

Playing Border Politics with Urban Syrian Refugees

Legal Ambiguities, Insecurities, and Humanitarian Assistance in Turkey

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Abstract: The attempted military coup in Turkey on July 15, 2016 was also a time of rioting in Ankara's Önder neighborhood, with many Syrian businesses vandalized. Attacks against Syrians have also occurred periodically in other Turkish cities. With over three million Syrians living in Turkey, such attacks are rare, and yet their occurrences are an example of the insecurities facing Syrians as a result of national, regional, and international border politics. This paper discusses the insecurities facing Syrians in urban centers in Turkey as a consequence of the ambiguous subject position that has been forced upon them as a result of border politics at the national level through Turkey's temporary protection regime, and solidified at the regional level through the EU-Turkey deal. We argue that such border politics aim to strip Syrian refugees of their political subjectivity and ability to claim rights under the international refugee protection regime by reconstituting Syrians — and indeed the figure of the refugee — as objects of humanitarian assistance rather than political agents with rights.

Keywords: Syrian refugees, citizenship, humanitarian assistance, border politics, temporary protection

Under Turkey's temporary protection regime, Syrians in Turkey are not recognized as refugees under international refugee law. Instead, they are afforded the legal right to temporarily reside within Turkey. This situation forces many Syrians into low-paying work in the informal economy, while living with limited rights to health, food, and education. Given such insecurities, some Syrians choose to undertake dangerous journeys crossing into Europe, where they attempt to claim rights to international protection as internationally recognized refugees. Rather than acknowledging the insecurities caused by Turkey's temporary protection regime, the EU-Turkey deal solidifies this new norm of turning refugees from political subjects into objects of humanitarian assistance. The deal trades in lives; it has enabled some selected Syrian (and other) refugees to move, but leaves most to live in Turkey, facing insecurities under temporary protection.

At the local level, this constitution of Syrian refugees as objects of humanitarian assistance rather than political subjects has played out in a form of ›ping-pong‹ politics. The Turkish government has at times addressed Syrians as political subjects, promising them citizenship or the right to legally work. Yet at other times, it revokes such promises, offering limited aid and devising policies that restrict Syrians' mobility. The result is an ambiguity surrounding Syrian refugees in Turkey, which manifests itself in local, reactionary responses, including violent attacks on Syrians. This paper analyzes the impact of border politics on Syrians in Turkey in terms of the insecurities they face. Our analysis draws on fieldwork and interviews conducted in the summer of 2015 in Istanbul, Kilis, and Gaziantep, and in the summer of 2016 in Istanbul, Gaziantep, and Ankara, with Syrian refugees and representatives of Syrian and Turkish humanitarian and relief organizations. We used a multi-methods approach, consisting of 55 semi-structured interviews, as well as informal conversations, field observations, and critical discourse and policy analysis. Our interviews with Syrian refugees centered around questions about their living conditions, the challenges they faced, their temporary protection status, and possibilities for more permanent status — either as refugees in Europe or as citizens in Turkey or elsewhere in Europe. We focus in this paper on the effects of government policies and politics on Syrians in Turkey, rather than their precarious living conditions, which we have analyzed elsewhere (Baban/Ilcan/Rygiel 2017; Ilcan/Rygiel/Baban forthcoming). However, the ethnographic skills of interviewing and probing, as well as being attentive to cultural sensitivities and power dynamics in the refugee context, were imperative to our engagement with refugees whom we view, following others (Ataç/Rygiel/Stierl 2016; Biehl 2015; Oliveri 2012), as active subjects rather than victims. Our interviews with Turkish humanitarian and relief organizations covered similar questions, but also looked at the types of services provided to Syrians. Our analysis also draws on additional sources, including civil society and media reports, and governmental, policy, and program documents.

RECONSTITUTING REFUGEES: FROM POLITICAL AGENTS TO OBJECTS OF HUMANITARIAN ASSISTANCE

Refugee scholars, including James C. Hathaway and Thomas Gammeltoft-Hansen (2015), Liza Schuster (2011), and Audrey Macklin (2005), have all made the persuasive argument that the turn towards border politics and increased securitization of migration over the past several decades has transformed the international refugee regime from one of protection towards what Hathaway and Gammeltoft-Hansen (2015) refer

to as a »non-entrée regime.« As both authors note, wealthier countries have »embraced the politics of non-entrée, comprising efforts to keep refugees away from their territories but without formally resiling from treaty obligations« (ibid.: 235). Practices of non-entrée, such as visas, carrier sanctions, international zones, and bilateral readmission agreements — and here we would add the EU Turkey Joint Action Plan, commonly referred to as the »EU-Turkey deal«¹ — work to prevent refugees from accessing territory, in this case of the EU, which is necessary to make asylum claims. Schuster observes that restrictive border controls, in effect, make it nearly impossible for many of those in need to lodge asylum claims, thereby »turning refugees into »illegal migrants«« (2011: 1392). Moreover, as Macklin (2005: 365) points out, it is not just that the »cumulative impact of the various measures designed to deter asylum seekers is to drive them deeper into the hands of smugglers and the world of clandestine, illegal and dangerous modes of travel.« Rather, the consequences of this reality lead to »the erosion of the idea that people who seek asylum may actually be refugees« (ibid.). As Macklin explains:

»[R]efugees are increasingly being erased from our discourse, and further [...] this erasure performs a crucial precatory step towards legitimating actual laws and practices that attempt to make them vanish from reality. While such policies can never entirely succeed in preventing entry, they may reduce numbers, and then can and do consign a growing proportion of entrants to the illegal category. As the number of illegals increases so does the public clamor for more restrictionist measures, which further augments the illegal populations. Refugees do not cease to enter, but they decreasingly enter as refugees.« (Ibid.: 369–370)

Arguments like the above point out that border controls fail in preventing people from entering. Rather, their »success« lies in changing the status of people upon entering, often placing them in more vulnerable positions and with fewer rights than would be afforded to them under international law as recognized refugees.

