that were brought into use on 1 June 2010. In addition, Turkey has revised its policy in regard to duration of stays allowing for 90 days within 180 days in parallel to the EU acquis.

Article 18 of the LFIP states that the Council of Ministers is authorised to “enter into agreements determining the passport and visa procedures; and under circumstances when considered necessary, unilaterally waive the visa requirement for citizens of certain states; facilitate visa procedures, including exemption from visa fee; and, determine the duration of visas”. This article means that rather than following the negative and positive list from the EU, the Turkish government decides by itself which countries’ nationals require a visa to enter Turkey. For a stay up to 90 days, a residence permit is not required and foreigners can stay for a maximum of 90 days with their valid visa. For work visas, there is a coordination between the MfA and the Ministry of Labour and Social Security. All the important documents and all the countries and the applied visa regime for them can be found at the MfA’s official web site (MfA, 2018a). The electronic visa application system (e-Visa) allows foreigners to make their visa application online with tourism and commerce purposes. Beginning from 5 January 2016, all applications for Turkish visas will have to be made through the Pre-Application System of Turkish Sticker Visa (MfA, 2018b).

The most recent Progress Report in 2019 by the EC states that although Turkey has set up seven working groups to carry out technical work for the visa liberalisation dialogue, no progress has been made in the harmonisation of the Turkish visa policy with the EU common visa policy (European Commission, 2019a, p.7). The same report states that amending the anti-terror law and practices in line with EU standards is central and it remains as one of the benchmarks in the visa-liberalisation dialogue (ibid., p.44). The report mentions the significant progress regarding biometric passports, which are also seen as the compatible with EU standards. However, the need for taking further steps to ensure full alignment with the EU visa

policy is emphasized (ibid., p. 49). To summarise briefly, Turkey needs to harmonise further its visa policy, in particular to the Visa Regulation and the Visa Code including “aligning Turkish visa requirements with the EU lists of visa-free and visa-required countries, fully phasing-out of the issuing of visas at borders and of e-visas and ensuring that the issuing of visas at consulates is carried out in line with the conditions and procedures set out in the Visa Code” (European Commission, 2018b, p.48).

Following the signature of the RA, the EU prepared a “Roadmap towards a Visa-Free Regime with Turkey” that contains 72 benchmarks or requirements that need to be met by Turkey, while Turkey had been expecting a direct visa exemption. Turkey responded to those demands with its own Annotated Roadmap towards a Visa-Free Regime (Roadmap, 2018). For the implementation of the RA, visa liberalisation was one of the pre-conditions for Turkey and since it could not be reached, Turkey has introduced some administrative measures for some of the articles of the RA.

Considering the high number of refugees as a consequence of the mass migration from Syria, visa policy regarding this country is important and ought to be mentioned here. As of 2009, Turkey started to imply liberal visa policy to Syria, which was introduced by the former Minister of Foreign Affairs, Ahmet Davutoglu, when he said “I would like to address the Syrian people here; Turkey and the Turkish people is your second home and we pave the way for visa-free travel and to welcome you” (CNNTurk, 2009). However, Turkey has started to implement visa restrictions for Syrians entering the country by air or by sea as of 8 January 2016 (Haberturk, 2015). The visa restrictions have not been applied to the Syrian refugees who cross the Turkey-Syria border by land to flee the conflict in Syria. According to the ministry of Foreign Affairs, the restriction is still valid (MfA, 2019a).

4.1.2. Carrier Sanction Legislation

According to EU law regarding carrier sanctions, carriers are responsible “to take all the necessary measures to ensure that an alien carried by air or sea is in possession of the travel documents required for entry into the territories of the Contracting Parties’ and to return third country nationals refused entry at external borders” (Council Directive, 2001, Schengen Acquis, 1985). The LFIP covers similar provisions for carriers’ sanctions in Turkey. Article 12 (a), where visa exemption is mentioned in relation with carrier sanctions, states that “visa requirement for entry into Turkey may not be sought from those foreigners who: disembark at a port city from a carrier, which has been obliged to use Turkish air and sea ports due to force majeure”.

The main article of the LFIP is Article 98 (1) regarding the “Responsibility of Carriers” that states that “carriers shall be responsible with: a) returning the foreigners that they have transported to the border gates for entry into or transit from Turkey, in cases where foreigners are refused entry into or transit to Turkey for any reason whatsoever, to the country they came from or to a country where they shall definitely be admitted”.

The LFIP Article 98 (2) states that if it is necessary, DGMM may request carriers to “bring passengers to the border gates to provide their passenger details prior to their departure for Turkey”. For being able to implement the above-given regulation, DGMM also mentions the Ministry and the Ministry of Transport, Maritime and Communications, as the partner institution [Article 98 (3)]. After the introduction of the “travel permit regulation, visibility of this legislation and its consequences became more visible in Turkey and controls have started to be made by the carriers due to the possible fines. However, in terms of the amount, there is no standardized

fine but each governorship has a different implementation concerning their basis on the related legislation.¹⁴

4.1.3. Advance Passenger Information/ Passenger Name Record Information

In Turkey, like the visa, PNR can be seen as one of the “pre-entry measures” regarding border controls and in some regard, they can be evaluated as a part of the carrier responsibilities that are mentioned previously. It is mainly limited to airline transportation. Briefly, for international and national flights, all passengers are obliged to provide travel documents and a visa (if it is required). For example, Turkish Airlines (a private airline company) asks passengers on domestic flights for a national ID card, valid passport, driver license or marriage certificate to be provided (Turkish Airlines, 2019).¹⁵ In the case of international flights, a passport, a visa (if it is required for the destination country) and other documents should be provided (Ibid.). In Turkey, the PNR system appears as the common one, while API is required by some countries, which must be collected by the airline company before the passengers’ boarding. Different to PNR, API requires the following information: passport expiration date, passport country of issue, country of residence and address of your accommodation on the first night etc.

As of 7 November 2015, Turkey adopted The Regulation on the Procedures and Principles for the Obligations of Airway Carriers in order to combat irregular migration under the name of *Turkiye Yolcu Bilgi Sistemi (TYBS)* (Regulation #29525, 2015). The legal basis of the regulation is the LFIP (Article 3, 5, 6, 7, 9, 15, 54, 98, 99 and 104), Turkish Civil Aviation Law (#2920) and the Law on the Organization and Duties of the General Directorate of Civil Aviation (#, 5431, 10 November 2005). (Regulation #29525, 2015)

Article 5 (1) of the regulation states that “carriers are obliged to take the necessary measures by checking the tickets and other passenger documents in order to prevent the unaccepted passengers from being transported, including the sale of tickets, before the flight. The same article also addresses the Ministry of Interior as the authorized institution that informs the carriers regarding the prohibition of entry to the country in line with the Article 99 of the LFIP in cases where it is inconvenient to share.

The Regulation also mentions the securing and accommodating of an unaccepted passenger (Article 6), accompanied unaccepted passenger (Article 7), and administrative fine (Article 10). Regarding PNR and API, it is possible to request passenger and flight information from carriers according to the Article 9- (1) of the Regulation as “the General Directorate shall bear carriers who bring passengers to border gates, take passengers from border gates and fly in domestic lines; may require the sharing of API and PNR information of the passengers via the communication module that provides instant data transfer at the time of flight, flight and after flight.” In order to fulfil this purpose, the General Directorate is given the role to prepare the required infrastructure for communication as well as sharing data with the carriers.

According to the newly established system, DGMM has a special department, called the working Group of Turkey Passenger Information System (TPIS, *Turkiye Yolcu Bilgi Sistemi Calisma Grubu*) that was established with the Regulation on TPIS Working Group Department (TPIS, 2018). This system is also related to the Personal Data Protection Act (*Kisisel Verilerin Korunmasi Kanunu*) that was renewed in 2016 according to the EU demands in this field (Law

¹⁴ Law #6458 (Articles 65-71, 91 and 98); Madde-3: Law #29656 (Article 91); Law #6883 (Articles 3, 21, 22, 35 and Temporary Article 1); Law #4925 (Articles 3, 6 and 26); Law #27255 (Article 38); Law #5442 (Arh<http://www.bursa.gov.tr/yol-izin-belgesi-hakkinda-karar-duyurusuticles> 11/C and 66); Law # (Article 32), Regulation # 2016/8 (Article 5). As one of the samples for the fine: <http://www.bursa.gov.tr/yol-izin-belgesi-hakkinda-karar-duyurusu>.

¹⁵ This information is obtained from the different sections of Turkish Airlines official web site: <https://www.turkishairlines.com/>

#6698, 2016). Within this framework, Turkey can also ask for detailed passenger information from all countries that are suspected, including the EU. It is foreseen that the incoming data will be analysed in the newly established centralized system under the coordination of DGMM and after the necessary operations, suspected passengers will be banned from entering the country and they will be deported.¹⁶

4.1.4. Immigration Liaison Officers

The main aim behind the creation of an immigration liaison officers' network can be summarized as gathering and sharing relevant information and aiming to prevent irregular migration, countering related criminal activities, facilitating return and managing legal migration (European Commission, 2004). The EU has almost 500 immigration liaison officers (ILOs) currently deployed by MSs to third countries (European Commission, 2018c). In this framework, in Turkey there is one European Migration Liaison Officer (EMLO) and also one European Border and Coast Guards Agency Officer (EBCGA) liaison Officer.¹⁷

The starting point of the deployment of EMLOs in Turkey was the Council Conclusions of April 2015, where one of the special aims is stated as to "step up cooperation with Turkey in view of the situation in Syria and Iraq" as well as the EC's Communication on the European Agenda on Migration in the same year (Council Meeting, 2015; European Commission, 2015b). The tasks were given to the EU Delegations in the target countries, therefore the EU Delegation to Turkey undertook this role. The responsibilities of EMLO in Turkey are to "establish and maintain direct contacts with competent national and regional authorities for cooperation with EU on migration. Provide analysis and recommendations. Coordinate and support ILOs Network Support implementation of EU return policy" (European Commission, 2004). In terms of the scope, the same document states that, generally, EMLO represents the EU migration interests.

Additionally, the Memorandum of Understanding (MoU) between Frontex and Turkey was signed on 28 May 2012. This MoU aimed at enhancing operational capabilities on the Turkish borders following an official request from Turkey. It also included risk analysis and exchange of data (Dimitriadi et al., 2018). Within the framework of the implementation of the aforementioned Memorandum, a Working Plan was signed in February 2014 in Warsaw (MfA, 2019b). After Regulation 2016/1624 came into force, the EBCG Agency also commenced deployment of liaison officers (EBCGA LO) to third countries including Turkey (MfA, 2019b). The main aim for this deployment is to play an operational role and also establishing better communication between the EBCGA and the authorities of the host countries. The main responsibility of the EBCGA LO is defined as "to develop and maintain operational bilateral cooperation with host country, draft and elaborate field assessments, support implementation of EBCGA projects and support ILOs Network" (European Commission, 2004). One of the priorities of the EBCGA liaison officer is to focus on risk analysis and return, in this regard, Turkey-Frontex Risk Analysis Network (TU-RAN) was established (Frontex, 2018).

Parallel to the above-given collaboration structure, the 7th ILOs meeting in Turkey was held on 8 October 2018 with the participation of the EU MSs representation, the consulates of the MSs and the EU Delegation Turkey and the meeting hosted by DGMM (DGMM, 2018b).

¹⁶ *Goc Idaresi Turkiye Yolcu Bilgi Merkezi Calisma Grubu Baskanligi Kurulus, Gorev ve Calisma Esaslarina Iliskin Yonerge*, Available at: <https://kms.kaysis.gov.tr/Home/Goster/140406?AspxAutoDetectCookieSupport=1> [Accessed 9 May 2019].

¹⁷ EMLOs are currently deployed in Ethiopia, Jordan, Lebanon, Mali, Morocco, Niger, Nigeria, Pakistan, Senegal, Serbia, Sudan, Tunisia and Turkey 14 EBCGA LO are currently deployed in Turkey, Serbia and Niger (European Commission, 2017).

4.2. “At the Border” Controls

4.2.1. The Legal Framework: Defining Conditions for Entry and Exit: The Conduct of Border Checks

Until the LFIP (#6458) came into force in 2013, the Passport Law (#5682) and The Law related to Residence and Travel of Foreigners in Turkey (#5683) had been the legal framework for the entrance and exit of foreigners since 1950. The LFIP (Article 124) completely abrogated the Law Related to Residence and Travel of Foreigners in Turkey. Although the Passport Law is still in force, the LFIP (Article 124) abrogated many provisions of this Law (including Articles; 4, 6-11, 24-26, 28, 29, 32, 33, 35, 36, 38, additional Article 5, first and second paragraphs of Article 5, second sentence of the first paragraph of Article 34).

Regarding entry and exit, the Passport Law states “foreign subject persons may enter and go out of places determined only by the Council of Ministers” (Article 1). Article 2 states that the “foreign subject persons are obliged to present valid passports or a passport substitute document to enter Turkey and to go out of Turkey”. The same article also gives the authority to the Ministries of Interior and Foreign Affairs to decide on the documents to be accepted instead of passports for foreign persons. With the legal change in 2013, apart from the provisions of the Passport Law which are still in force, the conditions for entry into Turkey by a foreigner are mainly and comprehensively set out in the LFIP (#6458). Pursuant to LFIP, for the legal entry into Turkey, it is required to use a valid passport or a substitute of a passport at the predetermined border gates (LFIP, Article 3(1) or the passenger entry and exit gates (Passport Law, Article 1). If there is no visa exemption, for both the entry and stay of up to 90 days, there is a need for visa.

To elaborate entry conditions, Article 5 states that “(1) Entry into and exit from Turkey shall be through the border gates with a valid passport or travel document.” As different from the previous Passport Law, the LFIP mentioned the detailed check regarding Article 7, which defines the persons who are refused to enter Turkey. Article 6 (4) states that “at the time of entry into Turkey, checks shall be carried out to determine whether or not the foreigner falls within the scope of Article 7.” During this check, the foreigner can be held for a maximum of four hours [Article (6)]. As one of the important dimensions, Article 7 provides detailed information regarding the persons who can be denied entry as follows:

Article 7: a) who do not hold a passport, a travel document, a visa or, a residence or a work permit or, such documents or permits has been obtained deceptively or, such documents or permits are false; b) whose passport or travel document expires sixty days prior to the expiry date of the visa, visa exemption or the residence permit; c) without prejudice to paragraph two of Article 15, foreigners listed in paragraph one of Article 15 even if they are exempted from a visa.

In case of a need for international protection, the LFIP states, “the conditions stipulated in Articles 5, 6 and 7 shall not be construed and implemented to prevent the international protection claim.” Different to the Passport Law’s definitions (Article 8)¹⁸, rather than health, security, morals or welfare aspects, the LFIP’s Article 7 has determined more objective criteria:

¹⁸ Art. 8, Persons who are forbidden to enter Turkey. 1. Tramps and beggars. 2. The persons who are insane and who suffer from contagious diseases. 3. Of these persons exceptions may be applied to the ones who come for the purpose of treatment or change of air by their means of transport or under the financial protection of their legal guardian and their health is not hazardous for the public health and peace. 4. The persons who are accused or condemned of one of the crimes accepted as base for return according to the agreement or agreements concerning returning the criminals which are included in the Republic of Turkey. 5. The persons who have been driven out of Turkey and still are not allowed entry.

- (1) Foreigners who shall be refused to enter into Turkey are those: a) who do not hold a passport, a travel document, a visa or, a residence or a work permit or, such documents or permits has been obtained deceptively or, such documents or permits are false;
- b) whose passport or travel document expires sixty days prior to the expiry date of the visa, visa exemption or the residence permit;
- c) without prejudice to paragraph two of Article 15, foreigners listed in paragraph one of Article 15 even if they are exempted from a visa.
- (2) Actions in connection with this Article shall be notified to foreigners who are refused entry. This notification shall also include information on how foreigners would effectively exercise their right of appeal against the decision as well as other legal rights and obligations applicable in the process (LFIP, Article 7).

According to the Article 9(1), the DGMM or governorates are given the authority to impose an entry ban against foreigners whose entry into Turkey is objectionable for public order, public security or public health reasons. The ban cannot exceed five years and under some specific conditions can be extended additional ten years [Article 9(3)]. This article provides further details about the reasons for entry bans.

4.2.2. The Legal Provisions Regarding Facilitating Entry/Criminalisation of Entry and Exit within the Context of Migrant Smuggling

It should be stated that although trafficking in persons is a serious crime and a grave violation of human rights, this is not in the scope of this report. Only “smuggling” will be focused upon in this section.

Smuggling is addressed in the Turkish Penal Code (#5237) that came into force on 26 September 2004 as replacing the previous one.¹⁹ According to the Article 79(1), smuggling is defined as “(1) Any person who, by illegal means and with the purpose of obtaining, directly or indirectly, a material gain: a) enables a non-citizen to enter, or remain in, the country, or b) enables a Turkish citizen or a non-citizen to go abroad”. The same article also states that the smugglers “shall be sentenced to a penalty of imprisonment for a term of three to eight years and a judicial fine of up to ten thousand days.” In the context of the increasing number of deaths among migrants, as of 22 July 2010, the penalties have been increased. Smuggling attempts are charged as a criminal offence. For example, if the person carrying migrants through land or on the highway is caught before reaching the border while exiting the country, smuggling will be punished as a criminal offense by lawful regulation even if it has not been fully committed.

According to the Turkish Penal Code, one of the most important elements in determining the crime of migrant smuggling is the existence of the special intent such as material and financial benefit. If the offender has no purpose of obtaining material benefits, the crime of migrant

6. The persons who are perceived as coming for the purpose of destroying the security and public order of the Republic of Turkey or helping or participating in with the persons who want to destroy the security and public order of the Republic of Turkey. 7. Prostitutes and the persons who incite women to prostitution and the persons who undertake white women trading and any types of smugglers. 8. The persons who cannot prove that they have not enough money to live in and depart from Turkey in the period they stated but they have someone to support them or the persons who cannot prove that they will not engage in one of the works prohibited to the foreign subjects.

¹⁹ The original and official text of the Law is available at <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf> (Accessed 13 January 2019). However, the translation of the Law is done by the European Commission for Democracy through law (Venice commission) Strasbourg, 15 February 2016 Opinion No. 831 / 2015, CDL-REF(2016)011.

smuggling does not exist. For example, for humanitarian reasons, if someone provides help to an immigrant, that person cannot be found guilty of smuggling. However, it is not always necessary to obtain the material interest for the completion of the crime. For example, if a person is caught who is carrying a group of immigrants on a boat, they will be still punished even if they have not received the payment yet. The Law also states that if forged documents are used for the provision of a foreigner's entry in Turkey, then the perpetrator must also be punished by fraud in private documents or in official documents (Article 212). In addition, if a foreigner has legally entered Turkey, however does not fulfil the requirements to stay and if someone provides them with the facilities to stay to obtain material benefits, it also constitutes crime (Dogan, 2018).²⁰ The other related acts regarding providing facilities to remain in Turkey can be defined as providing food, providing housing or other places. However, as mentioned above, in case of humanitarian reasons, to provide food or drinks cannot be evaluated as a crime. It should also be mentioned here that in case of asylum or mass migration, those groups are excluded from punishment when violating entry rules, as long as they apply to the Turkish government "within a reasonable period of time" (LFIP, Article 64).

In terms of exit from Turkey, both Turkish citizens or foreigners should have valid passports and the exit can be done through the pre-determined gates according to the LFIP. Therefore, regardless the reason for exit, the attempted exit from the country in a way contrary to the legislation constitutes the offense of smuggling (Turkish Penal Code, Article 79/ 1-b).

Regarding the related international cooperation and agreements, Turkey has been a part of Budapest Process²¹ and it hosted its presidency in 2006. Turkey is one of the founders of the Silk Road Region Working Group, which aims to gather transit, source and destination countries on the migratory routes together. In addition, regarding the border crossings, also as a part of the International Centre for Migration Policy Development, Turkey has been providing support for the Mediterranean Transit Migration Dialogue. Most importantly, Turkey signed the Convention against Transnational Organized Crime (Palermo Convention/Protocols) on 13 December 2000 (Palermo Convention, 2000).

4.2.3. The Legal Provisions Regarding Fingerprinting of Asylum Seekers and Irregular Migrants at the Border

Although the LFIP does not have any articles or specific regulations that clearly address fingerprinting, the Implementation Regulation of the LFIP (#29656, 2016) has related provisions. Article 124 of the Regulation of the LFIP states that "personal data of foreigners within the scope of the Law including fingerprint, palm print, retina, voice scanning and photograph shall be collected, protected, maintained, used and shared by the Directorate General or provincial directorate within the framework of procedures and principles". The same Article also elaborates on the storage of the data as "collected personal data shall be stored by recording them in a system exclusive to this purpose, indicating identification information of the foreigner along with when and by whom the data were collected." (Article 124).

Additionally, for those who are subjected to registration for temporary protection, TPR Article 21 stipulates that photographs, fingerprints or other biometric data suitable for determination of identification should be collected and recorded in the central registration database and matched with available biometric data.

²⁰ For information is available at <https://barandogan.av.tr/blog/ceza-hukuku/gocmen-kacakciligi-sucu-cezasi-nedir-tck.html> (Accessed 10 May 2019).

²¹ This is an interregional forum on migration that established in 1993 and covers Europe and Asia. One of the aims of this forum is to prevent and counteract irregular migration facilitating return and readmission of irregular migrants and prevent and combat human trafficking, for more information see <https://www.iom.int/budapest-process> (Accessed 13 December 2018).

Furthermore, according to Police Powers and Duties Law (#2559), fingerprints of asylum seekers, or if it is necessary, fingerprints of other foreigners who entered into country, are taken by the police and are registered to the official system. In practice, fingerprints collected by the Police are stored under the Automated Fingerprint Identification System which is used by various other countries (EGM, 1998). However as indicated in the Regulation, DGMM has its own finger print collection and storage module structured under a network system called Genet. Infrastructural developments of GocNet are mainly completed and the system is currently active with 46 physical and 210 virtual servers available in close circuit in all PDMMs. As stated in the DGMM's 2017 Activity Report, GocNet has already been integrated with other relevant public institutions and the enhancement activities on this matter were in progress as of April 2018 (DGMM, 2017).

Fingerprint data is also mentioned as part of “visa policy”. The EU launched the Visa Liberalisation Dialogue with Turkey on 16 December 2013, which is based on a roadmap that sets out the requirements that Turkey needs to meet. The Roadmap has five thematic groups and one of them is the “document security”. As part of this section, Turkey needs to issue “biometric passports in compliance with International Civil Aviation Organization (ICAO) and EU standards” which is supported with fingerprints and photos again according to the ICAO standards and biometric passports with chips, fully in line with EU standards (European Commission, 2016). As a result, in 2017, Turkey started to issue the new generation passports, which has the personal information section made of polycarbonate material, similar to the new generation of Turkish identity cards. The new generation of passports are also known as “e-passports” and they give a passport number, name, surname, nationality, date of birth, identification number, issuing authority, arrangement and validity date, etc. as well as the personal identification information and biometric data such as photos, fingerprints, signatures. Thus, “fingerprints” are part of the new passport and documentation process in Turkey.

4.2.4. Border Surveillance and Sea Rescue

As stated before, Turkey has a quite fragmented border management and migration control in terms of both legal and institutional framework. Focused only on mainly migration and human mobility dimensions, the following list provides the main border-related national legislation: the Law on the Protection and Security of Land Borders (Law #3497, 1988), the Law on Military Property Regions and Security Zones (Law #2565, 1982), the Coast Guard Command Law (Law #2692, 1982), the Law on the Organization and Duties of the Ministry of Interior (Law #3152, 1984), the Turkish Civil Aviation Law (Law #2929, 1983), the Law on Gendarmerie Organization, Duties and Powers (Law #2803, 1983) and the Law on Foreigners and International Protection (Law #6458, 2014). In terms of international regulations, Turkey has the memorandum of understanding with Frontex since 2012. The other related international conventions and regulations are given later under this heading.

The above-given legal framework is applied for both land, sea and air borders of Turkey. Turkey has a land configuration with 65 per cent of its border being land borders (2949 km). However, borders in the east and south east lie in mountains and these long steep land borders in the east and south east create challenges for border management (Gokalp Aras, 2013, p.284). Turkey also has a long coastline, which constitutes sea borders in its South, North and West of 6530 km (Ibid.). The country is surrounded by eight countries and the border lengths are provided by the following table and figure.

Figure 6: Turkey and Its External Land-Air-Sea Borders



Source: Gokalp Aras, N. E., 2013. A Multi-level and Multi-Sited Analysis of the European Union's Immigration and Asylum Policy Concerning Irregular Transit Migration and Its Implications for Turkey. PhD. Middle East Technical University, Social Sciences Institute Ankara, p.286.

In terms of the sea-border, particularly focusing the Aegean Sea, it ought to be stated that there are many actors including Frontex and NATO. Also, it is difficult to evaluate the existing procedures which are quite fragmented as well as not transparent and inaccessible. Regarding the Aegean Sea and the disputes, there have been interrelated issues between Turkey and Greece since the 1970s about the delamination of territorial waters, national airspace, the use of exclusive economic zones, the use of the continental shelf and the Flight Information Regions (FRI) as well as the demilitarization of some of the Greek islands based on the official claims (MfA, 2018e). They are related with the territorial jurisdictions, and they have an impact on border surveillance. For the national waters, the maritime border between Turkey and Greece has not yet been determined in an agreement. Currently, Turkey and Greece both hold 6 nautical miles of breadth in territorial waters in the Aegean Sea and there is a need for a bilateral agreement. Another interrelated problem is the continental shelf. Since there are no determined maritime jurisdiction areas between both sides, the limits of the continental shelf are not be determined yet, but there is only a jurisprudence that neither of them holds the delimited maritime jurisdiction beyond the 6 nautical miles of territorial waters. In addition, regarding the airspace area in relation with the border issue, Turkey argues that Greece's claim for the 10 nautical miles national airspace is a violation of international law and exploits the responsibility of FIR (MfA, 2018e). Due to the lack of agreements and also bilateral claims of two sides, there has been tension between the two countries.

