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ТҮРКИЯДАН БАШПААНЕК ИЗДЕГЕН СИРИЯЛЫКТАРДЫН УКУКТУК МАКАМЫ ЖАНА МЕКЕНИНЕ КАЙТУУ КЕЛЕЧЕГИ: ЖАҢЖАЛ МЕЗГИЛИН ЖАНА АСАДДАН КИЙИНКИ МЕЗГИЛДИ САЛЫШТЫРМАЛУУ ТАЛДОО
ПРАВОВОЙ СТАТУС И ПЕРСПЕКТИВЫ ВОЗВРАЩЕНИЯ СИРИЙЦЕВ, ИЩУЩИХ УБЕЖИЩЕ В ТУРЦИИ: СРАВНИТЕЛЬНЫЙ АНАЛИЗ ПЕРИОДА КОНФЛИКТА И ПОСТАСАДОВСКИЙ ПЕРИОД
LEGAL STATUS AND RETURN PROSPECTS OF SYRIAN ASYLUM SEEKERS IN TÜRKİYE: A COMPARATIVE ANALYSIS OF THE CONFLICT AND POST-ASSAD PERIODS

Кыскача мүнөздөмө: Сириядагы жаңжал Түркиянын миграцияны жана качкындар маселелерин башкаруу системасын түп-тамырынан өзгөртүп, алгач гуманитардык мүнөздө жүргүзүлгөн «ачык эшик» саясатын бара-бара институционалдашкан жана коопсуздукка багытталган башкаруу тутумуна айландырды. Бул изилдөөдө 2011–2026-жылдары Түркияда убактылуу коргоого алынган сириялыктардын укуктук макамынын жана аларга карата мамлекеттик саясаттын өзгөрүшү талданып, Сириядагы шарттардын өзгөрүшүнө байланыштуу ыктыярдуу репатриацияга өтүүгө өзгөчө көңүл бурулат. Аралаш методдорго таянган изилдөөдө укуктук жана саясий документтер, расмий билдирүүлөр, эл аралык баяндамалар жана статистикалык маалыматтар миграциянын түртүүчү жана тартуучу факторлору теориясынын (Push-Pull), адам коопсуздугу концепциясынын жана узак мөөнөттүү чечимдер алкагынын (Durable Solutions Framework) негизинде талданат. Изилдөөнүн жыйынтыктары 2024-жылдан кийинки саясий өткөөл мезгилде мекенге кайтуу мүмкүнчүлүктөрү жакшырганына карабастан, туруктуу репатриацияга коопсуздуктун жетишсиздиги, инфраструктуранын кыйрашы, жумушка орношуу жана мамлекеттик кызматтардан пайдалануу мүмкүнчүлүктөрүнүн чектелүүлүгү, экономикалык оор шарттар, ошондой эле мүлккө болгон укуктар боюнча чечилбеген дооматтар тоскоолдук кылып жатканын көрсөтөт. Изилдөөдө мекенге туруктуу кайтуу адамдардын өз өлкөсүнө физикалык жактан кайтып келүүсүн гана эмес, коопсуздукту, жашоо-тиричилик каражаттарын, укуктук коргоону жана коомго туруктуу кайра аралашуу үчүн зарыл шарттарды калыбына келтирүүнү талап кылары негизделет.

Аннотация: Сирийский конфликт оказал глубокое воздействие на систему миграционного управления и регулирования вопросов беженцев в Турции, трансформировав первоначальную гуманитарную политику «открытых дверей» во всё более институционализированную и ориентированную на безопасность систему. В настоящем исследовании рассматривается эволюция правового статуса сирийцев, находящихся под временной защитой в Турции, и государственной политики в отношении них в период с 2011 по 2026 гг., с особым акцентом на переход к политике добровольной репатриации в условиях изменения ситуации в Сирии. Используя смешанный методологический подход, исследование анализирует нормативно-правовые и политические

документы, официальные заявления, международные доклады и статистические данные на основе теории «выталкивающих и притягивающих факторов» (Push-Pull), концепции человеческой безопасности (Human Security) и Рамочной концепции долговременных решений (Durable Solutions Framework). Результаты исследования показывают, что, несмотря на улучшение перспектив возвращения в условиях политического перехода после 2024 г., устойчивой репатриации по-прежнему препятствуют сохраняющаяся небезопасность, разрушенная инфраструктура, ограниченные возможности трудоустройства и доступа к государственным услугам, сложные экономические условия, а также неурегулированные имущественные претензии. В исследовании утверждается, что устойчивое возвращение предполагает не только физическую репатриацию, но и восстановление безопасности, средств к существованию, правовой защиты и условий для устойчивой социальной реинтеграции.

Abstract: The Syrian conflict has profoundly reshaped Türkiye's migration and refugee governance, transforming an initially humanitarian "open door" policy into an increasingly institutionalized and security-oriented framework. This study examines the evolving legal status of Syrians under temporary protection in Türkiye and state policies toward them between 2011 and 2026, with particular emphasis on the shift toward voluntary repatriation amid changing conditions in Syria. Employing a mixed-methods approach, the study analyses legal and policy documents, official statements, international reports, and statistical data through the analytical lenses of Push-Pull Theory, Human Security, and the Durable Solutions Framework. The findings demonstrate that, despite improved prospects for return amid the post-2024 political transition, sustainable repatriation remains constrained by insecurity, damaged infrastructure, limited employment opportunities and access to public services, difficult economic conditions, and unresolved property claims. The study argues that durable return requires not merely physical repatriation but also the restoration of security, livelihoods, legal protection, and conditions for sustainable social reintegration.