¹ | We follow the common practice of many academics and NGOs of referring to this as »the EU-Turkey deal.« Yet the deal is more accurately a »statement.« The legally binding nature of the deal is a subject of debate among scholars since »[a]pparently, the EU's procedure for negotiating and concluding treaties with third countries, laid down in Art. 218 TFEU, has not been followed« (Den Heijer/Spijkerboer 2016). On the other hand, »[b]oth the text and context of the EU-Turkey Statement support the view that it is a treaty« (ibid.). For details on the deal see European Commission (2015, 2016). For an analysis of the deal, also see Heck/Hess in this issue.

In the case of Turkey, Syrians living under desperate conditions of poverty and instability may decide to leave for Europe, but are often forced to do so through illegal means. As outlined in the Law on Foreigners and International Protection (LFIP), Turkey rarely provides exit visas to Syrians (Republic of Turkey 2013). As of January 2017, if a Syrian under temporary protection travels from Turkey to another country, their protection will be canceled. Moreover, if a Syrian wishes »to exit Turkey permanently,« they »need to obtain an exit permit from the Directorate General of Migration Management through the Provincial Directorate of Migration Management« of the city in which they are registered (UNHCR 2017a; Republic of Turkey 2013). Faced with difficulties reaching Europe, many Syrians live with temporary protection status in Turkey rather than as refugees with the international rights afforded (at least in theory) to them. More than this, though, while temporary protection affords limited rights to Syrians in Turkey, it frames these merely as temporary measures of humanitarian assistance.

Like the erasure of the idea of the refugee, brought about through »consign[ing] a growing proportion of entrants to the illegal category« (Macklin 2005: 365), we argue here that there is a second way this erasure is occurring: this is through the failure to address Syrians as refugees in favor of assisting Syrians through temporary protection and humanitarian assistance. Based on interviews with Syrians living in Turkey, and with those working in the field providing humanitarian assistance, our research shows that the very idea of ›the refugee‹ as a political figure with a right to have rights is being replaced with the notion of the refugee as an object of humanitarian assistance. Providing such aid to Syrians is not a problem in and of itself. They desperately need it. Rather, our concern is with the easy acceptance within the international community of the idea of assisting Syrian refugees via short-term humanitarian relief rather than as internationally recognized persons with a right to protection (in addition to other rights — see Hathaway 2005). The approach taken by the Turkish government in handling Syrians using temporary protection rather than refugee status, as we discuss below, is one that restricts Syrians' ability to claim status and rights as refugees. This set of rights includes meaningful protection. It also, importantly, includes a pathway towards a new life, whether through third-country resettlement in which return is impossible, as in the case of Syria, or a pathway to becoming a citizen of that new country.

Humanitarian assistance has been criticized for relying on and constituting the refugee as a helpless victim rather than a political actor. Refugee scholars Liisa Malkki (1996) and Heather Johnson (2011) have documented, for example, how humanitarian assistance »depoliticize[s] the refugee category,« creating in its place an »ahistorical universal humanitarian subject« (Malkki 1996: 378). This subject be-

comes one imbued with an »institutional, international expectation of a kind of *helplessness* as a refugee characteristic« (ibid.: 388). Paraphrasing Stein (1981: 327), Malkki notes: »refugees are helped because they are helpless« (ibid.). From this perspective, portrayed as victims, Syrians may need temporary protection and humanitarian assistance, but not rights. Building on Malkki, Johnson (2011: 1027) observes that »victimization removes political agency from the figure of the refugee by establishing a condition of political voicelessness,« but also that it »firmly locates the refugee ›problem‹ in the developing world« (Ibid.: 1028). Reflecting on the Syrian refugee crisis, Syrian refugees become victims to whom European countries may provide humanitarian relief, but which absolves them from responsibility and finding political solutions to what is viewed as being not their ›problem.‹ It enables European countries to remain signatories to the 1951 Refugee Convention, claiming to provide refugee protection and rights, while in reality ensuring that only a few actually arrive in Europe as legal refugees with rights. The EU-Turkey deal is a prime illustration of how this occurs, as illustrated in greater detail below.

As we show, the constitution of Syrian refugees as humanitarian objects rather than political subjects ultimately leaves Syrians in positions of much greater insecurity; first, through the changing whims of Turkish government policies, and second, through legal ambiguities created by the framework of temporary protection and the arbitrary bureaucratic processes that make access to social security provisions difficult.