The most important problem regarding the Aegean Sea is the Search and Rescue (SAR) Activities that are regulated by the 1979 International Convention on Search and Rescue at Sea (known as also Hamburg Convention) (IMO, 2018). There is an overlap between the Turkish and Greek Search and Rescue (SAR) zones. Thus, the coordination between these two countries carries utmost importance as it is foreseen by the Hamburg Convention. Turkey claims through its Ministry of Foreign Affairs that "disputes between Greece and Turkey on search and rescue regions are mainly due to Greece's approach as the subject matter of sovereignty. The search and rescue zones, which are determined to save human life, are not service areas" (MfA, 2018e). If at the sea border-line or in the Turkish territorial waters one boat is detected, the Greek coast guard can ask their Turkish counterpart to stop it, which is called as "early detection" and it prevents those cases from reaching Greek waters. According to the SAR rules, the responsible side has also seek-rescue duty. In addition to the early detection, both sides can use other ways to prevent the unauthorized access of boats to their waters, such as convincing them to change their route by approaching the boat or using all

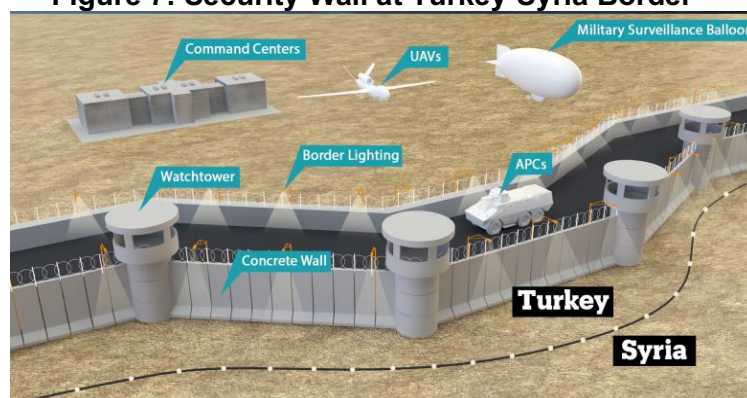
possible communication agents (FIDH, 2014, p.27). These actions are seen also as push-backs and they will be given with the other SAR problems as based on the empirical data that was collected as part of fieldwork later in this report.

Differently from the sea-border on the West that is the main exit point, the Eastern and Southern land borders appear to be the main entrance for the majority of asylum seekers and refugees, often through irregular ways. While on the sea-borders physical closeness as well as political disputes create problems, in the east and south, controlling the borders are difficult due to their physical characteristics. The Eastern and South-eastern border with Iran and Iraq is marked by mountainous geography and harsh climate conditions in winter. Concerning the border with Syria, historical, economic cross-border kinship relations make border management difficult as well as the recent Civil War in the country.

Regarding the border surveillance on the land borders, in particular with Syria, Turkey commenced construction of a “security wall” along its border with Syria in 2016 by replacing the fences to prevent terror attacks from Syria, border smuggling and illegal crossings, and to control refugee movements. The security wall is 899-km long, with an expected total cost of \$400 million. The wall is made of mobile 3-meter-high, 2-meter wide and 30-centimeter-thick concrete blocks (Milliyet, 2017). More than a mere “wall”, it incorporates a technologically advanced “Integrated Border Security System”, which is backed up by fibre optic sensors, cameras, observation balloons and unmanned aerial vehicles (Ibid.).

According to the technical information available in Turkish media, the wall is equipped with newly constructed mobile watch towers that are equipped with advanced technological surveillance. They are constructed with durable material to protect against mortar and rocket attacks, as well as being composed of five floors where the needs of soldiers are met. It should be noted that when there is no need for security or when security needs arise in the other regions, they can be moved and re-established for the desired purpose (CNNTurk, 2018; Haberler, 2018; TRTHaber, 2018).

Figure 7: Security Wall at Turkey-Syria Border²²



Source: Islam Media Analysis, “Turkey official says border wall with Syria near completion”, 18 January 2017, Available at: <<http://www.islamedianalysis.info/turkey-official-says-border-wall-with-syria-near-completion/>> [Accessed 19 February 2019].

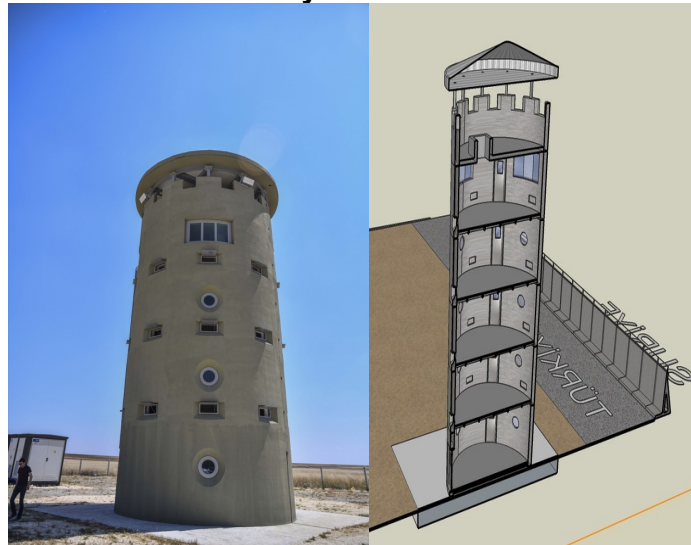
This new model of border control is supported with the high-tech systems that go beyond land borders to include Coastal Surveillance Radar Systems (SGRS) to monitor sea borders. It was written that the wall, called as “*Türk Seddi*”, will be the third longest wall in the world after the Great Wall of China and the US-Mexico border (Ensonhaber, 2018).

²² Source: Islam Media Analysis, “Turkey official says border wall with Syria near completion”, 18 January 2017, Available at: <<http://www.islamedianalysis.info/turkey-official-says-border-wall-with-syria-near-completion/>> [Accessed 19 February 2019].

Parallel to the long-standing EU demands regarding border management, in particular as following JAP, the wall can be seen as one of the most concrete efforts by Turkey regarding border control (Gokalp Aras, 2019, p.7). However, since the border management changes in Turkey cannot be solely explained by the EU's impact, it is also possible to see the wall itself as "a new marker and symbol of territorial sovereignty due to various terror attacks and infiltrations" (Aras, 2017, p.1). The wall is supported by a security road where Turkish soldiers conduct patrolling.

Moreover, Turkey has started erecting a wall on Iranian border as well. There is news that Turkey will erect walls on the Iraqi and Armenian border (DW, 2017). The Minister of Interior, Suleyman Soylu has stated the modular concrete walls at the Turkey–Syria and Turkey–Iran borders and in total 76% of the existing projects regarding border security roads have been completed (Soylu, 2018).

Figure 8: Watch Towers at Turkey's South and East Land Borders



Source: The picture on the left is taken from <https://www.trthaber.com/haber/turkiye/suriye-sinirinda-564-kilometrelik-guvenlik-duvari-tamamlandi-369310.html> and the drawing on the right is taken from <https://www.haberturk.com/tv/gundem/haber/1661721-suriye-sinirina-orulen-duvar-bitti-kulekollar-yapiliyor/2> and merged for better visualization by the authors [Accessed 17 February 2019].

4.3. Internal Controls

This section focuses on the regulations on stay and residence; detention; apprehension measures detaining and removal (instead of the term "deporting/deportation", in Turkish legislation the term "removal" is used) and irregular migration (national legislation uses the term "irregular migrant" rather than unauthorised/undocumented migrants).

4.3.1. The Key Provisions for Regulating the Stay of Refugees, Asylum Seekers and Irregular Migrants

Regulations on stay, residency and secondary movements (from Turkey and within Turkey)²³, which are associated with the status granted to the migrants, determine ways in which internal

²³ "Secondary movements occur when refugees or asylum-seekers move from the country in which they first arrived to seek protection or for permanent resettlement elsewhere", European Parliament (2017). "Secondary movements of asylum-seekers in the EU asylum system", available at [http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608728/EPRS_BRI\(2017\)608728_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608728/EPRS_BRI(2017)608728_EN.pdf)

controls operate within the borders of receiving country. In this framework, Article 19 of the LFIP states that “foreigners who would stay in Turkey beyond the duration of a visa or a visa exemption or, longer than ninety days should obtain a residence permit.” The LFIP also requires that “all foreigners arriving Turkey with a residence [or] a work permit issued by the consulates should register with the address-based registration system no later than twenty working days as of the date of arrival” [LFIP, Article 26 (2)]. This address-based registration provides a main tool of internal controls of foreigners.

Article 30 of the LFIP identifies six types of residence permits, including short term, student, family, long term and humanitarian residence permits as well as residency permit for victims of human trafficking (Cetin et. al., 2018, pp.631-7). However, the LFIP does not envision the granting of residence permits to either international protection status holders or beneficiaries of temporary protection. These categories are exempt of the residence permit requirement but they are given rights to stay on the basis of international protection status respectively (AIDA, 2019a).

Humanitarian residence permits and human trafficking residency permits are also crucial for controlling the stay of irregular migrants in the country and are related to readmission and deportations. The humanitarian residence permit is issued for one year if the applicant meets some of the pre-determined criteria with the LFIP Article 46 and 47. In case of delays regarding removal, humanitarian residence is provided due to the limited capacity of removal centres. After individuals are issued humanitarian residence permits, they are required to register in the address-based registration system within twenty working days [LFIP, Article 46 (1)]. This enables the state's control of their secondary movements within Turkey.

Another type of residence permit, for victims of human trafficking, is granted for 30 days by the governorates, and may be renewed for six months periods (total duration cannot exceed three years). This residency is granted “to break from the impact of their [negative] experience and reflect on whether to cooperate with the competent authorities” (LFIP, Article 48-49). Such residence permits shall be terminated in the cases where “victims of human trafficking have re-connected with the perpetrators of the crime through their own volition” [LFIP, Article 49 (2)].

The status for stateless persons is granted by the DGMM and a Stateless Person Identification Document, issued by Governorates, which enables their legal residence in Turkey, is subject to renewal in every two years [LFIP, Article 50 (1) (2)]. Applications of the stateless persons for status in another country and the acquisition of the nationality of another country make the status and the Identification document invalid [LFIP, Article 50 (1) (4)]. Stateless persons “shall not be deported unless they pose a serious public order or public security threat” [LFIP, Article 51 (1-b)].

Concerning the stay and residence of asylum seekers, there has been a dual system that differentiates between European and non-European asylum seekers as based on Turkey's geographical limitation (Cetin et. al., 2018, pp.631-7). The first group can obtain “refugee” status”; while the second group can only obtain “conditional refugee status”²⁴. There is another duality between Syrian and non-Syrian refugees. Due to the Syrian mass migration, Syrian

(Accessed 19 February 2019). However, in Turkey secondary movements also refers to asylum seekers' and refugees' forced movements from the city they enter to the satellite cities that they need to reside.

²⁴ LFIP (Article 62): A person who as a result of events occurring outside European countries and owing 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 or herself of the protection of that country; or who, not having a nationality and being outside the country of former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted.

conditional refugee status upon completion of the refugee status determination process. Conditional refugees shall be allowed to reside in Turkey temporarily until they are resettled to a third country.

refugees are granted another international protection status, which is called “temporary protection”.²⁵ The LFIP and the Temporary Protection Regulation (TPR)²⁶ make a legal basis for the status of asylum seekers from Syria and those from other countries to be the subject of two different protection regimes in Turkey, with distinct sets of procedural rules, reception provisions and detention considerations (Ibid., p.9). The differences in terms of residency, travel, and deportation will be further elaborated in the following section.

Institutionally, the DGMM is the main body responsible for the registration of all individuals who apply for international and temporary protection. DGMM has provincial offices. While the registration and conditions of stay for those having international protection is regulated by the LFIP, it is elaborated further for the temporary protection status holders with the TPR and relevant circulars (Circular, 2016).

The LFIP asserts that “International protection applications shall be registered by the governorates”, with true identification documents. In the case of a lack of identification documents, a person’s statement is accepted [LFIP, Art.69 (1-3)]. At the time of registration, the applicant is issued with “a registration document valid for thirty days indicating the international protection application and containing identity information” and is informed about the date and place of interview [(LFIP, Art.69 (5,7)]. Before 10 September 2018, the procedure was mainly conducted by the UNHCR and its national implementing partner ASAM. After the completion of the first registration and interview with the UNHCR/ASAM in Ankara, the applicant and her/his family are issued an International Protection Applicant Identity Document along with a foreigner’s identification number (FIN). “Holding a FIN is essential for all foreign nationals in procedures and proceedings regarding access to basic rights and services” (AIDA, 2018a, p.59). If the application for international protection could not be finalised, the registration document shall be extended for a validity period of six months [(LFIP, Art.76 (1)] without getting FIN. Those whose procedures were finalized have to travel to their assigned “satellite city” to inform relevant PDMM. However, as of 10 September 2018, the entire procedure of refugee status determination (RSD) moved under the authority of the DGMM. According to the new procedure, the UNHCR will not be taking any pre-registrations and the RSD procedure will be conducted solely by the DGMM as the national authority assigned under the LFIP. The UNHCR’s official web-site states that

UNHCR has provided support to DGMM during its formation process, including registration of international protection applicants and referral processes. As of 10 September 2018, UNHCR stopped registering and making referrals of foreigners wishing to apply for international protection in Turkey. As of 10 September 2018, UNHCR stopped carrying out mandate Refugee Status Determination procedures (UNHCR, 2018c).

According to the LFIP, foreigners should apply for international protection to PDMM offices in any of the 81 provinces upon their entry to Turkey. As it was stated above, PDMM is the agency responsible for registering and further processing of all applications for international protection lodged by individuals. However, the UNHCR’s actions are limited with protection activities such as the delivery of counselling services to refugees and asylum-seekers in Turkey. It is also emphasized that “the UNHCR will continue to have access to international protection

²⁵ According to Article 91 of the LFIP, ‘temporary protection may be provided for foreigners who have been forced to leave their country, cannot return to the country that they have left, and who have arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection’. The detailed information is also provided by the Turkey- country Report: Legal and Policy Framework of Migration Governance. Available at: <<https://www.respondmigration.com/wp-blog/2018/8/1/comparative-report-legal-and-policy-framework-of-migration-governance-pclyw-ydmzj-bzdbn-sc548-ncfcp>> [Accessed 19 February 2019].

²⁶ This Regulation is prepared on the basis of Article 91 of the LFIP.

applicants and, subject to the consent of the applicant, to the information concerning the international protection application lodged by the individual with PDMM (UNHCR, 2018c). There are no official figures regarding the number and the nature of decisions on asylum applications. In addition, no figures are available regarding the overall number of non-Syrian refugees who have been resettled in third countries; however, 15,329 Syrians were resettled in third-countries between 2014-2019 (DGMM, 2019). With the new change, only the parallel procedure between Turkey and the UNHCR is changed but the resettlement will continue to be done by the UNHCR.

For those granted conditional refugee or subsidiary protection status, the ID is valid for one year [LFIP, Art.83 (1-2)]. These IDs substitute a residence permit without subject to fees. The content, format, and validity of all these IDs granted to beneficiaries of international protection, conditional refugees, subsidiary protection, and statelessness are regulated with a Formal Information Note in September 2014 (Information note, 2014).

Referral centres are under the authority of DGMM, which conducts the identification and registration procedures for foreigners who arrive in Turkey to seek temporary protection [TPR, Article 19 (1)]. "Governorates shall issue temporary protection identification document to those whose registration proceedings are completed" free of charge for a certain validity period or indefinitely and beneficiaries are given foreigner identification number [TPR 22 (1, 2,3)]. The second paragraph of the same article states that "foreigners under this Regulation, who are considered to potentially pose a threat to public health, shall undergo health checks in accordance with procedures and principles to be determined by the Ministry of Health and necessary measures shall be taken when considered necessary".

The registration of temporary protection differs from applicants of international protection. Temporary protection status is granted to those "who arrived at or crossed the borders of Turkey in a mass influx seeking immediate and temporary protection" (implying refugees arriving from Syria within the context of TPR 2014). As Refugee Rights Centre (2017) writes

Since March 2016 (Circular, 2016), the registration process is divided into two main stages. The first is preregistration, which is carried out by either the Foreigners' Police branches or Sub-Provincial Directorates of Security. The second stage is registration, for which PDMM offices are the responsible authority (RRC, 2017).

After Syrians completed pre-registration, they are given a Pre-Registration Document with a validity of 30 days (which may be extended for another 30 days). The document contains a Foreigner's ID Number starting with "98". This pre-registration document enables them to access primary health care services (Circular, 2016). After being granted eligibility (which requires risk evaluation of relevant security and intelligence departments and final decision of DGMM, and PDMM), a person's information is uploaded to GocNet's temporary protection module by PDMM's officers. These beneficiaries are obliged to approach PDMM for completing registration and to obtain a Temporary Protection Identity Card that will replace Pre- Registration Document. This document is free of charge. It contains a photo, basic identity information, and a Foreigners' ID Number starting with '99'. This ID is not the equivalent of a residence permit (Refugee Rights Centre, 2017, p.4). It means that they cannot be transited to a long-term residence permit and their duration cannot be used for applying for Turkish citizenship [TPR 25 (1)]. The Temporary Protection Identity Card regularizes the stay of persons in Turkey. It allows them to stay in the province where they complete their registration processes. The Foreigners' ID Number is critical to access fundamental rights and services such as health care and education (RRC, 2017).

The most important internal control mechanism for asylum seekers is residence and the obligation to report to the authorities. Authorities oblige those under international protection (non-Syrians) to "reside in the designated reception and accommodation centres, a specific

The above-given article authorises the DGMM to limit freedom of movement of Syrians to a particular location (AIDA, 2019b). However, until the 2015, those limitations were not applied strictly but 29 August 2015, “an unpublished DGMM Circular²⁸ ordered the institution of a range of measures by provincial authorities to control and prevent the movement of Syrians inside Turkey” due to the growing irregular sea crossings of Syrian nationals and the impact of the EU-Turkey Statement (ibid.)

In addition to the residency rules as a part of the internal controls, “travel permits (*yol izin belgesi*)” is another internal control tool for recipients of international protection. Travel permits are not only for international protection, but also for Syrians with a temporary protection status. Those permits are important in the internal control mechanism that has been strictly implemented which obliges conditional refugees to hold a “travel permit” document. With the 2016 Circular²⁹, it is further clarified that migrants with a temporary protection status are permitted to stay in the province where they are issued temporary protection IDs (Circular, 2016, A-2D, p.4).³⁰ This circular was introduced by the DGMM’s International Protection Unit (*Uluslararası Koruma Daire Başkanlığı*) dated 15 March 2016. It states that “Syrian foreigners residing in Turkey should not leave the province where they are registered because of their access to rights and services as well as to provide public safety and security” (Circular, 2016). It was written that “this issue should be sensitively followed up to avoid any trouble” (AIDA, 2018b). This circular is delivered to 81 provinces and governorates and available to relevant state authorities (District Governorates, Provincial Gendarmerie Command, Provincial Security Directorate, Provincial Directorate of Disaster and Emergency, Provincial Directorate of Family and Social Policies, Provincial Directorate of National Education, Provincial Directorate of Health) (AIDA, 2018b).

With this Circular (2016), Syrians are required to obtain travel authorisation document from provincial governorates when they travel to another city other than the one in which they are registered. The permits are valid for 15 days. During the process of buying tickets and during travel, they are required to present both travel permit documentation and their temporary protection IDs (*geçici koruma kimlik belgesi*) (Travel Permits, 2018). Carriers have an obligation to get one copy of each document and present them to the authorities if required. Also, after their return to the city where they are registered, they are required to report their presence to the PDMM. If the travel period will take longer than 15 days, they may apply for an extension (maximum another 15 days) before the travel permission document expires (RRC, 2017, p.10). Since all access to rights and services (education and health) depends on where they register, the documents are critically important (RRC, 2017, p.10).

All these obligations serve the control of residency and secondary movements of temporary protection beneficiaries within the country. These registrations, verifications of records and address updates have been strictly implemented since 2016 (after 2016 March Circular) and Syrians have been informed about these obligations.³¹ In addition, the Circular of DGMM

²⁸ DGMM Circular No 55327416-000-22771 of 29 August 2015 on “The Population Movements of Syrians within the Scope of Temporary Protection”.

²⁹For the original text in Turkish:

http://kizilcahamam.meb.gov.tr/meb_iys_dosyalar/2016_03/22094122_gkkusulveesaslargenelge.pdf [Accessed 26 August 2019].

³⁰ They have to stay in the province where they registered [TPR Art. 24 (1)] and they have to inform PDMM of changes of address. Foreigners under temporary protection are obliged to register in the Address Registration System and notify the changes in their address in twenty business days [TPR, 33(2-d)]. They are only able to practice these rights and use the services in the province where they completed their temporary protection registration and where they obtained a Foreigners’ ID number (RRC, 2017, p.5).

³¹ For further information see <http://www.goc.gov.tr/icerik3/adres-degisikligi-islemleri_558_560_8969>, [Accessed 19 February 2019].

(2017/10) was introduced on 29 November 2017 that specifies PDMM may introduce reporting obligations on temporary protection beneficiaries by means of signature duty as similar to the beneficiaries of international protection. Failure to comply with reporting obligations may consequence the cancellation of temporary protection status.

Also, although for Syrians, there is no obligation to stay in designated centres or satellite cities, they are obliged to follow specific rules that have been constantly getting stricter. It is also the fact that there are some cities where it is not possible to make temporary protection applications, which are Istanbul and also the other nine border cities (HRW, 2018a). This is due to the fact that governorates have had a power of discretion for not accepting registration of more Syrians as observed in Istanbul and Hatay since the early months of 2018 (Cetin et al., 2018, p.644). Furthermore, as of July 2019, the controls were increased and in particular for Istanbul, Syrians were given time by the Mol until 20 August 2019 to turn to the cities that they have been registered according to the statement by the Governorship of Istanbul:

Although they are under temporary protection, the Syrian nationals who are not registered (registered in other provinces) in Istanbul, are given until 20 August 2019 to return to the provinces where they are registered. Those who do not return at the end of the specified period, according to the instructions of the Ministry of Interior will be taken to the provinces where they are registered” (T24, 2019)

The TPR further elaborates the cases in which temporary protection beneficiaries intend to depart to any other country for either the purpose of resettlement or a temporary visit. These people are required to get permission from the DGMM, known as an exit permit (TPR Article 44, TPR). Syrians who plan a family reunification departure from Turkey must first register with DGMM as a “temporary protection beneficiary”, then they are able to request and obtain an exit permit to legally leave Turkey to another country.

In general, complexities and vagueness about travel documents (for those under international protection) raise questions about the implementation of 1951 Convention travel document right.

4.3.2. Apprehensions and Administrative Detention

As it was summarized in the RESPOND Project WP1 Report (Cetin et. al., 2018), irregular migrants who are caught and apprehended by law enforcement units, should immediately be reported to the governorate for a decision to be made concerning their removal (deportation) status [LFIP, Article 57(1)] (Cetin et al., 2018, pp. 670-4). Illegal entry or illegal stay in Turkey does not hinder the right to apply to international protection [LFIP, Article 65(4)]. If they lodge an international protection application to law enforcement units, the application should immediately be reported to the governorates [LFIP, Article 65(2)]. According to LFIP Article 57 (1), the duration between the apprehension of an irregular migrant and a decision to be rendered whether they would be removed or not should not exceed 48 hours. If the decision is “removal”, then the governorate may issue administrative detention for those, who bear high risk of disappearing or are seen as a threat to public order [LFIP, Article 57 (2)]. Table 1 provides a list of removal centres, where administrative detention is realised.

Table 1: List of Removal Centres

SUBJECT		R.N.	PROVINCE	TOTAL
AVAILABLE AND PLANNED REMOVAL CENTERS	REMOVAL CENTERS OPERATED BY OUR DIRECTORATE GENERAL		TOTAL	14.726
		1	ADANA	80
		2	AĞRI	400
		3	ANTALYA	170
		4	AYDIN	564
		5	ÇANAKKALE	400
		6	EDİRNE	500
		7	ERZURUM ¹	750
		8	ERZURUM ²	750
		9	GAZİANTEP	750
		10	HATAY	192
		11	İSTANBUL (BİNKILIÇ)	120
		12	İSTANBUL (SİLİVRİ)	270
		13	İZMİR	750
		14	KAYSERİ	750
		15	KIRIKKALE	200
		16	KIRKLARELİ	750
		17	KOCAELİ	350
		18	MALATYA	350
		19	MUĞLA	88
		20	VAN 1 (TUŞBA)	392
		21	VAN 2 (KURUBAŞ)	750
		22	İSTANBUL (TUZLA-KONTEYNER)	900
		23	İĞDIR*	1.500
		24	OSMANİYE (DÜZİÇİ) *	3.000
	CENTERS UNDER CONSTRUCTION		TOTAL	200
		1	BURSA	200
	CENTERS PLANNED TO BE OPENED		TOTAL	3.150
		1	ADANA	400
		2	BALIKESİR	200
		3	ÇANKIRI	750
		4	KÜTAHYA	400
		5	MALATYA	400
		6	NİĞDE	400
		7	ŞANLIURFA	600
	CENTERS WITHIN LODGEMENT PROGRAM		TOTAL	1.400
		1	ANKARA	800
		2	BAYBURT	200
		3	HATAY	400

*Geçici Geri Günderme Merkezi

SUBJECT		I.N.	PROVINCE	TOTAL
RECEPTION AND ACCOMMODATION CENTERS	CENTERS OPERATED BY OUT DIRECTORATE GENERAL		TOTAL CAPACITY	150
		1	YOZGAT	100
		2	TEKİRDAĞ	50

Source: DGMM, 2019b. Removal centres under the DGMM Management, Available at: https://www.goc.gov.tr/icerik6/removal-centers_915_1024_10105_icerik [Accessed 9 July 2019].

The LFIP provides new terms regarding immigrant detention under the “Administrative detention and duration of detention for removal purposes”. Article 57 (2) states the following

Those for whom a removal decision have been issued, the governorate shall issue an administrative detention decision for those who; bear the risk of absconding or disappearing; breached the rules of entry into and exit from Turkey; have used false or fabricated documents; have not left Turkey after the expiry of the period granted to them to leave, without an acceptable excuse; or, pose a threat to public order, public security or public health.

In addition, it is foreseen that the detention of persons seeking protection should be an exceptional measure (Article 68). Previously, Article 4 of the Passport Law and Article 23 of the Law on the Sojourn and Movement of Aliens were mentioned administrative detention;

however, those articles were unclear about the detention. Instead, they explain a type of accommodation carried out by the authorities; however as clearly causing deprivation of liberty.