CITIZENSHIP? NOT SO FAST: CREATING INSECURITY THROUGH POLICY ARBITRARINESS

The coup attempt of July 15, 2016 marked a further point of insecurity in the lives of Syrian refugees in Turkey. That same night in Ankara, a large mob attacked and looted businesses belonging to Syrian refugees in Ankara's Önder neighborhood, where more than 40,000 Syrians live. Prior to the attacks, a well-orchestrated and coordinated campaign was disseminated using Twitter, inviting people at a specific time and place to take revenge on Syrians (Estukyan 2016). According to a report prepared immediately following the attacks by MAZLUMDER, a human rights organization (2016), the police and other local authorities were aware of the threats; many Syrians stated that at the time of the attacks, police cars were patrolling the area but did not stop the looters. During our visit to the area, we observed several hundred stores with shattered windows. Syrians whom we interviewed stated that tensions had been growing in the neighborhood over recent months. They had received mes-

sages just days before the attacks through social media and neighbors, warning them not to go out at night because of a possible attack. One Syrian mother described the night as follows:

»They hit our neighbors with stones, they broke the glass [...], and my son got sick because he was so terrified. [...] The whole neighborhood turned off the lights and hid. They broke [the windows] of all Syrian shops. Any Syrian they saw, they wanted to kill; that's what they said. They sent text messages [saying] to hide in your homes, stay at home and don't leave, there's a terrorist gang going to do this and, actually, that Saturday at 8:30 pm, 60 to 70 men were there.« (Interview, Ankara 26.07.2016).

This was not the first violent incident against Syrians; similar acts had occurred in Gaziantep, Izmir, Konya, and Istanbul on various occasions (MAZLUMDER 2016; for Gaziantep, see Şenoğuz in this issue). This recent attack, however, emerged following President Tayyip Erdoğan's announcement that it was time to give citizenship to Syrian refugees, noting that the Ministry of the Interior was working on this initiative (Arslan 2016). Immediately after this announcement, the issue of granting citizenship to Syrian refugees became a topic of heated public debate, resulting in a public outcry against the initiative. For many Turkish citizens, the President's announcement came as a surprise. Without any previous public discussion of the idea, the President's announcement largely backfired and fueled an already growing climate of public hostility towards Syrians. According to the International Crisis Group (2016: 12), anti-refugee sentiment has increased in Turkey over the past few years. The report notes:

»Surveys repeatedly find a widely-held view that refugees are a burden. In 2013 nearly 60 per cent of the population thought immigration negatively impacted tourism, labour and the economy broadly. A seminal 2014 study underscored these findings as well as the cultural distance and other insurmountable barriers to integration host communities perceived. Over 80 per cent of respondents opposed citizenship; roughly 70 per cent wanted more restrictive policies, even sending Syrians home.« (ICG 2016: 12)

Given this situation, it is not surprising that this simmering hostility quickly transformed into open hostility towards Syrians as seen in the attacks in Ankara. One Syrian refugee summarized the situation as follows:

»Before President Erdoğan came up with this announcement, we had great relationships with Turks. Now everybody turned against us. These days, when I take a taxi, I try to hide that I am a Syrian. As soon as they find out that I am a Syrian, they show great hostility. This was not the case before. Erdoğan made us more vulnerable than we were before. Why did he do this?« (Interview with a Syrian refugee, Istanbul, 14.06.2016)

The hostility and violence towards Syrian refugees, fueled by the President's announcement, is a perfect example of the type of insecurity facing Syrians in Turkey, regardless of the different cities and conditions in which they live. Their day-to-day lives are governed by and subject to the government's constantly changing rulings, whether through legal changes, government circulars, or bureaucratic procedures. As one representative of a well-established NGO summarized, »one of the things we have been hearing is that there is a complete lack of clarity, especially for Syrians, to find out what legal processes are changing. So for them... [there] is a great deal of difficulty in terms of navigating the bureaucratic procedure« (Istanbul, 16.07.2016). Kristen Biehl (2015: 58–59) has argued that »protracted uncertainty,« associated with »indefinite waiting, imperfect knowledge, and the volatility of legal status« is a defining characteristic of being an asylum seeker in Turkey and one that »invades asylum seekers' everyday lives« with a »powerful governing effect, serving to contain, demobilize, and criminalize them through the production and normalization of uncertainty.« Temporary protection status for Syrians does nothing to alleviate this norm, but instead institutionalizes uncertainty and the status of being in limbo waiting to return to Syria while making a temporary life in Turkey.

The pathway towards citizenship for Syrian refugees should begin with official recognition of their right to make a refugee claim, followed by a clear process outlining how they might obtain refugee status, accompanied by rights mandated under international protection. Upon receiving refugee status, refugee-accepting countries normally outline a further pathway for refugees to obtain permanent residency and, in many cases, citizenship. Rather than illustrating such a clearly defined legal pathway and process towards citizenship, President Erdoğan's announcement was, instead, largely influenced by the political circumstances of the day. However, once it became clear that there was widespread hostility to the idea of granting citizenship to Syrians, spilling over to social media through rapidly expanding Twitter campaigns, the government quickly changed its tune (Arslan 2016). Rather than granting citizenship to all Syrians, the government announced that only highly skilled and qualified Syrians would be granted it, and that the total number of Syrians who would eventually

receive citizenship would be around 300,000 individuals; with their families also receiving citizenship, the total number may well exceed a million or 1.5 million Syrians (Sabah Newspaper 2016).

As the above discussion illustrates, the Turkish government's announcement of the idea of granting Syrian refugees citizenship was determined less by a policy decision to create a pathway for those living under temporary protection to become permanent residents, and more by short-term political calculations and the influence of regional border politics played out through the EU-Turkey deal. Policies at both the EU level and in Turkey might indeed be driven by competing interests in attracting and keeping those Syrians who are highly skilled or professional classes of Syrians. Ultimately, however, with no clear policy direction, the reality is a great deal of ambiguity in what the potential future holds for Syrians in Turkey. Moreover, the ›ping-pong‹ politics on the issue of citizenship places Syrians in more precarious positions, as it feeds into generating public hostility rather than sending a clear message that Syrians are to be integrated into Turkish society. Furthermore, as the attacks in Ankara show, it is Syrians who ultimately become the target of further violence due to such policy ambiguity.

TURKEY'S TEMPORARY PROTECTION REGIME: CREATING INSECURITY THROUGH LEGAL AMBIGUITY

The type of arbitrary statements and policy decisions pertaining to the citizenship question, which is influenced by the political priorities of the day, is but one example of how Syrians with temporary protection become subject to the whims of the government and thus more vulnerable as a result. In the absence of any clearly defined legal process granting and protecting Syrians rights in Turkey, Syrians are made more vulnerable to various forms of precarity, whether in employment, education, or housing (Ilcan/Rygiel/Baban forthcoming).

Since the beginning of the civil war in Syria, when Syrians began arriving in large numbers in Turkey, the Turkish government has changed its legal approach to Syrian refugees several times. First, the government defined new arrivals as ›guests,‹ a designation that bears no standing under international law and within the international refugee protection regime. Turkey does not grant refugee status to individuals seeking asylum coming from non-European countries. Although Turkey is a signatory to the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, Turkey has maintained a geographic limitation following Article 1b of the Convention (Zeldin 2016). This limitation restricts refugee status to »persons who

have become refugees as a result of events occurring in Europe« (UNHCR 2017b). Thus, in Turkey, eligibility for refugee status is limited to individuals coming from European countries.² This is despite the fact that the majority of asylum seekers originate from non-European countries. As İçduygu (2015: 7) notes, »[c]onsidering its geographical proximity to conflict-ridden states, Turkey’s geographical limitation disqualifies a vast number of asylum seekers and refugees seeking permanent protection from the Turkish state.« In order for non-European asylum seekers to be recognized as refugees, they must undergo a refugee status determination (RSD) process through the United Nations High Commissioner for Refugees (UNHCR) in Turkey. This RSD process (commonly referred to as a ›parallel procedure‹) occurs alongside Turkish asylum procedures. Under the 1994 Asylum Regulation, all asylum seekers must also register with the Foreigner’s Police and with local authorities. In the case of Syrians, although the Turkish government’s first response was to recognize Syrians merely as guests, the numbers of Syrians in Turkey rapidly increased. With too many to be processed through the UNHCR RSD process, the Turkish government issued a new circular in March 2012, defining the status of Syrians in Turkey as being one of ›temporary protection.‹ In April 2013, it passed the Law on Foreigners and International Protection (LFIP) (see Republic of Turkey 2013).

The LFIP legislation recognized the principle of *non-refoulement* and institutionalized the status of ›subsidiary protection‹ (or ›secondary protection of conditional refugee status‹), creating a General Directorate on Migration Management under the Ministry of the Interior to centralize asylum procedures (Tolay 2014: 3). On October 22, 2014, the Turkish government passed further legislation in line with Article 91 of the LFIP, entitled the Regulation on Temporary Protection, which, while not specifically referencing Syrians, applies to those forced to leave their countries in search of protection and arriving *en masse* (Zeldin 2016; see also Republic of Turkey 2014; for further discussion of this, see Baban/Ilcan/Rygiel 2017). While the temporary protection regime grants Syrians certain rights and provides protection in terms of a legal framework of international protection, it falls significantly short of the protections that would be granted to Syrians under the international refugee regime. The temporary protection framework allows for a greater degree of arbitrariness in terms of residency, employment, and access to social services. In fact, this arbitrariness leading to instability and vulnerability is one of the most important reasons why Syrians choose to undertake the perilous journey to Europe. In interviews, Syrians shared their beliefs that they would be better off claiming refugee status in Europe, a status

2 | Turkey signed the Convention on August 24, 1951, and ratified it on March 30, 1962 (see UNTC 2016b); Turkey acceded to the Protocol on July 31, 1968 (see UNTC 2016a).

that would enable them to have a more stable future in Europe rather than a precarious life in limbo in Turkey, with little knowledge of whether this might ever translate into the possibility of achieving long-term residency there (Interview with Syrian lawyer, Gaziantep, 22.06.2015). In this respect, by keeping Syrians in Turkey and preventing them from reaching the EU where they might claim refugee status, the EU-Turkey deal (discussed in detail in the final section) makes one of the very few avenues for improving their lives much more difficult.

Through our field research in various cities across Turkey, we have tracked some of the vulnerabilities emerging as a result of temporary protection. As European governments and the international community increasingly accept temporary protection as a solution to dealing with Syrian refugees, the vulnerabilities accompanying this status also come to be *de facto* accepted. The EU-Turkey deal builds on the temporary protection of Syrians rather than challenging it. As noted below, many perceive greater mobility restrictions on Syrians (whether they are new restrictions, or simply previously existing restrictions newly enforced) to have coincided with the deal. What is certain is that the deal makes it much more difficult for Syrians to leave Turkey, irregularly, to reach Europe with the hope of making an individual refugee claim there.