Article 57 of the LFIP references Article 54 which lists, all the grounds for a decision of removal, in other words deportation. Therefore, the very same article provides the criminalisation of the actions as ranging from being a member of terrorist activities to overstaying visa or the visa exemption. Article 54 (1) also mentions working without a work permit or having rejected international protection. Article 57 (2) also states that “foreigners subject to administrative detention shall be taken to removal centres within forty-eight hours of the decision by the [same] law enforcement unit that apprehended them”.

The duration of administrative detention in removal centres shall not exceed six months [Article 57 (3)]. However, in the case of uncompleted procedures due the lack cooperation with the foreigner, this period can be extended for a maximum of six additional months. This means that administrative detention is possible for up to one year. However, for the extension of the detention period, Article 54 (4) requires monthly reviews by the authorities regarding the necessity of the detention. It should be noted that the legal representation or lawyer (if the foreigner does not have the means to pay the attorney’s fee, legal counsel will be provided) of the foreigner who is subject to administrative detention may appeal this decision through the Judge of the Criminal Court of Peace and the decision by the Court should be taken within five days [Article 54(6)]. However, empirical data collected as a part of the RESPOND’ fieldwork and many reports³² shows that there are a significant number of cases where the above-given legal framework is not respected.

The LFIP clearly states that “applicants of international protection cannot be the subject of administrative detention for lodging an international protection claim” [LFIP Art.68 (1)]. Nevertheless, Article 68 (2) of LFIP specifies “four grounds” on which the administrative detention of international protection applicants can be justified:

- a) for the purpose of determining the identity or nationality [of the person] in case there is serious doubt as to the accuracy of the information provided;
- b) for the purpose of being withheld from entering into Turkey in breach of terms [and conditions] of entry at the border gates;
- c) when it would not be possible to identify the elements of the grounds for their application unless subjected to administrative detention;
- c) when [the person] poses a serious public order or public security threat [LFIP Art.68 (2)]

According to Article 58 and 59 of LFIP, foreigners subject to administrative detention are held in removal centres. The working principles of removal centres and basic rights of detainees are regulated under article 59 of the LFIP. Accordingly, detainees may have access to emergency and primary healthcare services, may be given opportunity to meet with their relatives, the notary public, their representatives and lawyers, and may have access to telephone services. They may also have contact with consular officials of their country of citizenship and officials of the UNHCR. Representatives of the relevant NGOs with expertise in the field of migration may visit the removal centres upon obtaining permission from the DGMM. Families and unaccompanied minors should be accommodated in separate areas in order to enable children to have access to education and the responsibility lies with the Ministry of National Education to take the necessary measures. The person also has the right to challenge the removal decision. After giving a written notification of a person who is subject of

³² Deportation Monitoring Aegean, 2019. “Surrendered to Harmandali Removal Prison”, 4 June 2019, available at: <https://dm-aegean.bordermonitoring.eu/2019/06/04/surrendered-to-harmandali-removal-prison-how-eu-policies-lead-to-expulsion-and-maltreatment-of-migrants-deported-to-turkey/> [Accessed 10 July 2019].

detention, the period of administrative detention for applicants shall not exceed thirty days [LFIP Art.68 (5)]. Appeal against the detention decision is possible, and it should address the Judge of the Criminal Court of Peace. However, such an application does not suspend the administrative detention, but the Judge has to finalise the assessment within five days as a final decision.

The persons concerned, their legal representative or lawyer may appeal against the removal decision to the administrative court within 15 days from the date of the notification of the removal decision [LFIP, Article 53(3)]. The appeals should be decided within 15 days and the decision of the court on the appeal is final (Ibid). The appeal has a suspensive effect; therefore, the person should not be removed during the judicial appeal period (Ibid). However, there is an exception for the suspensive effect for the appeal of those who are given a removal decision due to being leaders, members or supporters of a terrorist organisation or a benefit oriented criminal organisation; posing a threat to public order or public security or public health and being associated with terrorist organisations which have been defined by international institutions and organisation (Ibid). Once the detention period has ended, an individual may be removed to his/her country of origin, a transit country or a third country [LFIP, Article 52(1)]. However, before each removal action, an assessment for compatibility with non-refoulement needs to be made [LFIP, Article 4; Implementing Regulation of LFIP, Article 4]. Therefore, the removal may take place as long as the destination country is safe in terms of the non-refoulement principle. According to LFIP, Article 74, a third safe country is defined as “a safe third country in which he/she has lodged an [international protection] application or in which it would have been possible to lodge an international protection claim that could have resulted in the granting of appropriate protection in compliance with the Convention”. Persons under detention who are subject to implementation of the removal decision are taken to border gates by law enforcement unit [LFIP, Article 60(1)]. If an irregular migrant is unable to cover his/her travel costs, the full or remaining cost of travel should be covered from the budget of the DGMM [LFIP, Article 60(3)].

Finally, based on the fieldwork and conducted interviews, on the 24th May 2018, a new internal regulation was issued by DGMM. Before, in the case of irregular border-crossings, Syrians used to be released without taken into the removal centres. The interviewees (both state and non-state actors) stated that before this regulation, the number of Syrians was quite high and that there were many attempts to cross the border. However, after the introduction of this regulation, Syrians are escorted by law enforcement actors and accompanied to the existing temporary accommodation centres (as they are officially referred to, however are commonly referred to as “camps” in informal language) in the south-eastern border cities. These are not removal centres, they are government-financed centres where vulnerable Syrians have been sheltered since 2011. As these are not removal centres, after registration with the camp authorities, Syrians are free to leave the camps. Despite the research for this report, we were unable to obtain official documents regarding the 24th May regulation. However, the meso level interviews which mention this new internal regulation and the related implementations are given later in this report.

4.3.3. Deportation

The concepts of forced return and deportation are not used in in the LFIP’s official English translation, rather the term of “removal” is used, which refers the process of the forced return of an individual to the origin, transit or a third country based upon an administrative or a judicial decision (IOM, 2009, p.63). However, although the official documents use the term “removal”, the action refers to “deportation” in practice. It should be noted that removal can be seen as violating both the following constitutional rights: “everyone has the right to personal liberty and security” (Article 19) and “Everyone has the freedom of residence and movement” (Article 23) of the Constitutional Law. However, Article 16 provides the legal basis for some restrictions as

it follows “the fundamental rights and freedoms in respect to aliens may be restricted by law compatible with international law.”

Regarding return, first of all it should be noted that the LFIP states that

No one within the scope of this Law shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion (Article 4).

In the above-given framework, Article 52 (1) of the LFIP defines removal as: “foreigners may be removed to their country of origin or a transit country or a third country by virtue of a removal decision.” The DGMM or state authorities hold jurisdiction to issue a removal decision [LFIP, Art.53 (1)] There are fifteen criteria set out at the Article 54 of the LFIP, including being involved (as supporters, leaders, members) in terrorist or criminal organisations; submitting false documents during legal procedures about entry, visa, and residence actions; posing a public order, public security or public health threat; violating rules about residency status, violating terms and conditions for legal entry into or exit from Turkey; having been issued a negative decision about international protection application [LFIP, 54 (1)]. Exemptions of removal are assessed and decided on a case by case basis [LFIP, 55 (2)]

After the finalization of the decision, the foreigner is granted “no less than fifteen days and up to thirty days to leave Turkey” [LFIP, Art.56 (1)]. However, the same article states that this period should not be granted to the foreigner under many circumstances, particularly cases in which the foreigner pose a public order, public security, public health threat [LFIP, Art.56 (1)].

Asylum seekers whose case has been rejected will be safe from being subjected to a deportation decision for 15 days following the communication of the rejection to them by the PDMM. If they choose to file an appeal with the relevant court within this time frame, they will be protected from a deportation decision until the finalisation of this appeal application. The Bar Associations provides legal counselling and assigns lawyers. However, there are no statistics about the number of the appeals.

Moreover, the right of appeal of foreigners was almost eliminated with the amendment of Article 53, 54 at the Legislative Decree No. 676 (*Kanun Hukmunde Kararname*) which was issued on 29 October 2016 under the Emergency Law Period (KHK #676, 2016). The amendment clarifies that foreigners who are leaders, members or supporters of a terrorist organisation or a benefit oriented criminal organisation; who pose a public order, public security or public health threat; and who are affiliated with terror organisations that are recognized by international institutions shall be removed at any stage of their international protection procedure.³³

Attempting to leave Turkey in an irregular manner is one of the grounds for deportation and a person may also be detained for this reason. Applicable legislation as well as international agreements to which Turkey is a party requires Turkish authorities not to deport persons who are in need of international protection (RRC, 2017, p.13).

As of July 2019, deportation was intensively discussed. As following the statement made by the Governorate of Istanbul, which gave time until August 20 to return where they have been registered (Euronews, 2019), the Ministry of Interior, Suleyman Soylu gave another statement on the following day regarding the operations against irregular migrants, where he stated that

³³ Also see amended version of the LFIP, Available at: <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.6458.pdf> [Accessed 20 February 2019].

“last year, we have deported a total of 56 thousand illegal immigrants. This year, the average is 80 thousand, which means that almost 40-50 percent higher than the last year. We have to do this” (tv100, 2019). However, at another platform, Soylu mentioned the number of irregular migrants who arrested as 268 thousand and at the end of 2019, it is expected to more than 300 thousand (Sabah, 2019). The statements from different officials regarding irregular migration and Syrians in particular in Istanbul have created reactions from the civil society and academia, thus both the Minister of Interior and the DGMM General Director shared statements, which mentions that it is not possible and planned to deport any Syrians who are under temporary protection (CNNTurk, 2019; FP, 2019; Gazeteduvar, 2019a; TRTHaber, 2019). However, since July, the deportation cases have been increasingly reported not from Istanbul but also the other cities, which need to be monitored closely.

4.3.4. Voluntary Return

In contrast to “removal”, “return” will be referring to “voluntary return” in this report. The LFIP regulates voluntary return under “support for voluntary return” with Article 87 (1) and beneficiaries of temporary protection have a right to voluntarily return to Syria: “Material and financial support may be provided to those applicants and international protection beneficiaries who would wish to voluntarily return”. According to the same article paragraph 2, the DGMM is the responsible authority to carry out voluntary repatriation activities in coordination with international organisations, public institutions and civil society organisations.

Those who would like to voluntarily return have to apply to the PDMM office in their city of registration. They must complete a Voluntary Return Form and take a copy of it along with a travel permission document. With these forms, they are able to freely travel to the appropriate border crossing point and leave Turkey. Voluntary return means accepting the termination of temporary protection status; thus, authorities take away their Temporary Protection ID Card at the border. Article 85 (1) of the LFIP clearly states that “The international protection status shall terminate in cases where the beneficiary if/when: ... voluntarily returned to the country from which they have fled or stayed outside of due to fear of persecution”. Re-application of the temporary protection status is under the discrepancy of DGMM. It should be noted that Syrians under temporary protection are granted the right to temporarily visit Syria during festive times. Therefore, this return is not a part of voluntary return and since it has special permission, the beneficiaries do not lose their temporary protection status. The DGMM announces periods for application for short visits and give travel documents which are often valid for 3-4 months (before and after festive times). However, as it is outlined in the implementation section of the report, many interviewees mentioned rather than voluntary returns but forced returns or unlawful practices regarding the voluntary return process.

4.3.5. Readmission Agreements and the EU-Turkey Statement

Turkey has readmission agreements with the following countries: Syria, Greece, Kyrgyzstan, Romania, Ukraine, Pakistan, Russia, Nigeria, Bosnia and Herzegovina, Yemen, Moldova, Belarus and Montenegro and the ratification process of the signed readmission agreements with Nigeria, Yemen and Pakistan have not yet been completed (MfA, 2018d). The Readmission Protocol with Greece (Protocol, 2002) has played a critical role regarding the implementation of the EU-Turkey Statement. The most recent readmission agreement was signed with the EU in 2013 (RA). Although it was neither a readmission agreement nor an international agreement but a bilateral political statement, it should be noted that the EU-Turkey Statement is closely related to the RA. Thus, the Statement will also be mentioned under this heading.

The Turkey-Greece Readmission Protocol (2002)

The Readmission Protocol between Greece and Turkey was signed in 2002. Since then, its ineffective implementation has been criticised by the EU (European Commission, 2012). However, this Protocol became critically important after 2015 due to the increased irregular border-crossings from Turkey to the EU. At that time, although the EU-Turkey Readmission Agreement had been already signed, according to the Article 24 of the RA, readmission for the TCNs could not be applicable until 1 October 2017. Therefore, when the EU-Turkey Statement was agreed in 2016, the Protocol was the legal basis of the readmission of TCNs. However, this Protocol “was suspended by Turkey unilaterally in response to a decision by a Greek court to release eight former Turkish soldiers who fled the country a day after the 15 July 2016 coup attempt (Gokalp Aras, 2019, p.8). The Foreign Minister Mevlut Cavusoglu said that “we have a migrant deal with the EU. It is being implemented. We have a bilateral readmission deal with Greece. We have now suspended this agreement. The process is not fully over but our dialogue with Greece will continue” (TRT, 2018). It also means that all those who cross the Turkey-Greece land border (Evros) are not any more covered due to the suspension of the Turkey-Greece Readmission Protocol, as the Statement only covers the readmissions from the Greek islands.

The EU-Turkey Readmission Agreement (2013)

On 16 December 2013, Turkey and the EU signed the agreement “on the Readmission of Persons Residing without Authorization” (RA, 2013) although it has been on the EU-Turkey relations’ agenda since 2000s. The RA specifies provisions related to the readmission of the nationals of the EU Member States (MSs) and Turkey. In addition, it deals with the readmission of the third-country nationals (TCNs) and stateless persons who have entered into, or stayed on, the territory of either side directly arriving from the territory of the other side. Since its ratification, it has been applicable only to Turkish citizens according to the Article 24 of the RA, readmissions should be applicable for TCNs after 1 October 2017. However, with the EU-Turkey Statement of 18 March 2016, the TCNs’ readmission was foreseen by June 2016 (European Commission, 2015a; EU-Turkey Statement, 2016). As a result, as of 4 April 2016, Turkey accepted the first readmitted group from the Greek islands and the readmission of TCNs started on this date as a part of the Statement, which was legally based on the Readmission Protocol between Greece and Turkey (European Commission, 2016). However, it should be added that the RA could not be used for TCNs but only for the Turkish citizens until July 2019 due to the administrative measure by Turkey as based on the delays regarding visa exemption process. Regarding this measure, it was not possible to obtain any official declaration from Turkey (Ozturk and Soykan, 2019); however, the European Commission stated that the suspension of the readmission of TCNs by Turkey was due to the uncompleted visa liberalisation process (European Commission, 2018b p. 46). Similarly, the meso level interviewees from Ankara and Izmir have shared the same information regarding the implementation of the RA.

On 22 July 2019, the Turkish government officially announced the suspension of the RA. This was explained as a response to the EU sanctioning Turkey’s gas drilling operations in Cypriot waters. Prime Minister Cavusoglu said that “this was not only due to the EU’s recent sanctions. The decision was also taken because the EU still had not introduced the agreed-on visa-free regime for Turkish citizens” (Euroactiv, 2019). It should be noted that in many sources, there is a certain confusion regarding whether the government suspended the RA or the Statement or the both. Some sources only mention the RA but the content addresses the Statement, while some of them mention the Statement at their headings but again their content addresses the RA (DMA, 2019a; Euroactiv, 2019; Europost, 2019). The suspension of the RA was also evaluated as the suspension of the Statement (Gazeteduvar, 2019b). For example, Euroactiv (2019) stated that “The Turkish government has announced its suspension of the readmission agreement concluded with the EU in 2016, the so-called ‘EU-Turkey deal’. This was a response to the EU sanctioning Turkey’s gas drilling operations in Cypriot waters”. In general, as it was

one of the observations at the field, the RA and the Statement are used interchangeably. However, since the direct quotation from the Prime Minister, Cavusoglu is “We will not wait at the EU's door. The readmission agreement and visa-free deal will be put into effect at the same time” as addressing only the RA” (Daily Sabah, 2019), it seems the Turkish Government continues to use the mass migration as a foreign policy tool against the EU (Greenhill, 2010 and 2016; Gokalp Aras, 2019) and declares the de-facto situation regarding the RA once again. According to the field research findings provided at the meso level, the RA was not applicable in practice; however, the Statement has been implemented despite the small numbers of readmissions. However, we do not come across a further explanation neither from Turkey side nor from the EU regarding the status of the RA and the Statement at the time this report was finalized.

The EU-Turkey Statement (2016)

Following the sharp increase of crossings from Turkey to Greece, new policy tools and agreements were introduced: such as the EU-Turkey Joint Action Plan (JAP, 2015) and the EU-Turkey Statement of 18 March 2016. With the Statement, the European Council and Turkey agreed on “three main objectives: preventing loss of lives in the Aegean Sea; breaking the migrant smuggling networks; and replacing illegal migration with legal migration” (Sert and Turkmen, 2017, p.34). According to Article 1 of the statement, Turkey agreed to accept the return of all migrants not in need of international protection who crossed Greece after the 20th March 2016 and to take back all irregular migrants who had been intercepted in Turkish waters. In Article 2, the statement formulates the regulations concerning Syrians as distinct from other irregular transit migrants. Known as the “one-to-one” formula, this article states that for every Syrian returned to Turkey from the Greek islands, another Syrian should be resettled in the EU, up to a maximum of 72,000 people (Article 2). Finally, the Statement mentions upgrading the customs union and “re-energizing the accession process” for Turkey to obtain full membership. The existing incentives within the externalization framework, such as capacity-building support and financial aid, are also included but on more generous terms.

The Statement paved the way for the immediate return of Syrian refugees arriving on Greek islands to Turkey, on the grounds that it is defined as a “safe third country”. However, Turkey's safe country status appears controversial, especially because of Turkey's geographical limitation to the 1951 Geneva Convention, which limits refugee status solely to those who meet the criteria for the refugee status due to events happening in European countries, as well as some reported violations of non-refoulment principle (Peers, 2017; Ulusoy and Battjes, 2017). In addition, according to analysis by law experts (Ulusoy and Battjes, 2017; Lehner, 2019; Ozturk and Soydan, 2019; Vrieze, 2018), it is not clear which legal basis is applicable for the Statement³⁴. The legal nature of the Statement has been quite controversial since its publication. Some of the scholars argue that it is an international agreement (Heijer and Spijkerboer, 2016; Arribas, 2017) while others argue that is only a political statement (Peers, 2016; Ulusoy and Battjes, 2017; Koenig and Franke, 2017), which was also stated by the interviewees in Izmir and Ankara.

As it will be explored as a part of the meso level implementation part of the report, the readmissions of TCNs through the Statement continued although with small numbers until its suspension. As a part of “one-to-one formula”, Turkey claims that the total number of readmitted TCNs are 1,866, while 347 of them are Syrians as it can be seen below.

³⁴ The legal nature of the Statement has been quite controversial and widely discussed since its publication. Some of the scholars argue that it is an international agreement and binding upon its parties; while some of them argue that is only a political statement and non-binding.

Table 2: Irregular Migrants Returned to Turkey within the Scope of the EU-Turkey Statement

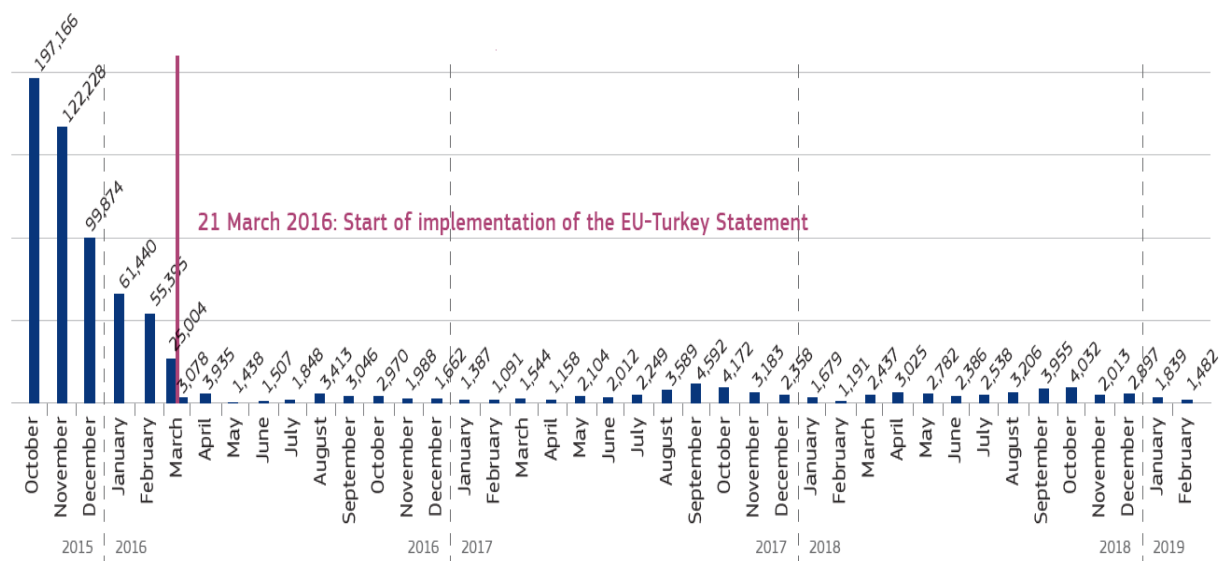
NATIONALITY	TOTAL	NATIONALITY	TOTAL
GRAND TOTAL	1866	GRAND TOTAL	1866
PAKISTAN	718	LEBANON	6
SYRIA	357	IVORY	5
ALGERIA	194	TUNUSIAN	5
AFGHANISTAN	111	HAITI	4
BANGLADESH	103	MALI	4
IRAQ	96	DOMINICIAN	3
MOROCCO	56	INDIA	3
IRANIAN	51	SIERRA LEONE	3
EGYPT	26	CONGO	2
NIGERIA	20	YEMEN	2
SRI LANKA	17	BURKINA FASO	1
CAMEROON	17	GAMBIA	1
DEMOCRATIC CONGO	16	COMOROS	1
PALESTINE	12	NIGER	1
NEPAL	11	SUDAN	1
GUINEA	10	JORDAN	1
MYANMAR	9	UZBEKISTAN	1
SENEGAL	8	ZIMBABWE	1
GHANA	7		

Source: DGMM, 2019c. "Return Statistics", Available at: <https://www.goc.gov.tr/icerik6/return-statistics_915_1024_10104_icerik> [Accessed 15 July 2019]

The EU's figures claim that the resettlement of Syrian refugees from Turkey after 4 April 2016 is 20,292; while the returns from Greece to Turkey since 21 March 2016 are 2,224 (European Commission, 2019b). Since the UNHCR has been using the official figures from Turkey, it provides the same figures as Turkey (UNHCR, 2019). However, as it was stated earlier, the number of irregular migrants among them to have made an asylum application for international or temporary protection is not provided by Turkey.

Regarding the changing numbers of the border-crossings, the figure given below reflects the impact of the Statement:

Figure 10: Arrivals- Sea Border



Source: European Commission, 2019c. “EU-Turkey Statement Three Years On”. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20190318_eu-turkey-three-years-on_en.pdf [Accessed 9 July 2019].

As it can be seen above, as following the EU-Turkey Statement, there is an important decrease regarding irregular border-crossings; but it should be noted that there are many other related factors for this decrease such as increasing securitisation, establishment the “security wall” at the south-east borders of Turkey, increasing internal controls etc. Concluding this part, the Turkey-Greece Readmission Protocol (2002), the EU-Turkey Readmission Agreement (2013), and the EU-Turkey Statement (2016) are significantly connected to each other, but Turkey as of 22nd July 2019 has suspended all of them.

5. Implementation

5.1. Key Actors

Instead of a uniformed, institutional border management structure, there are over 20 actors which have responsibilities pertaining to the protection and control of the Turkish border. Their responsibilities and tasks are regulated with over 25 different legal regulations. The principal coordination role belongs to Turkish General Staff (Turkish Armed Forces, mainly the Land Forces Command), Ministry of the Interior (Turkish Gendarmerie General Command, Turkish Coast Guard Command, the Directorate General of Security, Department of Border Management under the Directorate General of Provincial Administration, the Directorate General of Migration), and the Ministry of Foreign Affairs.