The lack of stability in terms of claiming residency, obtaining employment rights, and accessing social services starts with the registration process. According to the temporary protection regime, every Syrian who enters Turkey is required to register and receive an identity card (*kimlik*) in order to be eligible for temporary protection. Upon receiving the *kimlik*, Syrian refugees can access certain social services. While under temporary protection, they are included within the existing social safety network to varying degrees. For example, they have access to education and basic health care available to Turkish citizens, including visits to doctors, necessary surgery, and 80% coverage of all drug costs (Kutlu 2015). Yet, having to personally pay even 20% of drug costs is almost impossible for many Syrians who live in abject poverty (Interview with Syrian refugee family, Istanbul, 17.06.2015). Moreover, the Turkish healthcare system is a hybrid system where public and private service providers offer different levels of service and are paid for through a combination of government sources and private insurers. In addition, each hospital has a different agreement with these insurers that covers and delivers different sets of services. This complicated system is difficult for Syrians to understand, as the services are often delivered by different agencies, at different government levels, and with very little coordination between agencies to help newcomers understand and access these services.

Yet, even before Syrians can access these limited social services, they must navigate the ever-changing, arbitrary registration process required to access them. Since

the start of our field research in June 2015, the registration process and the identity cards have changed several times, thus leaving Syrian refugees in limbo without status and rights. For instance, the initial stages of registration were chaotic. Different government offices, in different districts, applied contradictory criteria in order to register Syrians. According to Amnesty International, in some cities single men were denied registration while in other cities they faced little difficulty. Similarly, in some cities, the speed of registration was fairly quick, while in other locations refugees faced extremely long delays such that, by the end of 2014, only approximately 50% of refugees were registered (Amnesty International 2014: 20–23). The Association of Turkish Medical Practitioners (TTB 2014) also observed similar problems with the registration process. Different government officials and agencies applied different registration processes and requested different documentation (ibid.). In some cases, refugees were asked to first register with the police and then with the Turkish government’s Disaster and Emergency Management Agency (AFAD),³ while in other cases local district administrators (*Muhtar*) registered refugees, and despite the fact that it was stated by government officials that registration was to be free of charge, in some cities refugees were asked to pay between 170 to 200 TRY (48 to 57 USD, 41 to 48 EUR) as a registration fee (ibid.: 31–35). Various reports by NGOs working with Syrian refugees have reported similar observations about chaotic registration processes before and after the 2014 Temporary Protection Regulation, resulting in a great deal of confusion about what rights Syrians can claim in Turkey (HRW 2015; IGAM 2013; USAK 2013).

Finally, after this initial chaos surrounding the registration process, the government declared in the summer of 2015 that Syrian refugees would be given new identity cards. This resulted in a further delay in providing Syrians with registration, leaving them without access even to limited social services. When we returned to Turkey in the summer of 2016, the rules related to the registration process and the identity cards had yet again changed, further adding to Syrians’ state of uncertainty. In this case, the registration process and the identity cards had created serious restrictions on mobility for some Syrian refugees. According to the rules, Syrian refugees would be entitled to social services in the city where they are registered. If they decided to move to another city for employment or family reasons, they would have to repeat the registration process, which could take months, leaving them without any access to social services. In 2016, the government changed the rules again to require Syrian refugees to obtain new identity cards similar to those provided to Turkish citizens, with differ-

3 | AFAD is the government agency responsible for the administration of issues related to all refugees in Turkey.

ent numbers indicating their foreigner status and requiring them to obtain permission in order to travel from one city to the other. As one humanitarian assistance worker explained, »If it is written ›Istanbul‹ in my protection I.D., I should first approach PDMM⁴ in Istanbul, then PDMM should let me travel to Izmir if I want to change my residence city to Izmir actually. Then, when I [...] go to Izmir, I should first approach PDMM in Izmir and change my residence city in my temporary protection I.D.« (Istanbul, 16.07.2016). However, we also heard from Syrian refugees of cases where they were asked to get permission to travel to another city simply for travel purposes. One Syrian refugee with an established business in Istanbul and familiar with navigating the system explained the recent changes as follows: »I am running a business, but I cannot go to other cities to conduct business because in some cases the bus companies will not sell tickets unless I have permission from the authorities. How can I run a business if I need a permission each time I need to travel somewhere else?« (Interview with business owner, Istanbul, 13.07.2016).

This example of restrictive mobility may not be legal policy but rather, as one humanitarian agency worker explained, merely an »individual arbitrary application of the rules« (Istanbul, 16.07.2016). As noted earlier, in addition to registering with the Foreigner's Police and local authorities, non-Europeans must also register with the UNHCR office, upon which they are sent either to detention centers or to »satellite cities« (Article 6) (Soykan 2010: 13; on the Turkish asylum system also see Sarı/Dinçer in this issue). Satellite cities are 51 designated smaller cities lying outside the major cities of Istanbul, Izmir, and Ankara, and asylum seekers are »required to regularly report to local police for the duration of their residence in the city« and »may leave the city temporarily with written permission from the local police« (ibid.). Under the temporary protection system, Syrians are not supposed to be subject to the mobility restrictions of the satellite city system. Yet, as this humanitarian agency worker explained, it seems that after the EU-Turkey deal, the satellite city system is being applied by some authorities to Syrians and in non-satellite cities like Istanbul, Ankara, and Izmir since »[a]uthorities don't want Syrians to always move around because there is no obligation to sign [a document] for Syrians, they can travel wherever they want« (Interview, Istanbul, 14.07.2016).

Moreover, in the summer of 2016, the Turkish government stopped registering new arrivals altogether, thus leaving them in an even more vulnerable state, without the ability to even claim the limited social services available to other Syrian refugees who

4 | PDMM refers to Provincial Directorate of Migration Management and is the provincial representative of the Directorate General for Migration Management (Refugee Rights Turkey 2016).

had arrived and registered prior to this time period. Furthermore, again in 2016, the Turkish government began requiring visas from Syrian refugees coming from third countries, thereby effectively making it impossible for Syrians to re-enter Turkey or relocate to Turkey from third countries such as Lebanon or Jordan. Unaware of such policy changes, Syrians who had left for other countries to see relatives during the holiday period at this time were suddenly unable to return due to these new visa requirements, finding themselves stranded and in some cases separated from their families (Interview with business owner, Istanbul, 13.07.2016; HRW 2016).

Despite the fact that many of these changes are specified in the LFIP, during our interviews, several Syrian refugees and relief agencies perceived these changes to be introduced after the signing of the EU-Turkey deal, believing them to be aimed at curtailing the mobility of Syrians so that they could not move easily to get to coastal regions in order to cross the Aegean Sea and travel to Europe. As one relief agency worker explained their understanding of such changes:

»We cannot keep track of changes sometimes; so how can Syrian refugees who may not even have access to the internet stay on top what they need to do to have access to social services or travel? This is a serious challenge for them. We believe that travel restrictions are influenced by the new deal with the EU and they are in place to prevent Syrians to get to the coast easily.« (Interview with a relief agency, Istanbul, 13.07.2016)

Here, again, regional border politics play out in national policy and administrative decisions, with Syrians in Turkey bearing the brunt of the impact of these changes through the increased insecurity experienced in their daily lives.

Rather than addressing Syrians as refugees or as people who might obtain permanent residency and possible citizenship in Turkey, Syrians instead are governed through temporary protection and humanitarian assistance. As the discussion above has shown, such assistance is often distributed in confusing, conflicting, and arbitrary ways through a range of different organizations and governmental levels, with the result being that Syrians often lack the assistance they need for basic services and daily living. Moreover, as objects of humanitarian assistance, rather than refugees, Syrians are not viewed as political subjects who have the right to make claims to rights but rather as victims, who are in Turkey as guests who should be thankful for the *ad hoc* charity they receive.

THE EU-TURKEY DEAL: CREATING INSECURITY THROUGH REGIONAL BORDER POLITICS

Rather than acknowledging the insecurities associated with Turkey's temporary protection regime, as discussed above, with EU countries honoring their commitment under international refugee law to provide protection to Syrians as refugees, the EU-Turkey deal solidifies a new norm of turning refugees from political subjects into objects of humanitarian assistance, forcing most to remain in Turkey, where they face greater insecurities living under temporary protection. Following Didier Fassin (2011), we view humanitarian assistance as a mode of governing that concerns victims of war, disaster, poverty, exile, and famines. It involves individuals, states, and international organizations, and its sites of action range from refugee camps to clinics for the poor, to the social administration of policies and programs allegedly designed to protect vulnerable populations.

The International Organization for Migration reported that as of October 28, 2016, 332,046 migrants entered Europe by sea in 2016, with the vast majority arriving in Greece and Italy, and some 689,000 arrived during the same period in 2015 (IOM 2016). In both years, numerous people died crossing the Aegean and Mediterranean seas (Wauters/Cogolati 2016: 4) in search of safety and protection. Many of these migrants consisted of refugees from Syria who entered the EU through Turkey, often through the Greek islands of Kos, Chios, Lesbos, and Samos. Upon their arrival to the Greek islands, they began seeking asylum within the EU (Ataç 2016). However, the refugee route of Syria-Turkey-Greece, in addition to the overall rise in refugee arrivals in 2015, became a concern to both the EU and Turkey. The EU emphasized that it was incapable of monitoring its borders in the Aegean, when more than 150,000 non-registered entries to Greece occurred in September 2015 (*ibid.*; see also Kirişci 2016). To reclaim control over the borders and over the movements of irregular migrants, the EU and Turkey implemented a new arrangement for those asylum seekers and would-be refugees traveling from Turkey to Greece.

On March 18, 2016, the EU Member States signed an agreement with Turkey to curtail migration to the EU, including into Greece. A report by the European Commission (2016: 2) notes the success of the deal in lowering the numbers of irregular arrivals to Greece from Turkey from »865,425 arrivals during the eight months before the EU Turkey Statement« to »22,838 arrivals during the eight months thereafter.« The deal places an emphasis on supporting Syrians living under temporary protection

in Turkey through financial support,⁵ humanitarian assistance and closer cooperation with Turkish authorities, particularly in preventing irregular migration (European Commission 2015). The deal also involves trading one migrant for another, or a ›one in, one out‹ deal, in which one refugee in Europe would be sent to Turkey, and one refugee who is already in Turkey would then be resettled in Europe (European Commission 2016).⁶ The deal aims to prevent irregular migrants from traveling across the Aegean from Turkey to the Greek islands by permitting Greece to return to Turkey all irregular migrants arriving after March 20, 2016. In exchange, the deal claims to offer ›migrants an alternative to putting their lives at risk‹ (European Commission 2016), as EU Member States would increase resettlement of Syrian refugees residing in Turkey, lift visa requirements for Turkish citizens and provide financial support for Turkey's Syrian refugee population. Human Rights Watch has emphasized that the EU would also work with Turkey ›to create a ›safe zone‹ in Syria in which to contain the displaced and to which refugees could be returned from Turkey‹ (HRW 2016: 7). However, rather than providing safe passages into the EU and increasing refugee resettlement for asylum seekers and refugees arriving from Turkey and other front-line states, the EU-Turkey deal limits arrivals to the EU, deters asylum claims, controls refugee mobility, and conveys the message that Syrian refugees are exchangeable. Such conditions relate to the way the deal solidifies a new norm for treating refugees, one that involves viewing refugees not as political subjects with rights under the Refugee Convention, but rather as helpless victims through the use of discourses of compassion, suffering, and humanitarian assistance (see Fassin 2011: 2). This kind of victimization permits the erasure of the Syrian refugee as a political subject with rights. It bears similarity to the kind of discursive disappearance of the refugee that Macklin demonstrates takes place under various ›legitimizing actual laws and practices‹ that are designed to constrain the movement of asylum seekers (Macklin 2005: 369).