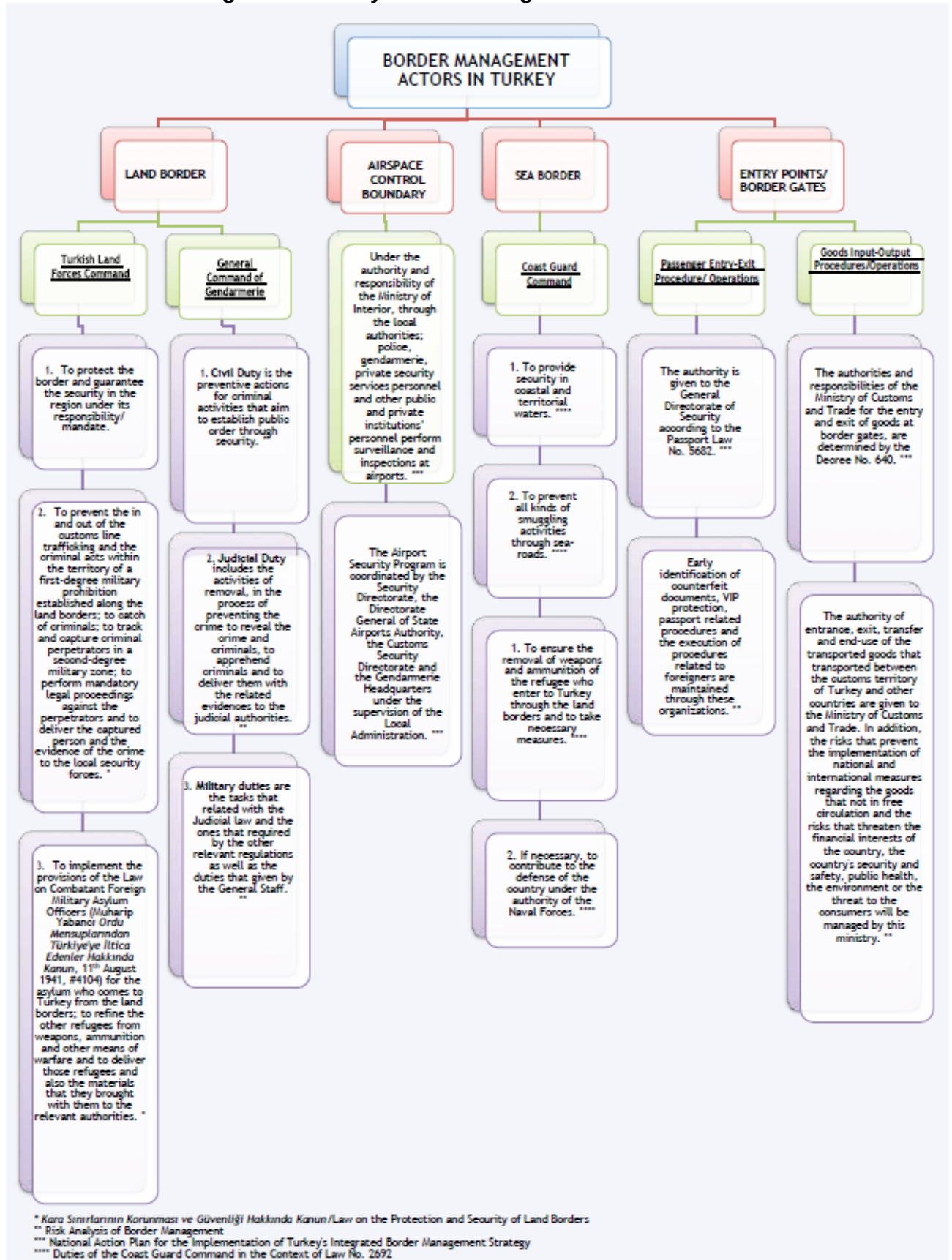
State Actors (Law Enforcement)

Law enforcement in Turkey is carried out by several departments and agencies, all acting under the command of the President of Turkey, or the Minister of Internal Affairs. In terms of border control, land borders have been controlled by the Land Forces Command of the Turkish Armed Forces (*Türk Silahlı Kuvvetleri*) according to the Law on the Protection and Security of Land Borders (*Kara Sinirlarinin Korunmasi ve Güvenligi Hakkindaki Kanun*) dated back to 10 November, 1988 (Law 3497, 1988). According to the above-mentioned law, and also the Regulation on Military Property Regions and Security Zones (*Askeri Yasak Bölgeler ve Güvenlik Bölgeleri Yonetmeliği*), the Land Forces Command is responsible for the areas established at a distance of 30 to 600 meters along the land border line, and on the coasts if it is needed. This area is stated as “the First-Degree Military Area,” which is restricted with the 600-meter boundary strip, and counted as a “Forbidden Zone” (Regulation #1553, 1983). Up to 2013, except the border gates at the land border, the Gendarmerie had the primary role for border control for the 127 kilometres of the Turkey-Iran Border, as well as 384 kilometres of the Turkey-Iraq border. However, as of 20 August 2013, this role has been transferred to the Land Forces Command. Since then, the Gendarmerie has only been carrying out judicial law enforcement services.

The Gendarmerie’s (*Jandarma*) area of jurisdiction is outside city centres, and they also have the responsibility for border management. Additionally, the Gendarmerie General Command has a close relationship with the police force in Turkey since the area of responsibility within the provincial and district municipal boundaries belong to police forces; whereas the region outside of these boundaries constitutes the area of the Gendarmerie (Regulation, 2009).

Turkish Coast Guard Command (TUCG) serves as the law enforcement authority, and it is the coast guard service branch of the Turkish Armed Forces during emergency and wartime. Additionally, TUCG has this role under the Ministry of Interior during peace time as well. According to the Coast Guard Command Law Article 4, some of the major border related roles of the Coast Guard Command are to: protect coasts and territorial waters, to ensure security, and to prevent all kinds of sea related criminal acts (Law #2692, 1982). Briefly, the Coast Guard Command is assigned to monitor sea boundaries, and is responsible for the protection and security of all coasts, territorial waters, ports, gulfs and inland waters according to the above-mentioned law.

Figure 11: Turkey Border Management Schema



Source: This table is translated into English by the authors from Turkish, see Yesiltas, 2015, p.15.

The General Directorate of Security, affiliated with the Ministry of Interior, provides the control of human entry and exits at border gates. In contrast to the Gendarmerie, the police force is responsible for law enforcement in cities, and some other locations such as airports.³⁵ They are responsible for transferring migrants to removal centres, and in the cases of deportation that have been established by PDMMs, to complete the deportation process. As of 5 February 2016, the Department of Migrant Smuggling and Human Trafficking³⁶ under the General Directorate of Security were established. The same change was made for the Gendarmerie in 2016, wherein the Command of Smuggling and Organized Crimes was changed to the Command of Migrant Smuggling and Human Trafficking. In addition to the above-mentioned special department, the Directorate General of Security is responsible for Passport procedures of Foreigners in Turkey; while the visa procedures are the responsibility of the Ministry of Foreign Affairs according to the Passport Law (#5682, Article 24). Finally, the National Intelligence Organization (*Milli İstihbarat Teskilati*) has the authority to conduct cross-border operations and to gather intelligence in terms of border control.

As it can be seen from the above-given schema, the border management and actor-based structure is significantly complex. As suggested by the fieldwork findings, this complex institutional structure coupled with the highly fragmented legal structure brought additional complexities to Turkey's response to the Syrian mass migration.

State Actors (Civilian)

Since the beginning of 2000s, with the impact of EU accession process, Turkey has adopted a strategy to establish a "civilian border management agency" (Icduygu and Ustubici, 2014). This process has become more remarkable. Following the adoption of the Law on Foreigners and International Protection in 2013, as the responsible institution for the implementation of the law, the Directorate General of Migration Management (DGMM) was established as the civilian migration management institution under the Ministry of Interior (MoI). DGMM has provincial branches in 81 provinces, 148 districts in Turkey. DGMM carries the activities with the aim of practising policies and strategies regarding the migration area, facilitating the coordination between the agencies and institutes on these issues, carrying out the operations and processes regarding foreigners' entry into and stay in Turkey, their exit and being deported from Turkey, international protection, temporary protection and the protection of the victims of human trafficking. (DGMM, 2019d).

Aside from the above-mentioned security-based actors, currently the Presidential Decree No. 4 (PD No. 4) provides important articles regarding border management, and also defines the role of the DGMM. For example, Article 159 of the PD No. 4 states that the DGMM is responsible for "[ensuring] combating irregular migration through coordination among law enforcement and relevant public institutions and agencies, [as well as] develop measures and follow up on the implementation of these measures". Among one of the permanent boards and committees of the DGMM, there is also "the Coordination Board on Combating Irregular Migration" (Article 113); however as following the Presidential Decree the structure of the Board has been changed³⁷ Additionally, there is a Department of Protection of Victims of

³⁵ For further information: <https://polis.osce.org/country-profiles/turkey> [Accessed 23 August 2019]

³⁶ For further information: <http://www.gim.pol.tr/Sayfalar/anasayfa.aspx> [Accessed 14 December 2018].

³⁷ The provision related to this Board was abolished by the Decree Law No. 703, but the problem is that the provision regarding the permanent committees and commissions, which was formerly part of the LFIP, including the board, was not included in the above-mentioned Presidential Decree. In the provisional Article 8 of Decree Law No. 703 abolishes the entities with their duties and powers related to the policy determination of such boards, and they have been transferred to the Presidency policy boards. For example, another permanent commission (the International Protection Evaluation Commission), is included in the Presidential Decree) but not the Board related with irregular migration. As a result, I believe that the powers for policy-making regarding this board have been transferred to

Human Trafficking that is “assigned for carrying out activities and actions related to combating human trafficking and protecting victims of trafficking” [PD No. 4, Article 161(2) Article 108 c (1)].

In addition, the Board of Migration Policy was established by the LFIP (Article 105) in order to determine migration strategy regarding its follow up and implementation. With the transition to the Presidency System, the board was annulled with the Decree #703 on 13 September 2018, and with the Presidential Decree No. 1 the Presidency Organization was re-named and became a part of the Presidency (Decree # 30474, 2018). It should also be noted here that the “Security and Foreign Policy Board” also added to the existing institutional structure of the Presidential Council by Presidential Decree No. 1. The Article 26 (1) (d) and (e) of the Decree defines the duties of the Board, mentioning the “illegal activities [occurring] at the borders of Turkey” as well as “migration policies and strategies”.

In addition to DGMM, the Task Force for Asylum, Migration and External Borders Protection was established in 2002 as the first civil entity that directly pertained to border management. In 2004, it was re-named as the Integrated Border Management Project Implementation Directorate, as a part of the Ministry of Interior, which was abolished and replaced with the Bureau on Development of Border Management Legislation and Administrative Capacity after Mol was established in 2008. The Bureau on the Development of Border Management Legislation and Administrative Capacity was renamed as the “Border Management Bureau” in 2012. On 20 March 2015, the role and the authority of the Bureau was transferred to the Directorate General of Provincial Administration and it was renamed as the “Department of Border Management” under this DG. This department is responsible for: the formation of the legal and institutional structure in the field of border management, the supervision and compliance of the works carried out in the pre-accession process with the EU, to ensure that necessary steps are taken in order to carry out and follow-up on the projects, to evaluate the effectiveness of the projects, and finally to provide information to the Ministry of Interior. Most importantly, its main purpose is to establish a “National Border Security Agency/Organization” as a part of the Mol; however, the Syrian Civil War and the unstable situation at the borders since 2011 has been causing delays and this responsibility still belongs to the Turkish Armed Forces (Turkish General Staff).

The Republic of Turkey Ministry of Interior Disaster and Emergency Management Authority (AFAD) has been playing a significant role in border cities regarding the temporary accommodation centres (camps). These temporary accommodation centres were originally established for the purpose of having a more effective response to natural disasters, for the rapid completion of improvement activities, as well as to carry out the works related to planning and providing coordination. However, following the Syrian refugee-migration in 2011, AFAD undertook the role of the above-mentioned centres (camps). In cooperation with the relevant ministries, public institutions, organisations, and the TRC, the AFAD provided or contributed to housing, shelter, health, security, social activities, education, worship, interpreting, communication, banking and similar services in tent and container cities. As of March 16, 2018, by the Implementing Regulation Amending the Temporary Protection Regulation, the duties of coordinating the rights and services provided to Syrians within the scope of the operation of temporary accommodation centres and temporary protection and the provision of expenses related to health services were taken over by the DGMM from AFAD.

The Ministry of Justice’s role in migration governance in Turkey lies with various, but specific, cases. For example, the Ministry of Justice deals with a range of cases including: death cases or in cases of criminal activities, such as migrant smuggling and human trafficking.

the Presidency's policy boards. However, in the organisational chart of the DGMM that updated in September 2018, still has this board.

There are also semi-state associations, such as the Turkish Red Crescent (TRC, *Kızılay*), which has a “Migration and Refugee Services Department”. In response to the Syrian Civil War and mass migration movement, TRC launched the “Syrian Crisis Humanitarian Relief Operation” on 29 April 2011 in order to contribute to the logistics of the cross-border operations of all humanitarian actors responding from Turkey to Syria. Furthermore, TRC has an observatory role concerning the voluntary returns of Syrian citizens and refugees who want to voluntarily return to their country (GocGov. 2018b).

Local Actors

Local authorities also have a responsibility for border management. According to Article 11 of the Provincial Administration Law, the governors are in command of all the public and private law enforcement actors within provincial borders (Law #5442, 1949). All the officers are obliged to fulfil the orders that are issued by the Governor immediately. According to the same law, Governors have the authority to ensure the security in civil airfields, ports and border gate to make regular and effective execution of duties and services related to entry and exit, to ensure the cooperation and coordination between the responsible organisations, and to take the necessary measures and implement them (Amendment: 29 August 1996- 4178 / Article 2). Municipalities on the border regions mainly provide first level of emergency and humanitarian aids as mainly depending on their location and closeness to border-crossing points.

Inter-Governmental Actors

In relation to intergovernmental organisations and supranational actors, since 2011, IOM appears to be one of the more important UN agencies, in particular regarding border management in Turkey. The main role of IOM regarding border management in Turkey is to support the Integrated Border Management (IBM) strategy that developed by the European Commission. IBM “requires that competent authorities work together effectively and efficiently and it seeks to address three levels of cooperation and coordination: intra-service cooperation, inter-agency cooperation and international cooperation” (IOM, 2019). In collaboration with IOM, UNHCR also takes an active role in border management. Ensuring the principle of non-refoulment, UNHCR aims to promote “protection-sensitive border management and access to asylum procedures for refugees and asylum-seekers, including those in removal centres, inter alia by working to improve access to information and legal assistance” (UNHCR, 2018a). However, as it will be given later on the role of UNHCR is quite limited in comparison with IOM regarding border management. At the border cities, some national NGOs such as ASAM are funded or supported by UNHCR rather than its direct appearance.

Non-State Actors

Regarding non-governmental organisations/actors in Turkey, some NGOs such as the Association of Solidarity with Asylum Seekers and Migrants (ASAM), Association for Solidarity with Refugees (Multeci-Der), the Foundation for Human Rights and Freedoms and Humanitarian Relief (IHH), Bar Associations (in particular regarding detention and deportations or the criminal activity related other cases) are the most active civil society organisations that have been also active at borders.³⁸

As a part of this report, semi-structured interviews were conducted in five cities namely: Izmir, Sanliurfa, Istanbul, Ankara and Canakkale. In these cities, the above-mentioned important border-related organisations were visited, and their results will be elaborated on in the following section.

³⁸ For further details, see ASAM (<http://en.sgdd.info/>); Multeci-Der (<http://www.multeci.org.tr/en/>); IHH (<https://www.ihh.org.tr/en>), The Union of Bar Associations (<https://www.barobirlik.org.tr/en>) [Accessed 9 August 2019].

5.2. Key Issues Implementing Border and Migration Controls

5.2.1. Important Developments after 2011

The reflections of major developments and the milestones take different turning-points for each city. Not only were there increases in the populations in both Izmir and Sanliurfa, but border control related developments have also impacted meso actors operating in each city examined in this study. In Sanliurfa, 2013-2014 was widely recalled for mass arrivals in a short time period, while 2016 was referred to as the year that restrictive border controls for entries were implemented. On the other hand, the meso level interviewees in Izmir mentioned 2015 and 2016 as the periods of dramatic change. Between 2015 to 2016, new actors started to take an active role in Izmir and the Aegean routes, especially in relation to the dramatic increases of border-crossings, migrants' deaths, and the so-called European Refugee Crisis.

The majority of the interviewees in Izmir highlighted elevated numbers of entries and high levels of irregular border mobility in the city. Interviews also revealed that although mass migration from Syria started in 2011, the change in 2014, 2015, and March 2016 (until the EU-Turkey Statement) was dramatic. Border related stakeholders, such as law enforcement actors, local authorities, or even NGOs working in this field, were not ready and many of them were not previously present in Izmir as institutions. High number of the irregular border-crossings at the Aegean border is reported regarding Canakkale. In particular Kucukkuyu was mentioned regarding this period in the following quotation of a local journalist:

I could see 21 boats at the same time at the sea through my camera lens. In 2015-2016, the border-crossing started here (Kucukkuyu) intensively. Actually, it started in 1997 as first around here and since then... Then 2015... It was shocking. The coast guard was struggling because the sea was full of boats and people. What can they do? On the land, migrants set up a camp. Can you believe that in five acres of land? Thus, with the outbreak of the Syrian war, migration issue became a real issue here. 80-90 percent of the migrants who were apprehended here were Syrians. The rest were from Afghanistan, Pakistan, Bangladesh and African countries such as, Nigeria, Niger, Central African Republic. I even remember that immigrants who were caught here were from Colombia (Interview SR11- Canakkale-06)³⁹.

The following two quotations also display the situation at the city centre in Izmir, in particular the Basmane district in 2015, as also referring to both the lack of capacity and also the change in numbers in 2017.

Especially, the summer of 2015 and 2016. I hope that I will not see anything like that again in my life. In Izmir, it was 50 degrees, but hundreds of refugees were on the roads, in parks... every day in Basmane. We have never witnessed such a thing... All the shops in Basmane had life jackets, whistles, waterproof phone covers etc. And they are still so (Interview SR11-Meso-Izmir-02).

³⁹ This is the code of the interview. All the details about interviews can be found at "Appendix 2: List of Interviews". Since the interviews have been done by three institutions and four different researchers, to be able to show the differences but also address the related institution and the researcher, these codes are given to all the interviews. For example, "Interview SR11-Izmir-01" refers that this interview has been done by SR11 (as the institution) in Izmir. However, the Appendix 2 provides the following details "Interview SR11-Izmir-01. Conducted by N. Ela Gokalp Aras with the high-level officer of the law enforcement/ state security agency, 10 August 2018, Izmir, Turkey."

When we started here (Izmir), we had a population of 47,000 Syrians. If I am not mistaken, there were about 300 non-Syrians at that time. Then, there was an explosion in the summer of 2015 regarding the border-crossings. At the end of the summer, there were 97,000 registered Syrians here (Izmir). When we started, there were 1,000 people in queues at our door. There was no information regarding the access to services. The PDMM-Izmir was not here yet, and their role was taken by the police's foreign branch. Migration related inquiries were transferred to the PDMM-Izmir by the summer of 2015. In that year, everybody supported each other without saying that this is a state actor or a civil society organisation (Interview SRII-Meso-Izmir-02).

5.2.2. Pre-Entry Controls

5.2.2.1. Visas

At the meso level regarding visa policy, we could not obtain substantial data. Only the following two quotations from Izmir mention visa dimensions as a part of border management:

Of course, if you look at the figures (irregular border-crossings) from 2015 and 2016 it is not the impact of the wall. Maybe the wall has affected only the Syrians who come to Turkey directly; but the visa requirement for the Syrians coming from the third countries and also for Iraqis is different... The ones who came to Turkey during 2015 and 2016 were mainly from the third countries such as Lebanon, or maybe Jordan. Now, they cannot come without a visa, and to acquire a visa for them is quite difficult. Thus, border policy is not only through the border, but the visa policy is another border policy tool. Of course, it has a big impact (Interview SRII-Izmir-03).

There are also the ones who come from the African countries. A majority of them come in through regular ways, but then they become irregular because of their over-stayed visa. During this period, they try to save money. Both Syrians and Iraqis. For example, it has been said that the ones who lost their lives during the truck accidents had come through regular ways, such as with a visa, etc. (Interview SRII-Izmir-03).

In parallel to the second quotation, another fieldwork (Gokalp Aras, 2013, pp.333-337) which was previously conducted at meso level in Izmir, also displays that the visa-liberalisation with some of the countries (recently mainly with the African countries), results in a high level of "visa overstayers" as categorised by Ahmet Icduygu (2003).

5.2.2.2. Advance Passenger Information/ Passenger Name Record Information

Regarding API and PNR, there is no empirical data drawn from the interviews. In addition, carrier sanctions as a part of the pre-entry measures were not mentioned by interviewees. Rather, for the air and sea border international crossings, carrier sanctions are mentioned as a part of the internal migration control mechanism. Regarding the carrier sanctions, the below-given quotation from an interview with an NGO representative in Ankara provides the implication of those sanctions in practice.

Afghans did not start to come to Turkey by 2018. We had been taking their registration and we could manage to follow those trends closely. The increase [Afghans] started in 2017 and actually, it dates back to the 2015. With the statements of Merkel, there was a group who departed. During the state of emergency period [in Turkey between July 2016- July 2018], a new decree

accepted which was stating that if you sell ticket to someone who has not have a registration, the carrier will have to pay fine. As a consequence, the related [travel] companies started not to sell tickets to Afghans who come from Van, Agri, Erzurum etc. Therefore, people started to come here (Ankara) by walking. There were some who could reach here after 28 days and it was reflected to media as “there is an Afghan flow and one million people is waiting in Iran to come to Turkey (Interview SR11-Ankara-01).

5.2.2.3. The Military-Humanitarian Nexus

Parallel to the increasing numbers of refugees and incidents at the borders since 2015, the Turkish state has focused on pre-entry measures to control its border and enhance its border security against terrorists’ infiltrations. President Erdogan explained this policy approach in August 2018 with the following words: “we believe that Turkey’s border security starts across the border. With this belief, we will continue our military operations by expanding them across the border” (Gunes, 2018). The pre-entry control measures included the “zero-point delivery”, the cross-border aid delivery, the establishment of camps inside northern Syria, and the reconstruction of some Syrian cities where the Turkish military forces provided military control. The most consistent measure is the aid delivery to northern Syria across the border. There are a limited number of Turkish national NGOs who have permission for cross-border aid delivery, particularly those that have very close relations with the Turkish government. The government often selectively works with Islamic oriented NGOs to outsource the humanitarian services and to enhance its “humanitarian diplomacy” component of its foreign policy.⁴⁰ During the Syrian interventions, few pro-government Islamic oriented NGOs involved in the establishment of camps within the northern Syrian territory that is close to the Turkish border. These NGOs support the work of several state institutions such as *Kizilay*, AFAD, and other relevant directorates. The camps are constructed to provide shelters to the internally displaced Syrians instead of allowing them to cross the Turkish border. These Turkish NGOs also contribute to the reconstruction of Syrian cities, such as Afrin in the North.

One of these permitted pro-Turkish government, Islamic oriented NGO took an active role in the management of such cross-border camps and reconstruction as it can be seen below

We have more than 33 camps in Syria, it belongs to us, they are coordinated through 10 centres in Turkey and Sanliurfa, we have 800 staff over there, 92 partner institutions, we have 6 container camp-cities, 27 tent camps, we also have one university, 43 schools, thirteen orphanages, and a children centre (*Yasam Merkezi*) community centre. This centre is the largest life centre of the world made up of villas, all of which are on the border on the Syrian side, across Reyhanli. We also have 35 free clothes stores, 14 health centres, 61 bakeries, and 30 common kitchens where we serve to Syrian brothers (Interview SR11-Urfa-34).

The representative of this NGO in its Istanbul Headquarters explained the underlying logic of these cross-border projects in relation with pre-entry control objectives:

We have developed projects to enable Syrians to either stay in their own country, or stay just in the secured places, “buffer zones,” close to the border. We have developed projects to build comfortable camp spaces for them to stay. Moreover, we build universities and life centres. Our first priority is to make people stay in

⁴⁰ See N. Celik and E. Iseri. 2016. “Islamically Oriented Humanitarian NGOs in Turkey: AKP Foreign Policy Parallelism”, *Turkish Studies*, 17 (3), pp.429-448; B. Aras & P. Akpinar. 2015. “The Role of Humanitarian NGOs in Turkey’s Peacebuilding” *International Peacekeeping*, 22 (3), pp.230-247.

their own countries and not to be displaced. They are already displaced inside their country (Interview OzU-Istanbul-04).

Similarly, a local aid platform supported by the Metropolitan Municipality reported that

For the cross border, from time to time, we deliver aid to inside Syria, such as to the Afrin and Cerablus regions. From Sanliurfa, we delivered more than 1,500 trucks of aid to Syria. In Afrin, we constructed houses for the stay of Syrians (Interview SR11-Urfa-26).

Humanitarian and reconstruction activities inside this region occur under the control of the Turkish state. To extend its state authority inside northern Syria, Turkey appoints vice governorates of border provinces (Kilis, Gaziantep, Hatay) as the coordinator governorates of Syrian cities (Cerablus, Tel-Rifad, Afrin). For example, Hatay's vice governorate seems administratively responsible as "Coordinator of De-escalation of Tension in Idlib" (*Idlip Gerginligi Azaltma Koordinatorlugu*⁴¹). Turkish coordinators (vice governorates) deal with the coordination of border crossings, the activities of security forces, the delivery of aids, education, health, and municipal service provisions (AA, 2018; Yenisafak, 2018; Amerikaninsesi, 2019) in the above-mentioned Syrian cities.

In addition to humanitarian concerns, Turkey also has strategic interests regarding the control of the border region from a security standpoint. This includes, but is not limited to, preventing future irregular border-crossings as a priority for the region. Additionally, since the fall of 2018, Turkish policy makers seem determined to deny permission for mass border crossings, and to keep displaced Syrians within Syria, with the justification relating to security concerns and terrorist filtration. The head of Turkish Parliament's Foreign Affairs Commission, Volkan Bozkir, made an explanation on the eve of Russian operation targeting Idlib. He said that:

... migration flow can reach to one million, we plan not opening our doors to refugees and aim at keeping the migration flow in the camps that would be established inside Syrian territory. Previous migration flows from Syria came via Idlib and Reyhanli, also militias of terror organisation used to the same route, we will not take this risk again. We introduce all measures to create a solution inside Syria for a possible case of mass flow (Bozkir, 2018).

5.2.3. "At the Border"

5.2.3.1 The Conduct of Border Checks

The majority of the interviewees mentioned that due to the increasing securitisation at both entry and exit points, there has been an increase in border control. For the entry point, although travel documents are not required due to international protection regulations regarding the land borders, entry from the land borders has become more difficult and is only possible under emergency situations, such as health. On the other hand, exit points have adopted stricter controls due to several factors such as the EU-Turkey Statement, and the 15 July coup-d'état attempt. The most important common finding for Sanliurfa and Izmir is the shift from the earlier flexible border controls (starting from 2011 until 2015), to stricter controls by 2015.

⁴¹ Statement of the Delegation of the EU to Turkey at the 1st Round-table Meeting of RESPOND Project/ Border Management and Migration Control Special Session conducted by N. Ela Gokalp Aras, 17 December 2018, Istanbul, Turkey.

5.2.3.1.1. Relatively Flexible Entry-Exit until 2015

The meso level actors in Sanliurfa provided their first-hand observations about border management on the Turkey-Syrian border in the first years of the Syrian crisis, and the restrictive changes over time.

For stakeholders in Sanliurfa, the “permeability” of Turkey-Syria border is an important issue. Permeability was high as it intertwined with the psychical, socio-cultural, and economic dynamics of border cities of Southeast Turkey (Aras, 2014). The words of the president of an NGO, who also took a role in first aid deliveries on the border, summarized the intensity of border interactions with the analogy of uncle-nephew-relation. He said:

Sanliurfa has the longest border with Syria. It is also the city in which a mass scale interaction happens with Syria because there are Arabs, Turcoman, and Kurds living on both sides of the border. People of the city have relatives from Syria. We are like uncle-nephew with Syria... When the civil war erupted in Syria, particularly they fled through border gates (towns) of Kobani (Syrian)/Suruc (Turkish), Rasulayan/Ceylanpinar, Telabyad/Akcakale to seek safety. They just came across the border. Many of them have relatives here, they sought safety at the houses of their relatives. When the time of their stay extended, the numbers became massive (Interview SR11-Urfa-26).