At the outset, the deal embraced the ›politics of non-entrée‹ (Hathaway/Gammeltoft-Hansen 2015), which lent support to viewing Syrians (and others) not only as a potential security threat to the EU and its borders (see Vaughan-Williams 2015 on EU border security and migration management) but also simply as passive victims requir-

5 | 2.2 billion of the promised three billion euros has been distributed to the Facility for Refugees in Turkey (European Commission 2016: 2).

6 | Under the deal, governments agree ›to return all new irregular migrants crossing from Turkey into the Greek islands with the costs covered by the EU‹ and ›to resettle, for every Syrian readmitted by Turkey from Greek islands, another Syrian from Turkey to the EU Member States, within the framework of the existing commitments‹ (European Council 2016).

ing help. Enmeshed in regional border politics, the deal is premised on an exchange agreement that involves trading in lives, which enables only some migrants and selected Syrian refugees to access EU territory and forces many (Syrians and others) to move to or stay in Turkey to seek help (European Commission 2015, 2016). On the one hand, those permitted to access EU territory through the deal can experience tremendous hardship. For example, according to Human Rights Watch (HRW 2016), »over 15,000 are living in squalid, unsafe camps on the islands awaiting decisions on their asylum application. Overall an estimated 60,000 migrants and asylum seekers are stranded in Greece« (HRW 2016: 8). On the other hand, most Syrians who are unable to access EU territory face insecure and challenging living conditions, since they are denied formal refugee protection status but are provided access to humanitarian assistance in Turkey for which, it is understood, they should be obliged to accept.

Under the deal, Syrians (and others) are compelled to relocate from Greece to Turkey and live under the insecurities of the country's national policies⁷ and humanitarian assistance practices. Upon their arrival in Turkey, Syrians can access the country's humanitarian assistance services which operate in fluid, messy, and arbitrary ways, and include faith-based organizations; local community and national NGOs that provide health care, skills training, and rights-based education; and, international aid organizations, such as the UNHCR, that offer legal support and protection services. Based on our field observations, many humanitarian assistance organizations are more commonly set up to view Syrian refugees as passive victims — the quintessential »suffering subject« (Robbins 2013), and to deliver short-term relief. This can be depoliticizing if it forces Syrians in Turkey to become responsible for their own survival rather than having a system of support in place such that Syrians might also be in a position to challenge their temporary protection status and focus on the long-term aspects of their lives.

Through our interviews, many Syrian refugees expressed having limited access to humanitarian assistance to meet their basic human needs. Some emphasized concerns about accessing certain kinds of humanitarian assistance for their families. For example, a mother in Istanbul stressed that she and her family must navigate the complex network of charities and NGOs, which provide piecemeal aid services and, often, in uncoordinated ways. Since they do not speak Turkish, they bypassed the Turkish humanitarian assistance organizations altogether and visited several Syrian aid or-

7 | Upon their return to Turkey, Syrian refugees often confront delays in the registration process that grants them an identity card to be eligible for temporary protection. The delays not only interrupt the implementation of protection measures, but they also subject many Syrians to extreme forms of poverty and exploitation (see HRW 2016: 17).

ganizations that in the end were unable to help because, as she was told, they had reached their assistance capacity. In echoing concerns over the relationship between humanitarian assistance and Syrians' insecure living conditions, another interviewee remarked: »Syrian refugees have [...] surrendered and entered the tunnel of waiting for humanitarian relief. This is a very dangerous transformation. After more than four years in the crisis, Syrian refugees are accepting to be beggars in the streets« (Lawyer, Gaziantep, 22.06.2015). In the broader political context, even if humanitarian assistance was reliable and easily accessible, Turkish state authorities can shift, reduce, and control the nature of this assistance; such interventions occur under the guise of national security and the current state of emergency agendas which can render the work of humanitarian actors challenging, and can lead to a reduction of the humanitarian assistance which Syrians had previously received.

Humanitarian assistance practices put Syrians in positions where they need to negotiate for meager levels of assistance under the conditions of a deal that grants them fewer rights than would be afforded to them under international law as recognized refugees. Consequently, Syrians face ominous insecurities upon their return to Turkey from Greece and, unfortunately, similar outcomes have manifested themselves elsewhere, since humanitarian assistance has long been employed to explain and rationalize a broad scope of international, regional, and national policies and practices. Such policies and practices range from »the treatment of poverty [...] to the justification of public actions, political causes and even wars« (Fassin 2011; see also Barnett/Weiss 2008), potentially permitting any political agenda to become connected to issues of humanitarianism.