None of the meso-level actors in Sanliurfa mentioned the use of force/violence by Turkish security forces to halt entries until 2016. First-hand observers shared that border guards, mainly soldiers, allowed individuals and groups from Syria to cross the Turkish border, and even helped them to cross. According to the local interviewees in a border town of Sanliurfa:

In the first years, no one (referring state officers) asked who is entering to and/or who is leaving Turkey. For two years [referring 2013-2015 when fighting intensified on Syrian side] Syrians went back and forth. It was like there was no fence. In fact, the fence was broken down, they broke the fence as they massed on the border. But right now, there is no crossing, thus the number of Syrians in our town decreased (Interview SR11-Urfa-24).

Another local interviewee from Sanliurfa elaborated that:

Before that (a few years ago), we were seeing thousands of people jumping from the border fence (Ceylanpinar- place of official border gate), we were seeing it with the naked eye, it was happening in front of us. The soldiers at the border gate did not order them to stop, they did not tell them not to cross. When we asked, the soldiers told us that these people were escaping from the war, from the bombing (Interview SR11-Urfa-25).

A local interviewee from Sanliurfa told us about the border crossing/(Syrians) crossing into Turkey:

There are many crossings at the border which the state does not know about. The state authorities say that they know, but how they can know? Thousands of people crossed by breaking the fence including PKK, PYD, normal people, etc. They crossed easily; they go to Urfa from here. There are only 100 meters from this country to another country, do not expect 1 km distance. There was only a fence between two countries, they have just set up this wall (security wall). In the past, it was just a fence, if you are 10 people it was really easy to put the fence down, they put it down and they crossed, it was just like that. It happened during the day time, not even during the night, our state said that “whoever comes, can come, we welcome them”. When they see a Syrian in the street, they said, come

and register, they asked whether they want to go to a tent camp, if they say no and would like to stay in town, they let them to rent a house and stay in the town. During crossings, no registration had happened. People thought that the state registered all of them, no, it did not happen. I can say that only half of them are registered (Interview SR11-Urfa-23).

Organizing the registration of new arrivals was one of the most difficult tasks, which was often delayed as a part of the open-door policy. It seemed that the central state authorities tried to impose control over registrations due to the security concerns as much as possible, but the lack of an adequate readiness and capacity to register all Syrians, considering the volume of entrances, proved to be incredibly challenging. Similar points about the easiness of entries and the lack of state capacity to register arrivals are also shared by a local NGO representative, who has relatives across the border and observed the mass arrivals to the Suruc border gate in the fall of 2014. He shared that:

In one night, thousands of people entered from Kobani, and then there was the question of what would happen to them after entries. Crossing the border was quite easy, the problem was what would happen to them after entering. I think, an efficient registration did not happen during entries since Turkey did not keep track of who entered, who left, if bad people came, also if some left Turkey to join bad people. As a result of this inefficient tracking of who entered, many mistakes happened (implying PKK-PYD). Turkey encountered a serious challenge as a state. There was no registration centre in Suruc, and although local state authorities (*kaymakam*) worked days and nights, registration did not properly proceed since the number of arrivals were huge but capacity and resources were not adequate. The state was not prepared, it did not establish tents, no toilets, no bathrooms, the infrastructure was not ready, and no hospital while thousands of people arrived daily. It was like 50 people were coming to your house as guests, even though none of your infrastructure was adequate. Turkey was not ready for these arrivals, it happened in such a short time; it was like a flood, it happened as an emergency... (Interview SR11-Urfa-15).

From time to time, when there were mass arrivals due to the heavy fighting on the Syrian side of the border, provincial governorates and local representatives (*Valilik* or *Kaymakamlık*) assigned officers to the border towns (sometimes officers from Provincials Migration Directorates or AFAD) in order to organize the registration of arrived individuals and groups. In the case of Sanliurfa during the mass arrivals, in which a hundred thousand crossed in a few days such happened in Suruc and Akcakale in 2014.

Several interviewees reported that Syrians fleeing from the conflict did not encounter any problems in their entrance to Turkey, and “no blockades were set up even in mass crossing cases, in which over thousands of Syrians entered through the border over a single night” (Interview OzU-Istanbul-01).

Many of the interviewees in Izmir said that when the numbers were quite high at the entrance cities such as Gaziantep, Urfa, etc., to find lodging or jobs was essentially impossible. Therefore, they left those border cities to find better opportunities in other cities in Turkey, or to try and reunite with their relatives in Europe. The number of the border crossings from Turkey to Greece was quite high until the EU-Turkey Statement. According to the Frontex 2016 Report, the irregular border crossings from Eastern Mediterranean Route reached up to 885,386 through this route in 2015 (Frontex, 2016, p.16). Additionally, in the same year the daily arrivals to the Greek islands reached up to 6,082 (IOM, 2015).

5.2.3.1.2. Shifting from Open-Door to the Restrictive Border Control Policy

The restrictive policy implementation is observable by meso-level actors serving in the five cities after 2016. Starting from the entry point, a regional coordinator of an NGO answered the question regarding border-crossings from Syria to Turkey as following:

Right now, legal entries are only possible if there is a health emergency, such as if a person comes in an ambulance for an emergency. While they are crossing, they are obliged to sign a paper, called “voluntary return” accept form. These people are sent back immediately after the medical emergency ends (Interview SR11-Urfa-02).

The president of local NGO in Sanliurfa shared a similar observation, saying:

The number of new-comers are very limited, although in urgent situations, such as seriously wounded people, are allowed to enter Turkey. They do not come on a daily basis; no mass crossings occur. Only in exceptional situations they will come, such as if there is heavy fighting in the border areas; however if there is a push from militant groups, crossing attempts do happen... right now, they are not allowed to enter, those who are accepted right now are referred to the relevant hospitals or institutions (Interview SR11-Urfa-34).

Confirming these observations, a district official (*mukhtar*) of a neighbourhood where Syrians live in high numbers in Sanliurfa reported that “recently few families come to our neighbourhood directly from Syria. They came via Kilis, Hatay, and Antep” (Interview SR11-Urfa-13).

The following quotation is from the high-level officer of the state agency in Ankara who describes the change from flexible controls to stricter ones in relation with the changing security concerns:

In the early years, the borders were hardly under control. Foreigners could enter through the border gate as well as from any part of the border. And in those years, there was no PYD (Syria Democratic Union Party) danger. We were struggling with immigration in those years. The danger of terror was almost none at that time... PKK, part of the terror is active in Turkey, which operates under PYD in Syria. This situation forces our country to be cautious. Therefore, from time to time, some western countries or NGOs can come with the claims that Turkey has been implementing strict border policies. We encounter such reports and articles. But Turkey is right regarding its policies. Because Turkey has to fight against terrorism for the sake of everyone's safety. Thus, the ones who demand international protection also have to enter from the border gates with control (Interview SR11-Ankara-02).

The majority of the interviewees mentioned that the open-door policy theoretically or officially still exists, but in practice it does not have consistency and it has become ad-hoc since 2016. The following two quotations state that the open-door policy still exists, but is interrupted from time to time due to security or capacity concerns.

The open border policy still exists in Turkey but it is on a day to day basis. It is managed by humanitarian criteria. If there are many people coming from Syria running from something, they still open the door to them. So, it exists but it doesn't mean that the door is opened to hundred thousand of people to come. Because the country has understood after seven years that its capacity is limited. So, in

theory it is open door policy, and in practice it is a managed border based on security concerns (Interview SR11- Ankara-04).

Right now, the border is under control. It can be said that the open-door policy still continues in formal terms, because the density of border-crossings has decreased, no such an entry anymore. But closing the borders is out of the question... During the festive period, for example, those entry-exits are controlled. Certain gates have been used for funerals etc. Now, they say that when we enter to Idlib, since we cannot distinguish the ones from PYD, PKK, ISID (Islamic state of Iraq and the Levant (ISIL/ISIS), they should stay at the other side of the border, rather than being taken to be Turkey's side. They will be kept at the areas that will be established in Syria; this is the policy (Interview SR11-Ankara-01).

In contrast to the above cited quotes, the subsequent quotation states that the open-door policy has been over and the establishment of the "security wall" is the most important evidence about this policy change as it follows:

The open-door has been already over. It has been two and a half years or something. I went to Hatay around two months ago. There is a giant wall there, we saw. It signifies not only the end of the open-door policy, but also the creation of boundaries that didn't exist before (Interview OzU-Istanbul-06).

Although legal entries are firmly restricted, some illegal crossings occur across the border. A representative from an NGO in Istanbul mentioned that:

What I saw in my own personal experiences is that even though officially, the borders are closed, irregular migration is still continuing today, and every day. What I found is that in the beginning of that closed-door policy, irregular migration was still continuing, and it was still that they were turning a blind eye to it as the days passed. However, it has changed. Right now, they open their eyes for any kind of irregular migration and they try to stop it (Interview OzU-Istanbul-06).

5.2.3.1.3. Impact of the 15th July Coup D'état Attempt

In the local contexts, the perceptions about Turkey-Syria border are very speculative and security oriented. Locals seem to embrace Turkish government perceptions and discourses about the "threats" implicitly referring to Kurdish militia coming from Syrian border. Locals even reinforce the threat perceptions through further speculations. In Izmir and in Sanliurfa, interviewees raised the issue about the situation of border control in relation with the 15th June 2016 coup attempt. On 15 July 2016, a coup attempt occurred in Turkey against state institutions. The government accused the coup leaders of being linked to the Gulen Movement, which was declared as the Fethullah Gulen Terrorist Organization (FETO). The attempt appears as an independent factor of the securitisation of borders, in particular exit controls. Along with its impact of the Turkey-Greece Protocol as was stated earlier, and following the coup attempt, interviewees stated that Turkey increased controls at the exit points. An IGO representative in Izmir stated also the pressures on the border-related actors as it follows:

Our borders are quite political. So yes, there are international agreements, but all the border policy can change. I have seen this a lot after the deal [the Statement]. The current decline of the border-crossings is related to the directives from Ankara. I know very well that the Coast Guard is doing everything possible. The "let them cross period" has been passed, because there is a lot of pressure on them [the Coast Guards] because of FETO. For example, if there is one leaving Turkey who is a FETO member, Coast Guards can be the subject of an investigation. (Interview SR11-Izmir-02).

Following the coup- d'état attempt, there is a significant increase of Turkish citizens' irregular-border crossing from Turkey to Greece, almost making the "half of the crossings".⁴²

Interestingly, interviewees in Sanliurfa also referred to the impact of coup attempt over entries in a speculative way by claiming that "at the night of Coup (15 July), Turkey-Syria border was without any soldier, at that night, everyone, including all terrorists, crossed to Turkey from the border" (Interview SR11-Urfa-22). Another interviewee claimed that the border was without soldiers for eight days in the week of the coup attempt. To verify this data, researchers checked with a local academic expert, who also said that he heard the dissemination of exactly similar claims about attempts of mass entries to Turkey from Syria on the entire border region from Kilis to Sirnak. However, he didn't not know whether this border incidence at the night of coup was true or not.⁴³

5.2.3.2. Criminalisation of Entry and Exit within the Context of Migrant Smuggling

In Izmir, the sea route is used, while in Sanliurfa smuggling occurs via land routes. It should also be noted that due to permeability of the borders on the south-eastern part and as it was stated earlier, in Sanliurfa, smuggling has been a commonly observed situation for many years, including not only human smuggling but smuggling of everything such as animals and goods that have trading value.

Starting from Sanliurfa the following quotations provide insights about smuggling in this city, particularly in the border towns and villages. Smugglers, locals, and some bribed security officers facilitate illegal crossings. A local interviewee from a border town of Sanliurfa explains the process:

There are many illegal crossings along the border, from Kilis. Many Turkish towns and villages located at the zero points of the Syrian border. There are villages on the border, those who want to cross go to the border of these villages at night and see the soldier, say that "I, my wife, my three kids would like to cross", take this dollar (2000-5000 Dollars), it is too much money for a soldier. The soldier says OK, "just jump from here when no one sees you", then he puts the money in his pocket. There is a wall of 3 meters, but it does not really matter, they have delved underneath the wall to open tunnels or they jump from its top (Interview SR11-Urfa-23).

In the course of time, the border controls for illegal crossings were restricted and became costlier for those attempting it. A local interviewee from the border town in Sanliurfa said:

In the beginning, Turkey's border management was terrible; right now, gradually it has improved, particularly in the last few years. Now, they cross by paying high prices, but going to other side and returning here is costly whereas in the past it was free. Today they pay money to soldiers, they pay money to the villagers, smugglers, and then they may be able to cross. It is too costly (Interview SR11-Urfa-23).

A Syrian refugee who is working for an INGO in Istanbul noted similar points about illegal entries: "even if the border is formally closed, it is possible to cross it somewhere, illegal

⁴² Statement of the Delegation of the EU to Turkey at the 1st Round-table Meeting of RESPOND Project/ Border Management and Migration Control Special Session conducted by N. Ela Gokalp Aras, 17 December 2018, Istanbul, Turkey.

⁴³ Personal communication with academician-migration expert from Sanliurfa, 12 December 2018. Istanbul, Turkey.

crossings continue, but they have to pay high prices to the guards on the border. It is around 2,000 Dollars (Interview OzU-Istanbul-02). In this line, anecdotally researchers were told that people seeking border crossings pay smugglers who worked with illegal organisations, such as PKK, high prices for its facilitation of crossings from Syria to Turkey even in cases of deportation.

As one of the main exit points at the sea borders, in Izmir smuggling has become an issue since the end of 1990s, and it reached its highest level in 2015 and 2016. In terms of methods, although there are slight changes, due to the physical closeness of the Greek islands, it has many crossing points. Therefore, depending on the risk level, prices and the related actors have been changing. But briefly, there is always a gathering point such as Basmane of Izmir, and there are mediators to inform and collect the migrants from different points. Additionally, there are escorts to control the land side until the border-crossing are made from the sea, and there are even mediators on the other side to control and facilitate the operation. The quotation below provides a picture about smuggling in the region:

So, the general table is the same. There are good smugglers and bad smugglers. What happens with a good smuggler; if I give you 1,000 Dollars, and if the immigrants are caught at the first exit, a good smuggler says that I won't take money from you again, you're my traveller, so I don't need to take money again. I'll send you again. Then, there are trickster smugglers, the malicious ones. You do the payment and you do not see them again. Or they want money again for the second time. (Interview SR11-Izmir-01).

At the most significant border-crossing points law enforcement, IGOs, and NGOs have their outreach teams and/or offices. Although law enforcement authorities have been changing their strategies in parallel to the changes in smugglers' methods, authorities are not able to take action before it turns into a crime as expressed by the law enforcement/ state security (sea) agency below in Izmir:

Yes, the local people also have been engaged with smuggling. But the smugglers and the local people are different from each other. It is obvious from their appearance. The smugglers always have short hair with a beard, always the same people. For example, you will be a smuggler and come here (a coffee shop next to the sea), seat and drink your tea. I cannot ask you why you are here and what you are doing here because there is no element of a crime. I can examine their identity documents, but if there is nothing wrong, then I have nothing to do. If immigrants have arrived here, they come and sit here at 3 or 4 o'clock in the morning. We already know there is something going on (Interview SR11- Canakkale-07).

Finally, it should be stated that the majority of the interviewees- both state and non-state- in Izmir emphasized the inefficiency of the penalties regarding human smuggling and the anti-smuggling policies.

5.2.3.3. Fingerprinting of Asylum Seekers and Irregular Migrants at the Border

Since it is quite technical, and also a security related issue regarding the fingerprints, limited responses came from the law enforcement actors in Izmir. Regarding the irregular border-crossings, since the travel and identity documents are mainly missing, oral statements have been the only source regarding their country of origin. Therefore, in terms of the border control measures, fingerprints appear as important tools (Interview SR11-Izmir-01).

Significant problems include the lack of required technological infrastructure for properly processing fingerprints, the necessity of harmonizing fingerprint databases, and enabling

coordination with different agencies such as the police, coast guards, and DGMM. A person from Law Enforcement explained the latest situation in this regard:

A migrant has been caught 3 times, 3 separate names with the same fingerprint. The fact that there is no real identity on him creates problem both for us and also for the DGMM... The state has bought digital fingerprint devices for this and continues to buy them. At this stage there is a need for collecting all the fingerprints in one database and identifying them. To overcome this issue [repetitions] both our institution and also the state have ongoing studies.... (Interview SR11-Izmir-14).

In Izmir, the interviewees stated that the Coast Guard does not have the required technological infrastructure regarding the fingerprints, therefore they are taken by the police forces as it was stated by an IGO representative at the border-crossing point as follows:

Actually, the coast guard does not transfer, and they do not have the technological infrastructure for GBT (criminal record check) for taking fingerprints. Those procedures are done by the police. But they (immigrants) are still accompanied by coastal security. After the process is completed, the police continue its work (Interview SR11-Izmir-14).

The most recent ID-renewal project also has the fingerprint aspect. A representative of an NGO shared that "right now, the UNHCR and DGMM are making a project about verification. In fact, this is something that should have been done in the beginning where full registration is taken, including fingerprints" (Interview SR11-Urfa-02).

It is a fact that irregular transit migrants involve nationals of neighbouring or even distant countries such as Iraq, Iran, Lebanon, Afghanistan and Pakistan, Myanmar, Eritrea (Gokalp Aras, 2013, p.228). For example, since Myanmar has no diplomatic representation in Turkey, the deportation process has been quite problematic. Therefore, many of the apprehended irregular migrants have been stating Myanmar or Burma as their country of origin. It was the case for Turkey in 2012 before the fingerprint system as it can be seen from the following statement by the law enforcement officer: "There are some methods that [are] used [in order to] not to be sent back. For example, even [if a] person came from Tunisia; he says that he came from Myanmar. Since they do not have any ID on them, it is difficult to prove" (Gokalp Aras, 2013, p.430).

5.2.3.4. Border Surveillance, Sea Rescue and Push Backs

In terms of the border surveillance, both sea and land borders have their own difficulties. For example, at the sea borders in Izmir, as it was stated at the macro-level section, there have been disputes between Turkey and Greece regarding the Aegean Sea and international waters due to their physical closeness. Although this closeness can be seen as an advantage for search and rescue, this also creates problems for controls since there are numerous points for border-crossing that needs surveillance. In parallel, the following quotation from the representatives of one of the most active national NGO at the border in Izmir explained the situation:

The Aegean Sea situation is quite problematic. You can cross the border with a high-speed boat in 5-10 minutes. Therefore, border operations and the situation at the border there are quite critical. Crossing the border is quite easy; however, to control those crossings is extremely difficult. It totally depends on the capacity of the law enforcement there. And frankly speaking the capacity is still a big problem (Interview SR11-Izmir-12).

Border surveillance also has a search and rescue dimension which critically involves the lives of migrants. The following quotation is from an interview with a law enforcement officer in Izmir wherein it is revealed that there are challenges in relation to border surveillance, but also that stopping the boats during these operations can be quite problematic. It should also be stressed that interviewees highlighted the importance of human life. In particular law enforcement actors emphasized the importance of saving migrants' lives as their priority as one of the key discourses of the law enforcement agencies. The following quotation is from law enforcement officers in Izmir standing for the human safety dimension of the operation, as well as the faced difficulties. The meso level interviewees in Izmir also provided important insights regarding the difficulties of the operations:

The most challenging thing in operations is that immigrants do not stop at sea. They do not listen to your stop order. Because you have to bring them to shore safely. The boat could tip over. Smugglers tell them not to stop or throw stones to the coast guard's boats. Sometimes I look at the boat and I see that it is half-filled with sea water, I say stop, but they don't. Smugglers do their operations when the coast guard says that the sea is in bad condition [wind etc.]. No matter what the sea conditions, if human life is under danger, the coast guard goes to the end no matter the conditions at sea. We have search and rescue vessels. They are much safer. Since we are out with the boat, we can get maximum 3- or 4-meters waves. We have three kinds of boats (Interview SR11-Canakkale-07).

During the interviews in Izmir, all the border-related interviewees were asked about the existence of NATO at the Aegean Sea, however, the majority of the interviewees mentioned that NATO is not there anymore and it was withdrawn although it showed up with one ship for a short time after 2015 (Interview SR11-Izmir-12). Only two interviewees mentioned that NATO should still be there with some ships but only for creating the deterrence for the smugglers and migrants.

As a part of open-border policy evaluations, in general, the interviewees from five cities confirmed the easiness of border crossing and the open-door border management policy of Turkey until late 2015. They reported that Syrians fleeing from the conflict did not encounter any problem in their entrance to Turkey. None of the meso-level actors mentioned the use of force/violence by Turkish security forces to halt entries that occurred till 2016. It was told that border guards, mainly soldiers, allowed individuals and groups from Syria to cross Turkish border and even helped them in crossing. Thus, during that period, in particular at the beginning of the Syrian crisis, we can hardly see border surveillance besides a broken fence. This was also the period when the open-door policy was in practice. However, as it was mentioned earlier in the report, the main turning point appears to be 2016.

As it was stated as the macro part, regarding the border surveillance the security walls at the Turkey-Syrian and Turkey-Iran borders are important. It should also be noticed that there is a strong relation between the entry and exit points and land and the sea borders. In this regard, the interviewees from Izmir evaluated the impact and the related implication of the security walls. The common point is that even though the walls at the southeast are almost completed, there are increasing irregular border crossings at the Aegean Sea, and if one border is controlled then the alternative ways are adopted by the smugglers and migrants.

Push-backs

Push-backs are a longstanding policy tool and practice used by Turkish authorities, especially at the sea borders, in particular at the Aegean Sea, but also these practices exist in the land borders according to the interviewees. Regarding the push-backs at the Aegean Sea, there are many civil society groups, platforms, civil initiatives, blogs such as HarekAct⁴⁴, Aegean

⁴⁴ For further information: <https://harekact.bordermonitoring.eu/> (Accessed 19 January 2019).

Boat Report⁴⁵ and important reports⁴⁶ or hotlines for the emergency cases at the sea, or in case of push-backs⁴⁷. However due to the size limitations of this report, we would like to provide the empirical data that was collected as a part of RESPOND Project. In addition, as will be elaborated on below, the increasing push-backs from the land border between Turkey and Greece were mentioned by the interviewees. In parallel to their statements, many reports also emphasize the increasing push-back cases (Greek Council for Refugee, 2018; HarekAct, 2018; HRW, 2018b; Multeci-Der, 2018).

The interviewees from Izmir and Canakkale (Kucukkuyu) commonly stated that there are quite few cases of push-backs [from Greece], and the number of push-backs in the sea is quite low. However, a majority of them stated that there are cases reported in Edirne, in comparison with the past, showcasing that the situation is much better in the Aegean region. For example, “for a very long time, we have not been faced with a push-back case in here (Aegean region). [...] But Edirne is different. It is incredible. We have been facing with push-back cases constantly, but not from the Aegean Sea” (Interview SR11-Izmir-04).

It should be stated that securitisation and FETO operations have created an impact on the border controls, which makes push- and pull-backs by the Turkish law enforcement more difficult. Regarding the sea operations, many interviewees in Izmir and the border-crossing points mentioned this dimension:

Push-backs [by Turkey or Greece] ... We used to hear about those cases but right now, not anymore. Because the situation does not reach to that level. Before they reach to the shore, the (Turkish) coast guard intervenes. Sometimes, if the boats are close to the shore or if they can reach to the Greek waters [pullbacks]. But these cases are quite rare. From our side [Turkey] there are no push-backs. In particular after the terrorist incidents [refers FETO], if a boat flies over the sea, it needs to be reported. If someone crosses the border from the sea, and if they do not stop, everybody (refers the coast guards) will face a serious problem. They (the state) will ask how could he escape? [...] Therefore, in Turkey there is a strict control (Interview SR11-Izmir-11).

In addition to Izmir, a local Syrian NGO in Sanliurfa claimed that 100 Syrian families who tried to enter Turkey were pushed-back at the border. Moreover, the Amnesty International (AI) and Human Rights Watch (HRW) reported that in 2017 and 2018, Turkish border guards regularly intercepted Syrians on the border and deported them immediately back to Syria. The numbers of push-backs and deportations range from hundreds to three thousand, in each month. Moreover border guards did non-fatal and fatal shootings to stop crossings.⁴⁸ However, Turkey’s DGMM denied allegations of push-backs and shootings, by claiming that “while maintaining the security of borders against terrorist organisations, Turkey continues to accept Syrians in need coming to the borders, and never opens fire on or uses violence against

⁴⁵ For further information: https://www.facebook.com/AegeanBoatReport/?_tn=%2CdkCH-R-R&eid=ARASvyAlexAzWiHmqLICLANCaWxSV9siTPfDOGIABVed2dum7oqZ3p2dLjYvspdOiWTbUoVcBczjklLa&hc_ref=ARS055BTweJeLL05t5ylq4L4MX_yroCOXLYfk2-JemXDqxlXHWnHZEov7XdRFiXFnD8&fref=nf&hc_location=group (Accessed 19 January 2019).

⁴⁶ For further information: PROASYL (2013). “Pushed Back”, available at https://www.proasyl.de/wp-content/uploads/2015/12/PRO_ASYNC_Report_Pushed_Back_english_November_2013.pdf (Accessed 13 January 2019).

⁴⁷ For further information: <https://w2eu.info/turkey.en/articles/turkey-seasafety.en.html> (Accessed 19 January 2019).

⁴⁸ AI, 2017. Amnesty International Report, 2016/17-Turkey, 22 February 2017, available at: <https://www.refworld.org/docid/58b033a3195.html> [accessed 13 July 2019].; HRW, 2018a. Turkey: Mass Deportations of Syrians, 22 March 2018, available at: <https://www.refworld.org/docid/5b39f227a.html> [accessed 13 July 2019].

them.”⁴⁹ Echoing the official discourse, the push-backs to Syria and shootings are never mentioned by national and international NGOs and local government representatives during interviews.

5.2.4. Internal Controls

5.2.4.1. Stay and Residence Permits

5.2.4.1.1. Travel Permit/ Document

The most prominent internal control mechanism is the obligation of travel permits for Syrians who are under temporary protection and the regular reporting obligation for non-Syrians recipients of international protection. They both impede their freedom of movement, and in particular movement inside Turkey.

From the interviewees in Izmir it was unveiled that the travel documents are now issued by the district governorships. They highlighted the different implementation of this measure in different cities. The DGMM-Izmir representative stated that:

For Syrians, the travel document procedure is transferred to the district governorships. Thus, they apply to the district governorships. After we carry out the required research, if we find the application is eligible, then the document is given by the district governorships. For example, during religious holidays [bayrams], if they want to visit Syria, they need to have this travel document. Maximum, they can have three months long permission for this. If they travel without the travel permission, first they are notified, then we directly write to their province (related PGMM). In some provinces they have to pay fine. But in Izmir we do not do this. For example, if you are caught in Antep, then you have to pay 1000 TRY. Therefore, Syrians calculate [whether or not] it is worth it [to violate the rule and take the risk to pay the fine or not]. In case of this, we have a special code, it means that he/she needs to go to the PGMM. If they are stopped by the police, and if it is seen that there is this code, then they are sent to PGMM in that province too. There, they are again notified that they need to go to their province, where they have been registered and reside. At the end that person needs to go to his/her province (Interview SRII-Izmir-13).

A regional coordinator of national NGO in the Southeast Turkey explained the change and implementation as follows:

In the past, moving from one province to another was easy, but right now, they need to get permission to travel. In the past, such movements were really high, it was at the level of uncontrollable, right now it became a level of controllable (Interview SRII-Urfa-02).

According to representatives of INGOs, travel permits were introduced as supplementary to border closures and internal controls, “because the restriction of border controls speeded up the mobility of Syrians inside Turkey. The state directorates and ministries wanted to control this mobility” (Interview OzU-Istanbul-02). This obligation led to many problems. One interviewee explained it as “people are not given working permits in the provinces where they are first registered” (Interview OzU-Istanbul-02). In this line, Syrian NGOs are critical of the implementation of travel document requirement. A director of such an NGO, who is also a former Professor of Law in Syria, noted that “asking [for] travel documents from Syrians to go

⁴⁹ Human Rights Watch, 2018.

from one province to another is a violation of the human rights, one of the important human rights is freedom of travel” (Interview SR11-Urfa-14).

The majority of the interviewees stated that there is no standardized implementation in different cities. For example, in one city absence of travel permit can result with fines, while in another city they can be ignored. Also, some of the interviewees evaluated the travel expenses as an effective measure while some of the others emphasized that it is not working and creating heavy workload and financial burden on state. But as the majority of the interviewees stated that if there is one restrictive measure, there is always a responsive alternative and strategy by the smugglers and migrants. There has not been clarity about the sanctions in case of non-compliance specifically in crowded provinces where internal controls are difficult. A representative of an NGO in Istanbul explained it as the follows:

Some do get stopped and nothing happens, but you do hear of people being detained and sent back [to the country of origin]. It's arbitrary. Legally if you're registered under temporary protection in Istanbul and want to go to another province, you have to apply through DGMM. But few people get this and still travel, but I don't know what the reality is. Is a person really being detained just because they don't have that travel document or are there other reasons? (Interview OzU-Istanbul-06).

The travel restrictions open a space for exploitation and bribery. A district official from a border town where there is a refugee camp referred to his experience:

I went to help someone (a resident of the camp) for getting him a travel permission to go to Istanbul. We waited for hours in the DGMM's Office, I got angry at the officers [because] they made us [wait] for a long time. Initially they issued him the document. In fact, they [did] not bother people leaving the camps. Refugees can go from one city to another with private taxis, but not with buses, because 5,000 TL fine is issued to bus companies. For another one, I had written a paper [outlining] his need [for] travel; then stamped it. If I am a bad person, I could ask 1,000 TL as bribery for stamping it, but I did not do because of my ethics and religion. I just tried to solve his difficulty. Syrians do not react, they [are] used to bribery. For example, I know some district officers, who take bribery such as 100, 500, 1,000 TL (Interview SR11-Urfa-22).

5.2.4.1.2. IDs and Registration

As a part of “stay and resident permits”, ID cards and registration cards can be seen as important internal control mechanisms. Although registration was a serious problem in the early years of mass border crossings, Turkish authorities then put it under control through new registrations, issuing identity cards, renewal of previous registrations and updates. Meso-level interviewees confirmed the several rounds of registrations and updating regarding ID cards. A regional coordinator of NGO which closely work with UNHCR and DGMM told that:

As there are more limited crossings right now, there are no more Syrians without identity cards. Last year, there were some lacking identity cards, still from time to time, we deal with families without cards, but in the past, it was more, almost 50% decrease in the numbers of those lacking identity cards (Interview SR11-Urfa-02).

When the same representative was asked about whether there are differences between provinces because he leads activities in eight cities of South-eastern Turkey, he answered by referring to the internal control dimension of issuing IDs:

Encountering families without identity cards varies across provinces. There are differences between Urfa and Antep, because Antep does not take any new registration, and does not give IDs as the city is full capacity. Also, the authorities do not want to make Antep an attractive place for new arrivals. Therefore, the authorities have stopped issuing ID cards. Hatay is also the same. This does not mean that they never issue IDs, if there is a vulnerability, or if the family really needs to be there, IDs are given (Interview SR11-Urfa-02).

Therefore, the number of refugee families without IDs in general decreased substantially. This is also related to the fact that state is seeking to put more control, thus, it takes more cautious approach about registrations and issuing of identities. Not only new registrations, but also the verification of previous registrations, are important in order to control those staying in Turkey and those that leave.

The registration and updating processes require the logistical and technical support /service provision of NGOs, since these processes entail language skills and paper work. A local NGO representative noted that “the major demands we take from Syrians are about registration with DGMM, updating of their registration, and access to services. If they do not do it, they are not able to benefit from services” (Interview SR11-Urfa-03).

As noted, registration and renewal of registrations to the central state (through DGMM) are placed as prerequisite for access to services. Also, refugees need to register for local authorities to prove their residence in a certain city and neighbourhood. Syrians are “asked IDs, registration from Population Unit (*Nüfus İdaresi*), and residency forms from district officials to make applications for social assistance (Interview SR11-Urfa-13).

However, it is difficult to claim that registrations are fully under control. Particularly border towns or transit points face with several registration problems. Local authorities are concerned that the lack of proper registration inhibits internal control of Syrians as stated by a local interviewee:

Many of them who are settled in, are also unregistered. For example, one of them goes to rent the house, then calls for their relatives, and then they settle them into the rooms of the same house. They fill the house with as many people as possible, sometimes in a single house there are around 20 families. For example, a family came to a house, they were around 40-50 people. They had many children, women, and relatives. Then we asked this family to be registered into the *Muhtarlık* and *Emniyet* (Police) but they did not come, then I went to *Emniyet* [police bureau in the town] to ask for monitoring. I asked *Emniyet* who are they, are they terrorists? I was concerned that they might cause a problem in the future. I figured out two-three days ago that they went away. No one knows where they went. I suspect that they have done something illegal, in fact Syrians do many illegal things connected with terror, drug, prostitution. Everything you can imagine (Interview SR11-Urfa-22).

Additionally, there are prejudices regarding Syrians who prepare and present fake documents in order to access services, and to abuse the aids (Interview SR11-Urfa-22).

The updating of registration data, and renewal of IDs, works as an internal control mechanism. However, these procedures have not been conducted smoothly and consistently. Misinformation, the mistakes of officers in registrations processes, complexity in procedures, and coordination problems among different state institutions have caused serious problems and difficulties in accessing services, and losing previously received status. A lawyer from an NGO in Istanbul summarized the situation in way to understand complexities in implementation:

During the IDs updating process, there was a rule imposing that regardless of the way Syrians entered in Turkey, they would be given IDs. But afterwards, this rule was revoked. For Istanbul, state authorities told that we would not give IDs in Istanbul. However, after a while they started to give IDs in Istanbul again, then they stopped it again and started to refer applicants to Yalova. In Istanbul, the Directorate does not have consistent and sustainable policies. Each policy is subject to change overnight. In Istanbul, registrations are open a month, then they are closed the following month. Even they do not announce whether the registration is open or not. You spontaneously learn it when you go to office for getting IDs or renewal. Thus, in many cases, we had to travel to close provinces of Istanbul such as Yalova, Kocaeli, Canakkale to help refugees and to be able to represent them in judicial cases in which having ID is a prerequisite (Interview BilgiU-Istanbul-10).

The cancellation of registration or pausing of new registrations in Istanbul and some border provinces such as Hatay, Gaziantep where the numbers of Syrians are very high, do not fully work in providing internal controls, but it becomes a serious barrier for protection and access to rights. A representative from an NGO told that “registration is not possible neither for international protection nor for temporary protection status to avoid accumulation of refugee population in Istanbul” (Interview BilgiU-Istanbul-02).

Another NGO representative shared her experience:

A transgender refugee had been sent to Gumushane (a remote conservative province in Northern Turkey) for residing, but s/he had a risk of life-persecution in such a province. Thus, s/he came to Istanbul for personal security, but subsequently becomes illegal. S/he can be forcibly sent back to this province. It depends on the discretion power of the officers (Interview BilgiU-Istanbul-03).

It seems that increasing internal controls in the last years do not prevent irregularity, instead cause the problems in accessing the public services. The NGO representative's example explains it

In the past, for such cases in which the refugees change their residence of place, there was flexibility. The authorities make a change of residence place, give IDs if refugees provide evidence for them, allowing them to have already settled in Istanbul and have their children registered and attending a school. But right now, there is no possibility of changing the residence place of refugees in line with their requests, or provision of proofs. Accordingly, they do not have an access to formal rights granted by temporary/international protection status. The implementations are currently deadlocked. For example, if a refugee has a chronic disease and he is registered in Sanliurfa but he currently lives in Istanbul, he is not able to take his drugs from a hospital in Istanbul. His registration should be here for accessing the health services. When we consult with the DGMM about such a case, officers tell us that “he should go to Urfa to access services”. But we ask “how can he go, if he has a chronicle disease and he is an old person” The officers respond us that “if he was able to travel from Syria to Turkey, he can travel for Istanbul to Sanliurfa to access services (Interview BilgiU-Istanbul-03).

Regarding the renewal of the identity card, which were implemented by the DGMM with the collaboration of the UNHCR, some problematic aspects were also highlighted in Izmir:

Last week 6-7 Syrians went to the PGMM Izmir. I guess for renewing their identity card. While they were there, the PGMM officials took their identity cards, because one of them went to Syria as voluntary returnee 4 years ago and came back to

Turkey. For the last 4 years, that person [she] had been going to hospitals, even had obtained work permit and has been working since then. After 4 years, her situation was recognized at the identity card updating centre. This is not acquired right, but there is something in the law, if you have not recognized it for 4 years as the state, then it is your fault. Then, they took her identity card from her. This means that this is forcing someone, they made her open her bag and took her identity card and one of a sudden, that person falls to unregistered position. In some cases, they take them to the removal centres. For example, finally the woman that I mentioned was taken to the removal centre. She and her child were realised at the end but, her husband was kept at the removal centre. They only updated her identity card, the child's one. This is out of law as being based on an action from 4 years before.⁵⁰

5.2.4.1.3. ID Document Check (Stop and Search, House Checks, Raids)

In the last years, since 2016, ID document checks targeting foreigners in general have increased remarkably in line with issuing the obligation for having travel documents. When an NGO regional coordinator in Southeast Turkey was asked about ID document checks and stop-search, he drew attention to the provincial differences and implementations about control through travel documents. He said:

Right now, controls and monitors are more restricted, particularly in the Southeast region. At one point, in Gaziantep, police officers were regularly stopping refugees on the street to ask their IDs. Officers were controlling the records of refugees' registered province. If refugees were not registered in Gaziantep, they warned the refugees to go back to their first registered province, and said "if [you are] checked again" you would be deported. Similar checks started to happen in Kahramanmaraş presently. In Sanliurfa, this has not been yet a case. I heard similar controls were happening in Adana and Mersin. This mobility issue has been controlled by state security forces (Interview SR11-Urfa-02).

Not only ID-document checks, but also house checks work as an internal control mechanism, although in the case of Turkey, house checks are often conducted by civil officers (not by the police). These house checks are mainly for controlling the criteria regarding cash transfer/financial aid and social assistance (mainly ESSN cards) (Interview SR11-Urfa-09). According to interviewees, raids of state authorities to working places of Syrians rarely occur. Thus, they are not checked for documents there, even if the places are known by local authorities (Interview SR11-Urfa-03).

In the last year, not only security reasons, but also identity card related issues and violations of travel regulations which are part of internal control mechanisms, are mentioned by NGO representatives, particularly in Istanbul as a reason of apprehensions and deportations. It is noted that when authorities find out that refugees' travel without a valid travel document during ID checks, they are treated as illegal migrants (Interview BilgiU-Istanbul-03).

5.2.4.2. Apprehensions, Administrative Detention and Removal Centres

Some of the most important issues regarding border control implementation are apprehensions, administrative detention, and removal centres. The Turkish central state has full authority over the issue, and during our fieldwork we managed to collect substantial data. It should also be noted that the researchers did not have access to the removal centres in Izmir, Sanliurfa, and Istanbul. However, we conducted interviews with the representatives of

⁵⁰ The focus group study was conducted on 24 October 2018 with the Izmir Bar Association, Migration and Asylum Commission, conducted by N. Ela Gokalp Aras (SR11).

the institutions that are members of the special commission that were established by the state initiative. These include some state, but also non-state actors and IGOs, which have been visiting the removal centres as well as bar associations that have legal access to those removal centres.

Starting from apprehensions, a representative of an NGO in Istanbul shared that “what’s happening now, and this is all anecdotal evidence... I’m hearing is that people are apprehended at the border, put in detention at military bases and then sent back to the border” (Interview OzU-Istanbul-06).

A lawyer who is at one of the removal centres in Istanbul and provides legal-judicial support to refugees-irregular migrants also reported the possible apprehension situations, and the process of their centre’s involvement:

There are some apprehensions in airports, particularly in transit zones and the police centres in the airports. Lawyers have access to the cases. Moreover, as Istanbul is a metropolitan city, some apprehensions and detentions occur in police stations as a result of ID-security checks in different neighbourhoods of the province. After irregular migrants’ apprehension because of their illegal entry or stay here, PDMM is informed about the case, and we also get involved, because these irregular migrants request for legal support. Our judicial support unit assigns a lawyer for taking care of the case. Sometimes detained migrants’ have access to lawyers through their own networks. But often, as they do not know their rights and have not an opportunity to access lawyers, we do appointments on behalf of them to provide legal and judicial support in cases of detention and lack of IDs (Interview BilgiU-Istanbul-10).

Regarding the apprehensions, the procedures that followed in Izmir as being located at the sea border were given at “the border” heading earlier.” Following their apprehension, and before their transfer to the removal centres, irregular migrants are kept up to 48 hours by law enforcement authorities in Izmir. As described by one of the laws enforcements officers “All their needs including access to health services are provided there and they are taken to the PDGMM. We definitely obey the rules for 48 hours.” (Interview SR11-Izmir-14). Because the above-mentioned transfer was considered expensive, and also requires human resources for accompanying the migrants, they wait maximum 48 hours to see if the newcomers will arrive. Syrians are not taken to the removal centres, but rather according to the 24th May regulations, they are transferred to the camps in Turkey (and in some cases in Syria), thus for this long journey, which is done by busses, they try to get together as many as they can.

The following quotation from the high-level state agency representative in Ankara provides the explanation about the different procedures and addresses the “temporary accommodation centres (camps)” for Syrians:

We do not accommodate Syrians at the removal centres. Because those at these centres are the ones who will be deported. Until their deportations, they are kept there in order to prepare for their travel and organize other documents. Therefore, according to the Geneva Convention and LFIP, we do not deport Syrians. Thus, we do not keep the migrants that we do not report there. We never send Syrians to those centres. ... (Interview SR11-Ankara-02).

As following the apprehensions, irregular migrants (non-Syrians) are taken to the removal centres. The interviews in Izmir provided rich information about the removal centre in terms of its physical conditions, the existing procedures, as well as the related problems there. The interviewees from Izmir also compared the conditions of previous removal centres:

Both Sumerbank and Isikkent were such terrible places in terms of physical conditions and personnel. They lacked the capacity, and they were the kind of place where no human being should have to be accommodated... We have bad memories about Isikkent. I am so happy that it has been closed. It was a place that I hated so much. It was incredibly horrible. For example, there were 13 Afghan kids, and they were locked into the basement. Nobody knew about them. At the end, they cut themselves with razor-blade, and then, we could know about them (Interview SR11-Izmir-05).

It should be noted that compared to the previously mentioned removal centres, Harmandali was described as having better physical conditions by both state and non-state institutional representatives (Interview SR11-Ankara-02). The expression of “five stars” hotel is used by the interviewees for Harmandali along with another removal centre in Ayvacik. “The centre is in Ayvacik. If you see this place, it is like a palace. It is like a hotel. Five-star hotel” (Interview SR11-Canakkale-06). Similarly, a lawyer who has undertaken many cases from Harmandali shared that “it is a part of the EU - Turkey protocol regarding the establishment of 7 reception and accommodation centres. Harmandali’s form is like a hotel. Rooms, bathroom inside of those rooms, sport centre etc... We had 5-star removal centre in Izmir (Interview SR11-Izmir-05).

However, despite the better physical conditions regarding Harmandali in Izmir, the lack of capacity was also emphasized and noted by state and non-state representatives as “the capacity is 750 people and the building is really good. But with 15 officers, they were dealing with 750 migrants. It is not a normal thing” (Interview SR11-Ankara-01). Not only the numbers, but also the competences of the human resources at Harmandali were mentioned. Regarding the conditions and treatments, Izmir Bar Association prepared quite a detailed report not only for the physical conditions, but also regarding access to asylum and maltreatments (Izmir Bar Association, 2017). In addition, Deportation Monitoring Aegean (DMA) provides the most recent report about the Harmandali Removal Centre (DMA, 2019b).

Similarly, lack of capacity regarding the removal centres in Istanbul was also reported:

Sometimes it is overcrowded, the capacity is 750 but sometimes you reach 1,100. If I have to deal with 100 migrants, I will speak with them individually and separately. Why he/she escaped, if he/she wants to apply to international protection. But sometimes, I have to deal with 200 migrants. When I was working there, we could not deal with those migrants enough, it is related with the overcrowded nature of the facility (Interview SR11-Izmir-13).

In terms of monitoring the removal centres, the interviewees in Izmir mentioned about a commission, which has been conducting monthly regular visits to the removal centres. In line with the Reception and Removal Centres Regulation (2014, Article 16), “a commission shall be established at the General Directorate for the supervision of the centres [removal centres]. The working procedures and principles of the Commission are determined separately by the General Directorate”. The Commission is composed by participants from state and civil society organisations, as well as intergovernmental ones. As based on the interviews, it can be said that the members of the commission have been changing, and they are dependent on the collaboration protocols with the DGMM. Regarding the visit for the purposes of this report, it was realized that there is no possibility to have uninformed visits to the removal centres, and the actors who have access to the centres are quite limited.

According to the fieldwork and the interviewees’ statements, the decision of detention is decided on very loose legal grounds, and access to international protection and appealing process are problematic during administrative detention. Bar associations are only able to appoint a lawyer if the detained person goes through an investigation stage. However, when

the charges are dismissed, the lawyer's responsibility ends. According to lawyer interviewees, communication with detained refugees is extremely difficult, but from time to time personal networks may work.

Researchers also observed the role of personal networks, which are able to slow down the deportation processes, facilitate the intervention of lawyers, and taking a notarized representation form. In addition, some specific problems such as to access to the removal centres, the problematic "notification" process (give a written notice to somebody) have been also criticized by the interviewees in Izmir. It is stated that many dimensions regarding the notification responsibility of the state institutions have been overruled. The same problems also stated in Istanbul. The following quotation from a local lawyer who has been working in this field in Izmir, highlights some of those commonly addressed issues as follows:

As lawyers, we had many difficulties regarding the access, to see our clients, and to take deputation. You go there for your interview with your client. Until 17:15, you cannot see anyone, then at that time, they give you a lot of documents in a cartoon box. There is only 15 minutes left to the end of office hours. They tell you to have a look at those documents and speak with your client. Also, irregularities regarding notifications... For example, a Farsi speaking person was forced to sign a document in Arabic, even though the LFIP is extremely strict about notifications. The law says that you will notify the person in his/her own language and you will explain his/her situation in that language. Also, the notification is not enough by itself. They should be informed that, you were brought here because of this reason, we will deport you, you have right for appeal in 15 days, if you do not have legal support, we can assign a lawyer from the Bar Association. None of them exist in the implementation (Interview SR11-Izmir-05).

From the fieldwork, it is seen that the access of Bar Association lawyers to the removal centres to provide legal aid for the detained refugees is not easy due to heavy bureaucracy, lack of clarity about procedures, and short time frames between the detention, investigation and deportation. An interviewed lawyer in Sanliurfa working on the refugee issues mentioned several difficulties in relation to the access of detained refugees:

They (refugees) are imprisoned in Public Order Jail (*Assays Nezarathane*), because there is no separate detention space for them. It is not possible to see them during this detention. When, as a lawyer you want to visit, officers do not allow you and they ask for *vekalet* (notarized representation form) of the detained person. They do not allow the notary to take his/her signed form for assigning a lawyer. We ask officers for what should be done, officers say "we have ordered that the detained person should say that X is my lawyer, and I would like to see this lawyer". But the detained person does not have any access to outside, he does not know that his family is talking to me, how can he possibly know who is his lawyer? He does not even know that his family has visited a lawyer, because they are not able to communicate with family (if there is one) (Interview SR11-Urfa-04).

When the migrants are taken to the removal centre, only the Bar Associations have access since they are lawyers. There is some accessible information regarding legal counselling and the related NGOs or IGOs. While the bar associations have access to detainees? through their lawyers, some of the other NGOs provide legal aid and support through the bar associations.

Similarly, the active IGOs provide capacity building (such as financial support, improvements of physical conditions, or providing trainings regarding human rights, asylum law etc.) support, translation, legal aid and coordination with the bar associations and the related NGOs. The IGO representative summarized their support as being essential since "the language barrier is important. So, we have a protocol with Turkish bar associations, helping them with telephone

consulting. So, we provide translators to lawyers in bar associations for refugee cases. Also, the fees for power of attorney or notary” (Interview BilgiU-Istanbul-07). However, it can be said that the possible interventions of non-state actors are very limited and follow a complex path as explained by the regional coordinator of a national NGO:

The latest arrival of Afghan refugees (referring to those arrived in 2018) are settled in Osmaniye-Duzici. It was previously a temporary accommodation centre (camp) but then turned into a removal centre. We do not know the exact numbers, but we were told that in the beginning there were around 5,000 Afghans. We do not access to camps; we also do not have access to repatriation centres. Only if people can access us from camps, are we able to involve in. They ask for legal support in the case of deportation, in these cases, we are calling the Bar Association where we refer to lawyer support. Only lawyers are able to enter the removal centres. Often persons' family members or relatives come to us to ask for help. Thus, we cooperate with the Bar Association and in all provinces, we have offices. However, in Gaziantep, Hatay, and Sanliurfa we have closer cooperation with the Bar Association (Interview SRII-Urfa-02).

The meso-level interviewee stated that for the non-Syrians, one of the biggest problems is the limbo after the administrative detention. Because, after they are released, they are not provided with their identity cards such as passport etc. (if they have any) and they are obliged to leave the country (*ulkeyi terk daveti*). Until their deportation, irregular migrants are obliged to report weekly or every two weeks. This procedure is problematic both for the migrants and the national security institutions according to the interviewees in Izmir. The following quotation provides an elaboration regarding the process:

There is one document, which invites them to leave the county between 15-30 days. If a person leaves the country within this time period, it means that the person left the country legally. I think this is the handicap of the DGMM. When it gives this document to these people, it has to give this time period to them too. But it cannot keep them under detention; because it does not have this capacity to keep them in the removal centres. But also, it cannot deport them too. ... Those people will be taken to the removal centres as soon as they are assigned another investigation. This is a complete bunny chase, nothing else. It is to say that you go, do whatever you do but be invisible to me... (Interview SRII-Izmir-05).

Another issue regarding the administrative detention, is the different procedures regarding a special procedure for foreigner terrorist combatants that is names as “*yabancı terrorist savascil YTS*” as it was mentioned by many interviewees. A statement from a lawyer from Izmir summarizes that “they did not bring those refugees for legal counselling, or they followed a special procedure telling us your security is so important for us [the state]” (Interview SRII-Izmir-05). Another lawyer stated that “Their [foreigner terrorist combatants] procedure is totally different for them at the removal centre. For a long time, the removal centre has not given permission to the lawyers for deputation/power of attorney, litigation, or even to communicate with their clients. You cannot reach them by phone, for example they are not taken to the cafeteria for eating in Izmir. They eat in their rooms.”⁵¹

Finally, some INGO representatives working with refugees that after 2016, particularly along with the Emergency Law Decrees, stated that the number of deportations have increased. Also, the sheltering opportunities in camps declined as some camps are either closed or united with others encouraging returns. During the fieldwork, it was also observed that many NGOs are trying to disassociate themselves from the deportation cases, and do not want to talk about

⁵¹ The focus group study was conducted on 24 October 2018 with the Izmir Bar Association, Migration and Asylum Commission, conducted by N. Ela Gokalp Aras (SRII) (Respondent II).

the issue, or in many cases they transfer each case to the related NGOs and IGOs.

5.2.4.3. Deportation

According to the researchers' observations in the field and the statements of interviewees, no civilian state officers (from PDMMs) wants to take responsibility or be engaged about the deportation issues as decisions for deportations are often taken on the grounds of alleged terrorism suspicions. Also, the legal framework is not fully clear to the civilian officers of the DGMM. They (PDMM officers) ask the comments of police officers who have more experience regarding the deportation of foreigners. Senior officers try to shift the problem to more senior officers (as much as possible) in order not to take sole responsibility. The general approach is to deport the person in question (or transfer them to another administrative unit) as soon as possible, particularly if there is a suspicion about a terror link.⁵²

The impact of the coup-attempt and the broader concerns regarding terrorism were also mentioned in deportation-related interviews in Izmir. The different decisions and lack of communication among the different state authorities were underlined by the interviewees in Izmir. The following quotation mentions both YTS and a terror dimension, but also the problematic and unlawful procedures:

Following the 15th July coup-attempt, with the special security codes, many people were deported. Administrative detention was used abusively. As saying that "we keep you here for 12 months, then we take you out one day, then we will take you again for another 12 months. We will send you to the Nusaybin camp, your family..." threatening people like that they make people sign the forms automatically without even taking their real consent and deport them from Turkey. Okay, and you suddenly deport this person, even before the investigation against him/her at the prosecution is not finalized. In terms of procedural economics, it is also not acceptable. Because you initiated an investigation on the one hand by your judicial authorities, but on the other hand another institution deports that person. Following your high criminal court search for this person for years. It takes a decision for arresting and writes several notifications but this person is not in the country anymore. Maybe this person is really a terrorist. If someone threatens your country's security, or the world's, then you have to judge this person and you have to give the required penalty. Or if someone faces such an accusation, that person has right to defend him/herself as a constitutional right. How can you deport a person without having his/her defence? (Interview SR11-Izmir-05).