The EU-Turkey deal entails the use of legal principles that contribute to quashing the idea of Syrians as recognized refugees. There are two legal principles that can and have been used by Greece to return asylum seekers to Turkey without examining the merits of their asylum claims. The first principle is the »first country of asylum,« under which asylum seekers can be returned to a country if they already have accessible and sufficient protection there, which also includes protection from *refoulement*, as defined in Article 35 of the EU Asylum Procedures Directive (APD) (see also UNHCR 2016). In UNHCR's view, »sufficient protection« requires that the protection in the first country of asylum is effective and available in law and practice, which includes adequate standards of living, working rights, health care, and education (UNHCR 2016). The second principle is that of the »safe third country,« under which asylum seekers can be returned to a country where they could have requested and received refugee status, as defined in Article 38 of the APD (HRW 2016 5; UNHCR 2016). The understanding of »safe« means more than being safe from war or persecution. A »safe third country« must offer the individual applicant the chance to

request and receive refugee status in line with the 1951 Convention and international human rights standards, including protection from *refoulement*.

While Syrians (and others) traveling from Turkey to Greece have been and continue to be returned to Turkey under the provisions of the deal, they are being returned to a country where there is evidence of push-backs and deportations,⁸ mostly of Syrians (Amnesty International 2016; Wauters/Cogolati 2016; Kirişci 2016), and a long record of *refoulement* practices (HRW 2016a). The latter contradicts the criteria to be considered a ›first country of asylum.‹ Furthermore, *refoulement* practices do not speak to Syrians as political actors who can demand their rights for protection, but instead they render them as having no voice or role in their forcible return to Syria, where they can be subjected to persecution. In other words, these practices establish a condition of »political voicelessness« (Johnson 2011: 1027) for Syrians. In response to these legal principles, scholars, refugee activists, and human rights and international organizations have raised questions about Turkey being a first country of asylum and a safe third country for Syrian refugees. For example, Kemal Kirişci, Director of the Turkey Project at the Brookings Institution, notes that while the EU considers Turkey a safe country of asylum, serious concerns have been raised about the role of Turkey's democracy and its rule of law in the context of the country's contemporary political milieu (Kirişci 2016: 83). Similarly, in our interview with the Secretary General of Amnesty International Canada, Alex Neve pointed out that Amnesty International has repeatedly highlighted the distinct ways that refugee rights have been inadequately protected in Turkey. In the context of the EU-Turkey deal, he claims that »Turkey is not a safe place for all Syrian refugees and therefore [...] the right of Syrian refugees to seek safety elsewhere is totally understandable.[...] It's something that needs to be respected.« In his words, the deal »decides that the refugee who has embarked on a journey is suddenly somehow now not a person with rights but a commodity that now can be swapped back into Turkey while we bring out another refugee.« For him, the deal »violates international law because of the notion that the refugee, who is being forced back to Turkey, is being forced back to a country which we do not believe can be considered safe« (Interview with Alex Neve, Amnesty International Canada, Waterloo, Canada, 06.13.2016).

The EU-Turkey deal does not provide meaningful protection and security to would-be refugees such as Syrians who are escaping massive conflict and internal displacement in their search for protection. It creates insecurities for Syrians (and others)

⁸ | In April 2016, Amnesty International reported large-scale deportations of Syrians in Hatay Province. Those deported were mainly unregistered refugees or refugees apprehended without their identification documents (Amnesty International 2016; HRW 2016).

by limiting arrivals to the EU, deterring asylum claims, and trading in lives. Such conditions relate to the way the deal solidifies a new norm for regarding refugees that treats them as victims of occurrences whose suffering is addressed through humanitarian assistance rather than through international refugee law stipulating refugee rights. The EU-Turkey deal is clear about its intent for asylum seekers and would-be refugees: that their safety and protection can be ignored, hindered, and outsourced.

CONCLUSION

In contributing to the critical migration and border scholarship literature (e.g., Hathway/Gammeltoft-Hansen 2015; Johnson 2011; Macklin 2005; Malkki 1996; Schuster 2011), this paper advances the argument that Syrian refugees are enmeshed in a kind of border politics that strips them of their political subjectivity and ability to claim rights under the international refugee protection regime. This situation, we contend, is accomplished by reconstituting Syrians as objects of humanitarian assistance rather than political agents with rights. Through our engagement in a multi-methods approach of interviews, field observations, and critical discourse and policy analysis, we have demonstrated how this reconstitution produces a life of insecurities for urban Syrian refugees in Turkey, which occurs at local, national, and regional levels. At the local level, the Turkish government handles Syrians by, on the one hand, promising them citizenship or working rights, and, on the other hand, by restricting their movements through policies. This form of 'ping-pong' politics on the issue of citizenship results in the emergence of local, reactionary responses, including violent incidents, widespread hostilities, and anti-refugee sentiments. At the national level, we have demonstrated that Syrians experience insecurities through Turkey's temporary protection regime, a regime that puts in place a legally ambiguous way to manage the status of Syrian refugees. Under this regime, Syrians are not recognized as refugees according to international refugee law, but are given the legal right to reside within the country. Having temporary protection status, however, provides them with a greater degree of arbitrariness in terms of residency, legal employment, and access to social services. At the regional level, the insecurities that Syrians experience through Turkey's temporary protection regime are solidified through the EU-Turkey deal, an agreement EU Member States signed with Turkey to curtail migration to the EU, including flows to Greece. While embracing the ideals of humanitarianism, the deal nevertheless trades in lives by permitting some people and selected Syrian refugees to move but leaves most would-be refugees to live in Turkey, facing insecurities through both the temporary protection regime and humanitarian assistance. Moreover, the

deal's supporting legal principles have contributed to quashing the notion of Syrians as recognized refugees.

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