One interviewee from an NGO in Istanbul refers to a deportation case:

For example, some of our applicants mentioned deportations from Turkey. Although their families had been here, they had been settled here, they were forced to sign a document declaring that "I want to voluntarily return", then they were deported. Everything seems in accordance with the legal procedures as the person signs a voluntary return document. In fact, the signature was taken under the torture in the removal centre. For example, a Kurdish refugee was deported to a region which was controlled by ISIS (Interview BilgiU-Istanbul-05).

A regional coordinator of a national NGO operating in the southeast Turkey defended deportations arguing for security reasons. He said that

Almost 99% of deportations occur on the security grounds. There are no spontaneous deportations, there is no raid or street checks with the aim of

⁵² Participator observation of Z. Sahin Mencutek in the state agencies in Sanliurfa (July 2018).

deportation. If they find you without ID, they send them to the DGMM to get it, if there is no security-intelligence link. Turkey is very flexible about these issues, no widespread deportations except security reasons (Interview SR11-Urfa-02).

As there is no reliable data (official or unofficial) about the numbers of deportations and the legal justifications of each deportation case, it is impossible to validate his statement. Considering that he is a representative of nation-wide NGO working with both UNHCR and DGMM, his statements may offer some insights, at least regarding the perceptions about deportations inside Turkey. The reports of Human Rights Watch and Amnesty International provide additional insights as they are based on interviews with deportees and display the unlawful practices.⁵³

A lawyer from Sanliurfa's Bar Association Refugee Unit mentioned an incident:

One of my customers was alleged to be member of Daesh, he was detained for a week. The Court issued the decision of dismissal of charges even though there was no investigation stage. The PGMM took the administrative decision of deportation. He was then deported. In fact, this is not rational implementation because the person was given dismissal of charges decision. It means that he does not have any link, and there is no evidence of a link with a terrorist organisation. But, at the end such people are deported as there is a suspicion of terror. This is very common practice. This means that officers in the DGMM has a separate authority (than judges) to decide about deportation. Although the decision is presented as an administrative decision, in fact it is a judicial decision, it is a basic human rights violation, as it impedes to entering a country without a limitation (Interview SR11-Urfa-04).

Finally, a president of a national NGO in Izmir stated that the unlawful deportations "we came across with naive official explanations and statements such as 'we sent 288 Afghans back'. The people started to question how they could be sent. We had numerous visitors at that period from the European Commissions, from the embassies etc" (Interview SR11-Ankara-01).

24th May Regulation

As a part of the legal and institutional framework of this report, the new regulation dated 24 May 2018 was already explained, and the interviewees have also emphasized that rather than a regulation it can be seen as an internal implementation measure based on the DGMM's decision. However, in terms of implications the results of the new regulation were quite visible in the field. Briefly, it can be stated that the dramatic decrease of border-crossings (Greece-Turkey) by Syrians was explained as one of the main results. The below given quotation from a state officer in Izmir explains the logic behind the regulation and its impact:

In the past, because Syrians used to be released [after they were caught], people from Iran, Afghanistan and even Africa were saying that I am a Syrian. When I worked at the removal centre it was quite crowded (July, August and September). This period was the time of the highest apprehensions. I had never come across a false statement. All the statements regarding their nationalities [migrants] were correct. I see the impact of the regulation. But I believe that to send Syrians is not the solution. Because they are released from the camps, then they come here again. And when we take them to camps, for example if we take them to Antep, there are 50 officials who accompany them. Think about the expenses from the state, travel expenses etc. It is really harmful for the state (Interview SR11-Izmir-13).

⁵³ The reports of Human Rights Watch and Amnesty International provide additional insights as they are based on interviews with deportees. See Amnesty International, 2017 and Human Rights Watch, 2018.

The following quotation from the interviews with an IGO representative in Izmir also provides more details about the dramatic decrease in the numbers of Syrians (in Izmir), and increase in various other nationalities. Although Syrians cannot be taken to the removal centres for administrative detention, this quotation displays the differing implementation of? Changed? after the 24th May 2018 regulation. Before, Syrians were usually released right away, now they are taken to the existing/remaining camps with a law enforcement escort. Therefore, it is a kind of forced mobility, and in some cases, it is even declared that they are sent to the “safe areas” in Syria. Thus, the action seems to go against to the non-refoulment principle. Additionally:

Now, the Syrians are not released from the removal centres anymore but they are sent to the camps in the Southeast. From there, their exit is not difficult. Because the aim of the regulation is not to keep them in the camps, but to create a deterrence. After the new procedure, the number of Syrians has been decreased dramatically [regarding irregular border-crossings]. For example, in our records, they were 65-70%, but now 33%. Then, it is followed by Afghans with 32% (Interview SR11-Izmir-02).

The interviewees in Izmir did not want to share much information about voluntary returns of Syrians, but three interviewees shared that some of the Syrians were caught during their irregular border crossings, and since they cannot be taken to the removal centres as a result of the 24th May 2018 regulation, they were taken to camps. It is stated that some of the camps take place within the “so-called” safety areas within Syria, which is against the non-refoulment principle, but it should also be noted that Turkey and Syria have a readmission agreement. However, to have access to further information about this agreement was not possible for the researchers. Thus, they cannot be considered as a part of voluntary return, and they can be seen as against the non-refoulment principle of the Geneva convention and also the LFIP. In parallel to the above-mentioned situation, the representative of an IGO in Izmir stated that “the ones who are single Syrians are also taken to the areas that are called safe areas, where it is cleaned from terror. Although those places are inside Syria, the number is low. But in general, they are taken to the camps” (Interview SR11-Izmir-11).

5.2.5. Voluntary Return to Syria

It seems that return is on the agenda of Turkish stakeholders. On 3 December 2018, Ministry of Interior Suleyman Soylu declared that 285,424 Syrians returned to their homes after Turkey’s military operations in the Northern Syria (Hurriyet, 2018). Recently, on 1 March 2019, Turkey’s official news agency reported that “around 315,000 Syrians living in Turkey have so far returned voluntarily to their home country after Turkey’s anti-terror operations cleared their hometowns of terrorists” (Mazi, 2019).

Regarding voluntary returns, NGOs in Istanbul commented on voluntary returns and mechanisms. A regional director of an NGO in Istanbul said that:

After the Afrin operation, different authorities from the state started to disseminate the information of “there are secure regions in Syria and those who want to return may return” via media and other means. Personally, I believe that there is a change in the Turkish state’s stance about Syrians towards their return and deportation. We see the reflections of this change. The municipalities in Istanbul organize campaigns in this end. The municipalities say that “they cover all expenses of returning families and provide transportation for them. They do not have any hesitation to run such campaigns and talk about it on media” (Interview, BilgiU-Istanbul-02).

However, this policy shift has some controversial consequences. The same NGO representative considers that “one of the reasons of increasing tension between Syrians and locals in this year (2018) is related to this return discourse. The government insistently tells that ‘there is a secured place in Syria and Syrians can return if they want’”. This creates an expectation among Turkish locals and they say “why these Syrians do not return if there is a secured place?” (Interview, BilgiU-Istanbul-02). During our fieldwork in Sanliurfa, the researchers observed exactly the same discourse among the locals who expect the immediate return of Syrians by referring to the explanation of Turkish Government about the security.

There has been inconsistent information about voluntary returns among refugees (Syrians) and stakeholders. A representative of a refugee community centre in Istanbul shared her insights:

We cannot mention voluntary returns right now. These are human beings you cannot repatriate them. After Turkish soldiers entered in Afrin, we received calls from almost two thirds of our beneficiaries. They were saying that “Provincial Migration Directorate calls us, they tell us that we establish schools and hospitals in Afrin for you, start to collect your stuff, you will return there”. We as an organisation have a good relation with the Provincial Migration Directorate, and asked about these types of calls. Their explanation made us relax. They told us that “there is a misunderstanding due to the translation mistakes.” So, there is no policy shift. As the term of voluntary return implies, it has to be voluntary. It can be the case that war would end, peace is provided, but these people may not want to return (Interview, BilgiU-Istanbul-04).

Similarly, a program assistant interviewed in Istanbul conveyed that:

We encountered some cases that came to us for consultancy. They had been detained, but after a while they expressed that they wanted to return voluntarily. Then they were allowed to return. At this point, it has opened the discussion as to what extent this is a voluntary return (Interview, BilgiU-Istanbul-05).

A lawyer interviewed in Sanliurfa also confirmed about the issue of signing document called voluntary return form. He noted that:

Signing of this form (voluntary return document) is problematic, because the person is not able to read and understand the form, he does not know what it is. Also, receiving this form, a police officer who orders him that “whether you sign this form or not we will send you back” they are required to sign this form, considering not staying here but go (Interview SR11-Urfa-04).

Many of the interviewees in Izmir also mentioned the problematic character and the procedural problems of voluntary returns.

According to the regulation, the UNHCR should take a role as observer along with the other civil society institutions, in cases of voluntary returns from the camps. However, many of the interviewees who represent different civil society institutions mention that they do not want to take part within this process, because they are mainly used for completing a procedure and even, they have some hesitations regarding the “voluntary” aspect of the returns. On the other hand, if the returns are not from the camps, mainly the semi-state institution *Kizilay* representative signs the forms as the observer, although its neutral observant status in the return are criticized by the IGO, NGO representatives and lawyers (Interview SR11-Izmir-02; 05).

5.2.5.1. Readmission Agreements and the EU-Turkey Statement

The fieldwork provides information about the impact of the EU-Turkey Readmission Agreement (RA). It should be stated that the majority of the meso level interviewees in Izmir used the RA and the Statement interchangeably. It is seen that there is a lot of confusion about these legal and political documents as well as the Turkey-Greece Readmission Protocol in practice.

As it was mentioned previously, the RA came into force in 2013 only for the Turkish citizens and in 2017, for the third-country nationals as well. However, due to Turkey's administrative measures regarding visa liberalisation process, it could not be applied to third-country nationals. For the readmission of the Syrians from the Greek islands, the Statement has been used. The complex legal problems and interconnectedness among the Readmission Protocol (with Greece), the RA, and the Statement were discussed earlier. As of July 2019, the only implemented political instrument (since it is not an international agreement but a political statement) seems the EU-Turkey Statement as it was stated at the macro-level analysis of the report (p.47). The following statement from the EU Delegation representative elaborates the complex statuses of the Agreement-Statement-Protocol triangle and reflects the interconnectedness of these three documents:

Now that the protocol (with Greece) has been suspended. There are a lot of questions on this because essentially concerning, you know the EU, Turkey and Greece make a triangle, the Protocol, the Statement and the Agreement... We have the EU-Turkey Readmission Agreement, [that] was signed in 2013. However, Turkey does not implement the clause that relates to the third country nationals. Saying that we are going to implement this clause when you implement the visa liberalisation. Basically, the EU-Turkey Readmission Agreement is in force, however, in practice only for Turkish citizens (Interview SR11-Ankara-03).

As referring to the impact of the Statement, it has generated a significant impact on the irregular border crossings from Turkey to Greece. Following the dramatic decrease of crossings in April 2016 after the Statement, it has also been a constant fluctuation, which was emphasized by the interviewees in Izmir. However, it is not possible to attribute these fluctuating figures to a sole factor. The interviewees in Izmir mentioned different factors such as the low number of readmissions since the RA and the Statement, the 24th May 2018 regulation⁵⁴, perceptions of the interviewees regarding the effectiveness of these policy tools, changes in the perception of migrants who intend to try crossing, seasonal differences, family unification attempts due to losing the prospects for resettlement and other reasons (Interview SR11-Izmir-10; Interview SR11-Izmir-01). For example, the following quotation from one law enforcement officer from Izmir focuses on the perceptions of migrants as follows:

So, an immigrant says that if I go to Greece, they will send me back again thus I do not want to go. Both the Agreement and Statement are important because they create such a perception [among] migrants (Interview SR11-Meso-Izmir-01).

Although it does not necessarily support the ideas around the impact of the Statement on the changing figures, the following quotation also emphasizes the importance of other intervening factors such as smugglers and the building of the security wall, implication of different policies for different nationalities, and interaction between various border lines:

⁵⁴ The new internal regulation was launched by DGMM as of 24th May 2018. Before, in case of irregular border-crossings Syrians used to be released without taken into the removal centres. However, after these internal regulations, Syrians are also taken by the law enforcement actors and accompanied to the existing temporary accommodation centres (camps) in the south-eastern border cities. After registration there, they are free to leave the camps.

I do not believe that the decrease in (border-crossings) is because the Statement. Even more than its impact, they closed the borders. They made the transition to the mainland very difficult; I think, these figures are very much related to this. By the way, they [refugees] don't know they will be sent back while they are on their way. When our team members ask them if they know about the "readmission statement", they say "no" and when it is explained to them, they say that "I do not think that we will be sent back". Especially Syrians and Iraqis. The closed-doors have a direct impact. Smugglers direct them. Thus, migrants do not follow this but they follow what smugglers say. By the way they have been diverted to Italy, since it is easier to pass the other EU countries rather than Greece (Interview SR11-Izmir-02).

The following quotation from the high-level officer of the state agency also re-confirms the recent changes regarding the Readmission Agreement and the Protocol, while emphasising that the Statement has been implemented as foreseen. It also displays the impact of the 15 July coup-attempt in Turkey as visible at the foreign policy level, which will be mentioned later in this report.

It was suspended unilaterally with Greece (the Readmission Protocol between Greece and Turkey). We signed a protocol with Greece in 2002 on a readmission as two countries separate from the EU. In the light of the current developments, as you know, there are disputes regarding the Eastern Mediterranean (with Greece) ... due to some of the political disputes in particular regarding the acceptance of the asylum applications of FETO⁵⁵ related coup-plotters, Turkey suspended the Protocol unilaterally. However, this protocol is still valid for Turkish citizens at the Greek side. So, it means that Turkish citizens who reside in Europe as irregular status can be readmitted to Turkey. I mean, if there is a Turkish citizen in Belgium or Holland, we accept them... Now, the readmissions are done as a part of the 18th March Statement (Interview SR11-Ankara-02).

Based on the fieldwork, it is seen that the Statement has been applied only through Dikili (a coastline town in Izmir) recently. According to the first plan, Gulluk-Bodrum and also Cesme-Izmir were assigned as the other location for the readmissions, but both the officials and also NGO and IGO representatives stated that operations took place only at Dikili-Izmir, which is also re-confirmed by the high-level officer of state agency who stated that "We only take them from Dikili. At the beginning, we also took from Cesme. Only for 2-3 times, but then that point was closed" (Interview SR11-Ankara-02).

In terms of numbers of readmitted migrants, in parallel to the official figures, both the official statements as well as the NGOs and IGOs representatives stated that the numbers were quite low. The interviewees in Izmir stated that readmissions have been done every two weeks for small numbers of about 8-10. The majority of the interviewees said that in the past, the numbers were higher for one operation because the time period was longer but now, we more often see lower numbers.

The IGO representatives, in particular the UN agencies representatives stated that they are not a part of the Statement as well as the Agreement, thus during the readmissions, they do not play a role. However, according to the interviewees, based on the good communication with the law enforcement institutions and the IGOs and NGOs, in case of any humanitarian needs they provide kits as well as the other required support. In parallel, the state representative stated that based on the Ministry of Foreign Affairs and the Ministry of Interior's central decision, the entire operation is conducted by the provincial representation of the migration management state agency in Izmir by cooperating with relevant institutions such as law enforcement forces, health unit, and others (Interview SR11-Ankara- 02).

⁵⁵ Fethullah Gulen Terrorist Organization

5.3. Cooperation and Coordination Among the Border Management and Migration Related Actors

The provinces referred to in this study are quite different from each other in terms of border management and migration control. Although there are some similar actors, those cities are different from each other in relation to its entrance, exit and transit hub characteristics. Also, sea and land borders have significant differences. Therefore, this section will be analysed only for Izmir and Sanliurfa. Since Istanbul is not one of the border cities, the findings were not enough to evaluate the cooperation and coordination among the border related actors.

5.3.1. Border Governance in Practice- Izmir

In general, Turkey's western EU borders are also significantly politicized. Western borders are the main exit points from Turkey to Europe. Thus, it influences the EU-Turkey relations. In addition, since 2015, more IGOs such as IOM started to involve in border management of Turkey. All these factors have created a complex policy field of border management.

In terms of border management and migration control, actors are quite limited in Izmir. They can be briefly categorised as state and non-state actors. First of all, the state's law enforcement actors appear at the scene. In addition to those actors, at the centre there is the DGMM and in the city the PDMM takes a leading role as the state actor. PDMM takes the role after apprehensions and by the completion of the legal process, immigrants are taken by PDMM to the removal centre. The main role regarding international protection is taken by PDMM, including internal controls through registrations, ID renewals, granting travel permission, and deportations. On the other hand, GDMM has a specific role regarding readmissions from Dikili. District governorships and municipalities also take part, in particular, where the intense border-crossings occur. As different from Sanliurfa and all the other south-eastern provinces at Turkey-Syria border, AFAD has not been an active actor in Izmir but rather the Turkish Red Crescent (TRC, *Kizilay*) also takes part as semi-state organisation

In terms of governance the clear division of labour among the law enforcement forces were mentioned in Izmir. Accordingly, all the cases at the sea are the responsibility of the coast guard. It is stated by the interviewees in Izmir, at the beginning of the crisis (as referring to 2015 and 2016) due to the high numbers, lack of capacity, as well as a lack of well-structured procedures and regulations, there were some problems among the law enforcement agencies, however, still today the situation is not better. After their tasks are completed, the immigrants are transferred to the PDMM. In case of readmissions, the DGMM also takes place as supporting PDMM. The below given statement from a high-level law enforcement officer summarizes the situation and previous problems:

One of the problems we experienced with the PDMM in the past, is how do we move immigrants to the PDMM? You have 50 migrants, they have bags, they have life jackets. Some people pick up their guitar, some even with their cat. Of course, they have different needs at that stage. Hunger, thirst, some of them had even the danger of suffocation. At this stage, after cleaning everything, we need a car from the PDMM, and sometimes they say they do not have a car. We have to overcome the trouble. We are trying to find solutions with every opportunity. There is no distinction between them and us. Of course, these are situations no one wants. Such a crisis management was something that nobody expected. Since it was experienced as a first time, everybody was helping each other. Now, the related institutions can produce a more practical solution because they have all become little more professional (Interview SR11-Izmir-01).

The intergovernmental organisations, IOM and UNHCR, appear as the most visible ones in the field. More specifically in Izmir, IOM appears as the most active IGO at the important border-crossing points that provides support both for the law enforcement and the other state actors. For example, IOM has a collaboration protocol with the Coast Guard Aegean Region Command. Since border-management and migration control covers mixed flows, the IOM has quite an intense role in terms of spatial scope of the operations. IOM not only has offices and mobile teams in Izmir, but also in the other cities in the Aegean Region. At the border crossing points, it is quite active with its outreach teams, but also as the first contact with the immigrants as following their apprehension by the law enforcement actors, IOM also provides information regarding international protection. Based on the fieldwork in Izmir and the interviews with the IOM representatives, it is seen that IOM provides interpretation and humanitarian aid support such as water, food packages, blankets and clothes while law enforcement officers take statements of the immigrants. At the same time, they support the law enforcement officers for identifying vulnerabilities and for consultancy.

In comparison with IOM, UNHCR does not appear at the border-crossing points directly, but they also provide the same kinds of support as IOM to both state and non-state institutions. For example, they provide support and funds for one national NGO, ASAM. The interviewees from UNHCR stated that they do not take role at the rescue events but they have been funding one of the most active national NGO in Izmir and also at the western border crossing points (ASAM). Though the collaboration with ASAM, the UNHCR also actively participates to the process at the border-crossing points. The close communication and complementary works among the UN agencies, as well as the law enforcement and national NGOs were mentioned by the interviewees, despite their limited numbers. As different from IOM, UNHCR also takes part regarding international protection. Regarding the situation in the removal centres, UNHCR has one expert, who is specially assigned for the cases at the removal centre in Izmir to follow the cases, to provide support for assignment of a lawyer, and to follow-up the case up to appeal.

In summary, IGOs mainly provide humanitarian aid, interpretation, consultancy for international protection, identification of vulnerabilities, vehicles and transportation, support, and in some cases infrastructure support at the borders (such as shelter, tents, mobile containers, mobile toilets, showers, changing rooms etc.) in Izmir. Those services and support are provided both to the law enforcement actors and also some national NGOs. As following the dramatic increase of the irregular crossings in 2015 and 2016, many of the new IGOs, INGOs and NGOs started to open their offices in Izmir. Some of them have also mobile outreach teams, for example, UNHCR, IOM, ASAM and Mercy Corps. However, some of the NGOs and INGOs have been closed as following the state of emergency and the related decrees.

In terms of NGO representation within border management, ASAM appears as a significant actor. As based on the interviews with the representatives in both Izmir and Ankara, it is seen that ASAM has specific offices from Edirne to Bodrum. As similar to IOM, they provide interpreter, lawyer, social worker services and they have a mobile team like IOM's outreach teams. While IOM has a protocol with the coast guard, ASAM emphasizes the importance of the land operations in Turkey.⁵⁶ Thus, they coordinate and collaborate with the Gendarmerie as well as with the security forces. They provide significant services in Izmir such as social and legal counselling, psychological support, assisting asylum-seekers and refugees through their UNHCR processes, identifying vulnerable cases, reporting push-back cases and incidents, food and non-food items (NFI) distribution. They provide interpreters, social workers, humanitarian aid kits to security forces and gendarmerie. In addition, ASAM has "Mobile Counselling Team (MCT)" based in Izmir. It is stated by the interviewees that

⁵⁶ It has been emphasized that the changing practices or implemented different operations in different borders have impact on the others. For example, the "security wall" in the south eastern borders in terms of entrance and the consequences at the exit borders.

although based on good manner and bilateral communication, it is possible to work without protocols, as the related institutions facilitate cooperation and help to overcome heavy bureaucracy (Interview SR11-Izmir-12).

Multeci-Der has only a marginal role in Izmir. They monitor apprehensions and some of the special cases regarding international protection, in particular vulnerabilities, which have been tackled with the IGOs and NGOs in Izmir through the coordination meetings and the established cooperation. As following the apprehensions, like the Izmir Bar Association, Multeci-Der also provides intense support to the ones who are under administrative detention at the removal centres.

In terms of the EU and the EU-Turkey cooperation regarding border management, the majority of the interviewees stated that the EU has not been quite visible as much as the UN representative in the field with their representatives from the different agencies, at least at the border-crossing points or even in the city. However, many of the projects, including some of the UN's ones, are funded by the EU itself. It is also stated that time to time, the EU Delegations have visited the field or the related stakeholders. One of the IGO representatives in Izmir, who has been working at the border-crossing point stated that

I have been here for two years. I have seen 7-8 experts from the EU. They come here and do an examination in the broadest sense. They try to understand and report, how does it work, etc. Since we have been already working here as partners, our observations are already taken into account by them" (Interview SR11-Izmir-08).

In particular regarding irregular migration, almost all the interviewees mentioned that at the beginning of 2015, the city was not ready and many of the institutions were not yet established, or the ones that had already been in the city had significant problems regarding responding to the high numbers of transit migrants in the city centre, as well as the border-crossing points. The interviewees mentioned that due to high numbers of arrivals, some problems occurred. For example, when the coast guard handed 500 immigrants to the Gendarmerie. Again, almost all the interviewees mentioned a relative or significant progress regarding cooperation, division of labour, and procedures. In terms of governance, the coordination meetings with the participation of all the related stakeholders were mentioned. However, regarding the efficiency of the meetings, some of the interviewees mentioned that in terms of producing concrete results those meetings remain inadequate.

Concerning governance in Izmir, it can be stated that the number of actors, in particular the NGOs, are quite limited.

5.3.2. Border Governance in Practice- Sanliurfa

In general, the geography affects positioning and implementations of meso level actors. The Turkish state has often considered the southeast border with Syria as critical for its national security. The same border is also where mass arrivals of Syrians occurred, and they have stayed in camps and urban areas in the region.

In Sanliurfa, the coordination and collaboration among the related actors is different to Izmir. Here, the Land Command, particularly border check stations (*Hudut Karakolu*) and Gendarmerie are the main responsible institutions for controlling the crossings.

Similar to Izmir, PDMM takes the leading role in the management of the international and temporary protection cases. It mainly deals with internal controls such as registrations, ID renewals, and granting travel permission within Turkey and to Syria. It is observed that the

Director of PDMM has a substantial power in the provincial bureaucracy, was in close cooperation with the DGMM in Ankara, as well as with the Sanliurfa Governorate. The PDMM has two branches in the city centre, in addition to the branches in some big towns and temporary accommodation centres. Three temporary accommodation camps in the province have been transferred under the governance of PDMM, whereas before they were governed by the AFAD since 2011. As the official border gates in Sanliurfa have been closed since 2016, PDMM in Sanliurfa cooperates with Kilis Governorate regulating short visits for *bayram*, trade purposes, or funeral purposes and as well as voluntary returns. For deportations, Sanliurfa PDMM cooperates with Osmaniye Removal Centre as it does not have its own removal centre, but is planned for the near future (Interview SR11-Urfa-01).

There are some coordination problems between local government (municipality and district officers), and PDMM in terms of registration and internal controls. An interviewed district officer from the city centre conveyed that “we (*muhtarlik*) do not have direct coordination with the governorate and DGMM, and we only contact them for IDs, we are writing a petition for giving IDs to Syrians, but we do not have any other contact” (Interview SR11-Urfa-13). In the border towns, coordination is a bigger challenge in Sanliurfa than coordination at the city centre, as the PDMM does not have offices in all towns (including border towns) where Syrians settle in. One part of the coordination problems is related to the lack of adequate capacity to handle services.

The PDMM has started to take responsibility in the camps (replacing AFAD), but often camps are far from town centres and difficult to access. A district officer from a border town who was visiting the camp to help with the paper work of some refugees told us that “If you want to do something, make it in a proper way, DGMM should be in the town. If you do registration in a tent camp, build a proper waiting lounge, do a good service, even build a proper road to the camp. You know the road is terrible, it is terrible” (Interview SR11-Urfa-22). The researcher also observed that the road to the camp was not built.

In terms of IGOs, the UNHCR supports the capacity building of PDMM, particularly for training of experts and for enhancement of infrastructures where Syrians are given services such as setting up mobile toilets and shades on the sites where Syrians are waiting for registration (Interview SR11-Urfa-22). The IOM has a presence in the city, but is not involved in border related issues. The majority of the interviewees stated that the Turkish state tried to keep entries under its full control without hindering or giving limited authority to non-state actors. According to the NGO representatives, this stance can be attributed to Turkey’s security concerns. It is stated that for example, Turkey avoids asking for the support of the UNHCR during border crossings. They did not have access to the border points, except occasionally when permission was provided by the central state. During mass border crossings, the IOs and INGOs had only been able to support local implementers which delivered humanitarian aids to the recently arrived Syrians.

In terms of NGOs, the most visible semi-state and non-state organisations on the borders are *Kizilay* (Turkish Red Crescent) as a semi-state organisation, and the IHH (Humanitarian Relief Foundation), which is close to the government and almost turned into an organisation like *Kizilay* according to our interviewees.

ASAM also has a branch in Sanliurfa, however it does not access the border zones but it mainly gives legal and logistical support to applicants of international protection and temporary protection. It does not involve in the cases of apprehensions and detentions. Also compared to Izmir and Istanbul, the Bar Association and its Refugee Support Unit has been still underdeveloped and based on voluntary service of few lawyers. For capacity building, lawyers from the Association seek to collaborate with their colleagues in Istanbul (Interview SR11-Urfa-04). It is also observable that NGOs in the province intentionally avoid commenting on the

border policies or coordination issues in the province, probably with the fear that several NGOs in the province were closed after the coup attempt (Interview SR11-Urfa-34).

6. Conclusion

This report is based on both macro and meso level analysis. In relation to the macro-level, the analysis draws from the post-2011 legal and institutional border management framework. Alternatively, for the meso-level, the analysis was based on data collected via first hand interviews in five provinces: Izmir, Sanliurfa, Istanbul, Ankara, and Canakkale. The provinces were purposively selected on the basis of their importance for the implementation of pre-entry controls, border controls, as well as internal controls and returns. The selection also enables a comprehensive mapping of both state, non-state, and transnational actors involved in the implementation of border management and control policies.

The overview of legislation reveals that Turkey has a highly fragmented legal framework regarding border management that has been subject to several amendments. Not only security related concerns, but also the relations with external actors such as the EU, have placed the goal of strengthening border management of Turkey as a priority. This goal has shaped the directions and content of legislations as well as the emergence of new border related actors in the last decades.

Although having a more civilian border management structure has been one of the aims regarding border management since 2012, particularly in parallel to the EU demands, it took until 2015 to transfer border enforcement responsibilities to the Ministry of Interior's Directorate General of Provincial Administration that formed the "Department of Border Management"; however in comparison to the existing law enforcement actors, this unit has quite a limited role. The fully uniformed and civilian border management unit "National Border Security Agency/Organization" which would take authority from Turkish Armed Forces, has not been yet established due to the instability in Turkey's borders in relation to the Syrian Civil War. So, still more than 20 different actors are involved in border management, who have to deal and act according to the highly fragmented at least 25 different legal regulations that are overlapping and contradicting in some extent. Among them, the most prominent institutions for land border control include Land Forces Command and Gendarmerie General Command, while the sea border control are mainly under the authority of Turkish Coast Guard Command. In relation to border management, the DGMM carries out the activities regarding the control of regular and irregular migration, including deportations, as well as international protection. Also, at the local level, governors are defined as the commander of all the public and private law enforcement actors within the provincial borders including those related to border management. This commander role become high relevant for the governors of border provinces in the cases of irregular entries and exists such as observed in Izmir and Sanliurfa as well as for internal controls such as those observed in Istanbul. A number of semi state actors, such as the Turkish Red Crescent and Social Assistance and Solidarity Foundation, started to take increasing roles in responding the mass refugee movements to Turkey as well as in supporting internal control mechanisms through household visits etc. Moreover, some national non-governmental organisations have carried out substantive roles in supporting the registration and protection needs of newly arrivals or those who are subject to deportations. Although privatization of border control⁵⁷ is not a case in Turkey, the border management is still highly centralized because it is observed that recently few NGOs took part in cross border activities.

⁵⁷ As it can be defined as relying on private actors from border control such as private security corporations or civilian gatekeepers, to control their borders (Vasanthakumar, 2018).

Not only national institutions, but also international institutions take a supportive role in Turkey's border management. Since the late 1990s, the EU has had a high impact on Turkish border management legislations and the designs of national agencies through coordination and cooperation. In the last years, the Readmission Agreement between the EU and Turkey, as well as the Statement of 18 March, 2016 turned into a significant pillar of Turkey's border management. Moreover, Frontex cooperated with Turkey through the memorandum of understanding for managing mixed flows, particularly those through the Aegean Sea. It has become a notable intergovernmental agency involved in border management in Turkey as it has served to strengthen technical expertise, infrastructure and cooperation among Turkey's border agencies. The UNHCR also supports Turkish border management institutions with an emphasis on compliance with the refoulment principle, access to the registration, and asylum procedures for those in need of international protection and assistance.

The major developments and milestones have occurred at different turning-points for each city where the fieldwork was conducted. Not only the population in those cities, but also border control related developments had an impact on the meso-level actors operating in each city. Thus, there are differences among different cities in Turkey. For example, the 2013-2014 period is widely mentioned with mass arrivals in short time periods in Sanliurfa, while 2016 was referred as the year that restrictive border controls for entries were observed. On the other hand, 2015 and 2016 can be seen as the period of dramatic change for Izmir. In this period, the new actors started to take a role in Izmir and the Aegean routes in relation with the dramatic increase of the border-crossings, migrants' deaths and the so-called European Refugee Crisis. has a and flexible policy mainly based on political decisions.

As part of cross-border operations, Turkey has additional pre-entry measures, in particular regarding Syria. Parallel to the increasing numbers of refugees and the incidents at the borders, since 2015, the Turkish state has focused on pre-entry measures to control its border and enhance its border security against terrorist infiltration. Following Turkey's cross border operations, interventions went beyond aid deliveries. Several institutions are involved in the establishment of cross-border camps and the reconstruction of Syrian cities. It seems that these activities aim at ameliorating conditions in northern Syria, which is the origin region of many Syrian refugees in Turkey. In addition to humanitarian concerns, Turkey has strategic interests as it approaches the control of the region as a security priority and preventing more crossings as vital. As of fall 2018, Turkish policy makers seem more determined about keeping the borders closed for mass arrivals and keeping displaced Syrians within Syria in relation to security concerns and terrorist infiltration.

Regarding the "at the border" dimension, the change from the open-door policy to more strict border controls for both entry and exit points is clearly seen. In addition, the impact of the 15th July coup d'état has been significant. This impact can be seen as a new and accelerating factor in increasing securitisation. In this section, criminalisation of smuggling as well as increasing border surveillance and sea rescue appear as other significant dimensions. While an increase in smuggling is the case, new penalties have been introduced but they are evaluated as inadequate by the meso-level actors. Another important development in border surveillance, the establishment of a "security wall", can be seen as a concrete reflection of securitisation.

Regarding the entry and exit dimensions, Sanliurfa provides information mainly about mass irregular entries from Syria, while Izmir represents one of the exit points for mixed flows. In the light of the fieldwork, it is seen that due to the increasing securitisation at both entry and exit points, there has been an increase in border control. For entry, although travel documents are not required due to the international protection regulation regarding the land borders, entry from the land borders has become more difficult, and it is only possible under emergency situations such as health to enter Turkey. On the other hand, existing policy has been the subject of stricter controls due to several factors, such as the EU-Turkey Statement and the 15 July coup-d'état attempt. In relation to travel documents, passports and other border check

measures at entry and also exit, more flexible implementation was the case at the beginning of the Syrian crisis. But with the construction of the “security wall” on the Turkey-Syria as well as on the Turkish-Iranian border, then the increasing restrictions have become visible. The most important common finding is the earlier flexible border controls starting from 2011 as a part of Turkey’s open-door policy but then, in particular by the end of 2015, stricter border management.

None of the meso-level actors mentioned the use of force/violence by Turkish security forces to halt entries before 2016. First hand observers told that border guards, mainly soldiers, allowed individuals and groups from Syria to cross Turkish border and even helped them in crossing. In particular, the increasing securitisation along with the increasing number of refugees as well as the capacity limits have been emphasized regarding the more controlled entries.

Regulations on stay, residency, and secondary movements from Turkey and within Turkey determine ways in which internal controls operate. The status granted to the migrants, conditions, requirements, and time limits about stays specified in the pertinent regulations serve as the techniques of power for providing internal controls. While the LFIP is the main legislation setting the stage for internal controls, there has been several supplementary pieces of legislations and/or specific legislations such as TPR and relevant circulars referred to during implementations. The address-based registration for migrants and asylum seekers (those under international and temporary protection) provides one of the main tools of internal controls of foreigners. Moreover, residence in the satellite cities (pre-determined cities) and reporting obligation of asylum seekers appear as an additional internal control mechanism. Those under temporary protection, Syrians, also need registration to legalize their stay and they have to stay in the province where they have completed their registration processes to be able to have access to the provided rights for them which can be seen as a de-facto residence limitation. This requirement for Syrians acts as an additional tool for internal controls, and it limits Syrians mobility in Turkey. Moreover, the verification and updating mechanisms have been launched to this end to control mobility of Syrians. In the last two years, one more additional control mechanism for Syrians is the requirement of a 15-day valid travel permit document, which is taken from Governorates when they travel to another city than that in which they register. This rule has been widely implemented by travel agencies which are subject to pay fees in the case of non-compliance. In addition, Syrians who travel to Syria and other countries need to get an exit permit. All these obligations about registration, reporting, updating, and travelling within and out of Turkey are critical for foreigners’ stay (protection from apprehension and deportation) in the country and their access to public services available to them such as health and education. They also raise questions about the refugees’ freedom of movement rights.

In terms of internal controls, it is seen that the number of refugee families without IDs in general have decreased substantially. This is also related to the fact that the state is seeking to put more control, thus, it takes more cautious approach about registrations and issuing of identities. Not only new registrations but also the verification of previous registrations is important to control those staying in Turkey. The updating of registration data and renewal of IDs for several times work as an internal control mechanism. However, these procedures have not been conducted smoothly or consistently. Misinformation, the mistakes of officers in registrations processes, complexity in procedures, and coordination problems among different state institutions have caused serious problems, difficulties in accessing services, and losing previously received status.

Apprehensions and administrative detention are also components of internal migration control. According to the LFIP and previous pieces of legislation(s), there are number of grounds for detaining foreigners. Among these situations, the vaguest is to pose a threat to public order or public security. Similarly, removal decisions are often taken on the grounds of the non-compliance with obligations about entry-exit, residence and work and security reasons. It also

tends to the criminalisation of the actions as ranging from being a member of terrorist activities, to overstaying a visa or the visa exemption. Although there is a right of appeal against removal decisions, it has been a quite complex bureaucratic process that gives difficult time to the person of the decision and their legal representatives such as lawyers. Moreover, since mid-2016, the appeal right of the foreigners was almost eliminated with the legislative amendments that are conducted under the banner of measures against “terrorist threats”.

Turkey’s legislation approaches return distinctly as “voluntary returns”; however, many interviewees stated the forced returns rather than volunteer ones as violating the non-refoulment principle. As a part of return policy, the most important and effective factor seems to be the existence of the Readmission Agreement (2013) even though has not been implemented and the Statement (2016) despite the law number of the readmissions through this document in terms of border-crossing from Turkey to Greece. Although, it has been expressed that there is much confusions about the Readmission Agreement, the Statement and the Readmission Protocol between Turkey-Greece in Izmir, the impact was visible regarding the number of border-crossings. As also reflected from Ankara, those documents and their implementations are quite political and effected by the foreign policy domain. The Statement, while there was a significant impact on irregular border crossings, starting from 2017 - although there are some fluctuations (due the weather, tourism reason and border patrolling etc.) - there has been a consistent increase again. In addition, as it was stated earlier, unlawful implementations regarding deportations have been also mentioned.

In general, it has been seen that the Turkish central state has sought to keep its full power over the border related issues through its imperative command and devising procedures to retain regulative capacity. To this end, state actors needed to create a capacity to fulfil management needs such as observed in border controls, registrations, or returns. Non-state actors both enlarged their service areas and recently emerged to take some limited supplementary roles. The involvement of INGOs in border related issues remained quite limited, often in the form of support to capacity building.

Finally, in terms of cooperation and collaboration among the border related actors, it can be briefly said that the main problem appears at the low representation of the related NGOs, lack of effective communication among the stakeholders, and the sheer lack of capacity.

7. Policy Recommendations

In formulating policy recommendations, this report concludes that Turkey should develop a more civilian border management structure and eliminate vagueness and contradictions in its legal framework. Regarding the “at the border” dimension, blocking the migratory flows in its neighbourhood by constructing a border wall or conducting unilateral military operations may not be an effective border management policy in the long run. In terms of “internal controls”, the implementation of travel permit measures should be re-formulated, as it significantly limits the exercise of freedom of movement of people who are under international or temporary protection in Turkey. In relation to return voluntary returns should be closely monitored and the non-refoulment principle should be always respected. In addition, the procedures and consequences of readmission agreements should be carefully analysed. Moreover, to comply with human right standards, Turkey should act more transparently and cooperatively with non-state actors in the apprehension, deportation, and voluntary return of asylum seekers.

8. Appendices

8.1. List of Legislation

Law-Regulation #	The title of the legislation in English	The title of the legislation in Turkish	Year	Online access
Law #2559	Police Powers and Duties Law	<i>Polis Vazife ve Salâhiyet Kanunu</i>	1934	http://www.mevzuat.gov.tr/MevzuatMetin/1.3.2559-20130712.pdf
Law #5442	Law on Province Governance	<i>İl İdaresi Kanunu</i>	1949	http://www.mevzuat.gov.tr/Metin.Aspix?MevzuatKod=1.3.5442&MevzuatIliski=0&sourceXmlSearch
Law #5683	Law on Residence and Travel of Foreigners in Turkey	<i>Yabancıların Türkiye'de İkamet ve Seyahatleri Hakkında</i>	1950 Amendment s: 2010 Repeal of some provisions: 2013 due the LFIP.	http://www.mevzuat.gov.tr/MevzuatMetin/1.3.5683.pdf
Law #2692	Law on Coast Guard	<i>Sahil Güvenlik Komutanlığı Kanunu</i>	1982	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.2692.pdf
Regulation # 1553	Regulation on Military Property Regions and Security Zones	<i>Askeri Yasak Bölgeler ve Güvenlik Bölgeleri Yönetmeliği</i>	1983	http://mevzuat.shgm.gov.tr/imevzuat/yonetmelik/askeri.pdf
Law #2803	Law on Gendarmerie Organization, Duties and Powers	<i>Jandarma Teşkilat, Görev ve Yetkileri Kanunu</i>	1983	http://www.mevzuat.gov.tr/MevzuatMetin/1.5.2803.pdf
Regulation # 1813	Regulation on the General Role and Responsibility of Gendarmerie	<i>Jandarma Yönetmeliği</i>	1983	https://vatandas.jandarma.gov.tr/KYSOP/uzaktan_egitim/Documents/jandarmayonetmeliği.pdf
Law #2929	Turkish Civil Aviation	<i>Türk Sivil Havacılık Kanunu</i>	1983	http://www.mevzuat.gov.tr/MevzuatMetin/1.5.2920.pdf
Law #3152	Law on the Organization and Duties of the Ministry of Interior	<i>İçişleri Bakanlığı Teşkilat ve Görevleri Hakkında Kanun</i>	1984	http://www.mevzuat.gov.tr/MevzuatMetin/1.5.3152.pdf
Law # 3497	Law on the Protection and Security of Land Borders	<i>Kara Sınırlarının Korunması ve Güvenliği Hakkındaki Kanun</i>	1988	http://www.mevzuat.gov.tr/Metin1.Aspix?MevzuatKod=1.5.3497&MevzuatIliski=0&sourceXmlSearch=&Tur=1&Tertip=5&No=3497

Regulation #22127	Regulation on the Procedures and the Principles Related to Mass Influx and Foreigners Arriving in Turkey Either as Individuals or in Groups Wishing to Seek Asylum Either from Turkey or Requesting Residence Permits with the Intention of Seeking Asylum from a Third Country	<i>Türkiye'ye İltica Eden veya Başka Bir Ülkeye İltica Etmek Üzere Türkiye'den İkamet İzni Talep Eden Münferit Yabancılar ile Topluca Sığınma Amacıyla Sınırlarımıza Gelen Yabancılar ve Olabilecek Nüfus Hareketlerine Uygulanacak Usul ve Esaslar Hakkında Yönetmelikte Değişiklik Yapılmasına Dair Yönetmelik</i>	1994 Amendment s: 2006	http://www.multeci.org.tr/wp-content/uploads/2016/12/1994-Yonetmeligi.pdf . For amendments see http://www.resmigazete.gov.tr/eskiler/2006/01/20060127-2.htm
Law #5237	Turkish Penal Code	<i>Türk Ceza Kanunu</i>	2004	http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf
Law #5490	Civil Registration Services Law	<i>Nüfus Hizmetleri Kanunu</i>	2006	file:///C:/Users/hp/Downloads/Turkish%20Civil%20Registration%20Services%20Law.pdf
Regulation #27185	Regulation for Changes Gendarmerie Organization's Duties and Authorities	<i>Jandarma Teşkilatı Görev ve Yetkileri Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik</i>	2009	http://www.resmigazete.gov.tr/eskiler/2009/03/20090330-2.htm
Regulation #28057	Regulation on Health Procedures Implementing on the Border Gates	<i>Hudut Kapılarında Uygulanacak Sağlık İşlemleri Hakkında Yönetmelik</i>	2011 Amendment s: 2006	http://ttb.org.tr/mevzuat/index.php?option=com_content&view=article&id=888:hudut-kapilarinda-uygulanacak-salik-lemler-hakkinda-yoenetmelik&catid=2:ymelik&Itemid=33 For amendments see http://www.resmigazete.gov.tr/eskiler/2006/01/20060127-2.htm
Decree #640	Decree on the Organization and Duties of the Ministry of Customs and Trade	<i>Gümrük ve Ticaret Bakanlığının Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararname</i>	2011	http://www.resmigazete.gov.tr/eskiler/2011/06/20110608M1-8.pdf

Law #6458	Law on Foreigners and International Protection (LFIP)	<i>Yabancılar ve Uluslararası Koruma Kanunu</i>	2014	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.6458.pdf
Regulation #6883	Regulation on Temporary Protection (TPR)	<i>Geçici Koruma Yönetmeliği</i>	2014	http://www.goc.gov.tr/files/_dokuman28.pdf
Regulation #28980	Regulation on Reception and Removal Centres	<i>Kabul ve Barınma Merkezleri ile Geri Gönderme Merkezlerinin Kurulması, Yönetimi, İşlettirilmesi ve Denetimi Hakkında Yönetmelik</i>	2014	http://www.resmigazete.gov.tr/eskiler/2014/04/20140422-5.htm
Regulation #29525	Regulation on the Procedures and Principles for the Obligations of Airway Carriers	<i>Havayolu Taşıyıcılarının Yükümlülüklerine İlişkin Usul ve Esaslar Hakkında Yönetmelik</i>	2015	http://www.resmigazete.gov.tr/eskiler/2015/11/20151107-6.htm
Circular #: 2016/8, 55327416-0000-:10587	Temporary Protection Implementation Circular	<i>Geçici Koruma Kapsamındaki Yabancılarla İlgili Yapılacak İş ve İşlemlerin Uygulanmasına Dair Usul ve Esaslar</i>	2016	http://kizilcahamam.meb.gov.tr/meb_izys_dosyalar/2016_03/22094122_gkku_sulveesaslargenelge.pdf
Law #6698	Law on Protection of Personal Information	<i>Kişisel Verilerin Korunması Kanunu</i>	2016	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.6698.pdf
Decree # 30474	Presidential Decree on Presidential Organization	<i>Cumhurbaşkanlığı Teşkilatı Hakkında Cumhurbaşkanlığı Kararnamesi</i>	2018	http://www.mevzuat.gov.tr/MevzuatMetin/19.5.1.pdf

8.2. List of Interviews

Interview SRII-Izmir-01. Conducted by N. Ela Gokalp Aras with the high-level officer of the law enforcement/ state security agency, 10 August 2018, Izmir, Turkey.

Interview SRII-Izmir-02. Conducted by N. Ela Gokalp Aras with the regional office representative of an IGO, 14 August 2018, Izmir, Turkey.

Interview SRII-Izmir-03. Conducted by N. Ela Gokalp Aras with the administrative coordinator of a national NGO, 15 August 2018, Izmir, Turkey.

Interview SRII-Izmir-04. Conducted by N. Ela Gokalp Aras with the representative of the regional coordinator of a national NGO, 17 August 2018, Izmir, Turkey.

Interview SRII-Izmir-05. Conducted by N. Ela Gokalp Aras with the lawyer (refugee rights advocate), 28 August 2018, Izmir, Turkey.

Interview SRII-Izmir-08. Conducted by N. Ela Gokalp Aras with the representative of an IGO, 16 October 2018, Izmir, Turkey.

Interview SRII-Izmir-10. Conducted by N. Ela Gokalp Aras with the representative of an IGO, 19 October 2018, Izmir, Turkey.

Interview SRII-Izmir-11. Conducted by N. Ela Gokalp Aras with the representative of an IGO, 23 October 2018, Izmir, Turkey.

Interview SRII-Izmir-12. Conducted by N. Ela Gokalp Aras with representative of the regional coordinator of a national NGO, 24 October 2018, Izmir, Turkey.

Interview SRII-Izmir-13. Conducted by N. Ela Gokalp Aras with the officer of the provincial state migration management agency, 25 October 2018, Izmir, Turkey.

Interview SRII-Izmir-14. Conducted by N. Ela Gokalp Aras with the high-level commander of the law enforcement/ state (gendarmierie) agency, 26 October 2018, Izmir, Turkey.

Interview SRII-Canakkale-06. Conducted by N. Ela Gokalp Aras with the local journalist, 15 October 2018, Canakkale, Turkey.

Interview SRII-Canakkale-07. Conducted by N. Ela Gokalp Aras with the Officer of the law enforcement/ state security (sea) agency, 15 October 2018, Canakkale, Turkey.

Interview SRII-Ankara-01. Conducted by N. Ela Gokalp Aras with the representative of a national NGO, 12 November 2018, Ankara, Turkey.

Interview SRII-Ankara-02. Conducted by N. Ela Gokalp Aras with the high-level officer of state agency, 12 November 2018, Ankara, Turkey.

Interview SRII-Ankara-03. Conducted by N. Ela Gokalp Aras with the representative of the EU, 15 November 2018, Ankara, Turkey.

Interview SRII- Ankara-04. Conducted by N. Ela Gokalp Aras with the high-level representatives of an IGO, 21 November 2018, Ankara, Turkey.

Interview SRII-Urfa-01. Conducted by Z. S. Mencutek with the high-level state officer, 11 July 2018, Sanliurfa, Turkey.

Interview SRII-Urfa-02. Conducted by Z. S. Mencutek with the regional coordinator of an NGO, 12 July 2018, Sanliurfa, Turkey.

Interview SRII-Urfa-03. Conducted by Z. S. Mencutek with the president of national NGOs, 12 July 2018, Sanliurfa, Turkey.

Interview SRII-Urfa-04. Conducted by Z. S. Mencutek with the lawyer (refugee rights advocate), 12 July 2018, Sanliurfa, Turkey.

Interview SRII-Urfa-09. Conducted by Z. S. Mencutek with the coordinator officer of semi-state association, 16 July 2018, Sanliurfa, Turkey.

Interview SRII-Urfa-13. Conducted by Z. S. Mencutek with the district officer, 18 July 2018, Sanliurfa, Turkey.

Interview SRII-Urfa-14. Conducted by Z. S. Mencutek with the director of Syrian NGO, 18 July 2018, Sanliurfa, Turkey.

Interview SRII-Urfa-15. Conducted by Z. S. Mencutek with the president of local ethnic solidarity NGO, 18 July 2018, Sanliurfa, Turkey.

Interview SRII-Urfa-22. Conducted by Z. S. Mencutek with the district officer, 18 July 2018, Sanliurfa, Turkey.

Interview SRII-Urfa-23. Conducted by Z. S. Mencutek with the representative from town hall, 22 July 2018, Sanliurfa, Turkey.

Interview SRII-Urfa-24. Conducted by Z. S. Mencutek with the representative of national NGO, 23 July 2018, Sanliurfa, Turkey.

Interview SRII-Urfa-25. Conducted by Z. S. Mencutek with the local person from town hall, 22 July 2018, Sanliurfa, Turkey.

Interview SRII-Urfa-26. Conducted by Z. S. Mencutek with the president of local humanitarian aid platform/umbrella organization, 25 July 2018, Sanliurfa, Turkey.

Interview SRII-Urfa-34. Conducted by Z. S. Mencutek with the president of a national NGO, 26 July 2016, Sanliurfa, Turkey, conducted by Zeynep Sahin Mencutek.

Interview OzU-Istanbul-01. Conducted by Susan Rottmann with the representative of an NGO, 1 October 2018, Istanbul, Turkey.

Interview OzU-Istanbul-02. Conducted by Susan Rottmann with the representative of an INGOs, 1 November 2018, Istanbul, Turkey.

Interview OzU-Istanbul-04. Conducted by Susan Rottmann with the representative of a national NGO, 10 November 2018, Istanbul, Turkey.

Interview OzU-Istanbul-06. Conducted by Susan Rottmann with the representative of an NGO, 16 November 2018, Istanbul, Turkey.

Interview, BilgiU-Istanbul-02. Conducted by Ayhan Kaya with the regional coordinator of an NGO, 1 October 2018, Istanbul, Turkey.

Interview BilgiU-Meso-Istanbul-03. Conducted by Ayhan Kaya with the representative of an NGO, 9 October 2018, Istanbul, Turkey.

Interview BilgiU-Meso-Istanbul-05. Conducted by Ayhan Kaya with the programme assistant of an NGO, 1 November 2018, Istanbul, Turkey.

Interview BilgiU-Istanbul-07. Conducted by Ayhan Kaya with the Representative of IGOs, 09 November 2018, Istanbul, Turkey.

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