Негизги сөздөр: качкын; Сирия; убактылуу коргоо; Түркия; Женева конвенциясы; Башар Асад; Ахмед аш-Шараа; миграцияга түрткү берүүчү жана тартуучу факторлор теориясы (Push-Pull).

Ключевые слова: беженец; Сирия; временная защита; Турция; Женевская конвенция; Башар аль-Асад; Ахмед аш-Шараа; теория «выталкивающих и притягивающих факторов» (Push-Pull).

Keywords: refugee; Syria; temporary protection; Türkiye; Geneva Convention; Bashar al-Assad; Ahmed al-Sharaa; Push-Pull Theory.

Introduction. The Syrian civil war erupted in 2011 amid widespread protests against the Syrian government as part of the Arab Spring. Initially peaceful demonstrations rapidly escalated into armed conflict, while the involvement of foreign powers and clashes between the Syrian army and opposition forces resulted in extensive destruction, institutional degradation, and mass displacement. Millions of Syrians first sought refuge within Syria and subsequently in Türkiye, Lebanon, Jordan, Iraq, and Egypt, creating an unprecedented demographic shock for host countries. Türkiye emerged as one of the principal host countries.

Türkiye's involvement in managing the Syrian refugee crisis can be examined through three interrelated dimensions: the humanitarian imperative created by mass displacement, its role as a transit country toward Europe, and its position as a major host country. Syrians in Türkiye were initially protected under an "open door" policy and subsequently under an institutionalized "temporary protection status", which precluded forced refoulement. Türkiye accommodated Syrians in refugee camps and developed legal and administrative mechanisms to address their protection and basic needs.

Following the withdrawal of Bashar al-Assad and the formation of an interim government led by Ahmed al-Sharaa, the repatriation of Syrians residing in neighboring countries, particularly Türkiye, returned to the policy agenda. As the Syrian conflict has entered a post-conflict transition phase rather than formally ended, the legal status of Syrians in Türkiye and the evolution of Türkiye's refugee policy require renewed analysis. Türkiye's policy evolved from an "open door" approach in 2011 to a temporary protection regime and, particularly after 2016, to strengthened border security and policies encouraging voluntary return through "safe

zone" initiatives. In recent years, greater emphasis has been placed on managed repatriation and voluntary return mechanisms. (UNHCR Türkiye) [1]

Return opportunities differed considerably between the Assad period and the post-Assad transition. Under Bashar al-Assad, large-scale military operations, political repression, and destroyed infrastructure made safe and sustainable return highly limited; international organizations therefore regarded only limited individual voluntary returns as feasible. During the post-2024 transition, the partial reduction of security gaps and expansion of political dialogue have increased opportunities for return, although incomplete institutional stabilization and weak economic recovery continue to constrain sustainable repatriation (UNHCR Syria Situation, 2026, IOM, 2026). [1]

The return process is shaped by international law, Türkiye's migration policy, and political conditions in Syria. "Non-refoulement" prohibits forcible return and requires repatriation to be voluntary, safe, and dignified. Security conditions, documentation, property rights, economic recovery, domestic political discourse, and public opinion influence return policies (UNHCR Protection Principles, IOM Voluntary Return and Reintegration). [1]

Literature review. The international legal status of Syrians in Türkiye requires a distinction among the concepts of "migrant", "refugee", "conditional refugee", "temporary protection status" and "asylum seeker" (Tok, 2022). [2; 3] The 1951 Geneva Convention originally contained geographical and temporal limitations. Although the 1967 Protocol removed these restrictions, Türkiye retained its geographical limitation. Consequently, Syrians are protected primarily through Türkiye's domestic legal framework rather than through full refugee status under the Convention (Şahin, Kocadayı, 2022). [3; 17]

Goodwin-Gill et al. (2007) relate refugee status to individuals escaping intolerable or life-threatening circumstances [4; 5]. Under the 1951 Convention, a refugee is outside the country of nationality because of a well-founded fear of persecution based on race, religion, nationality, membership of a particular social group, or political opinion (1951). [5]

The 1967 Protocol (1967) removed the Convention's geographical and temporal limitations (Article 1 (3)), but Türkiye retained its geographical limitation. The 1994 Regulation (1994 Regulation) consequently defined refugee status with reference to events in Europe and persecution based on race, religion, nationality, membership of a particular social group, or political opinion (Article 3). The Law on Foreigners and International Protection similarly provides refugee status following the determination process for persons meeting these criteria (Article 61).

The Syrian crisis placed "mass refuge" and temporary protection at the center of legal debates. Council Directive 2001/55/EC of 20 July 2001 defines temporary protection in the context of a mass influx of persons unable to return to their countries. [6] In Türkiye, Article 91 of the Law on Foreigners and International Protection provides temporary protection to foreigners forced to leave their country who cannot return and arrive at Türkiye's borders in large numbers. Its procedures, rights, and obligations were regulated by the Temporary Protection Regulation, which entered into force on October 22, 2014.

Methodology. This study employs a mixed-methods approach to examine the return process of Syrian refugees in Türkiye, the transformation of Türkiye's refugee policy, and the impact of political changes in Syria. The qualitative component analyzes normative and legal documents, particularly the Law on the Protection of Foreigners and International Protection and the Temporary Protection Regulation, together with UNHCR reports, statistical and analytical materials of the Turkish Migration Management Presidency, and official statements of the Syrian transitional government concerning refugee return. Content analysis is used to identify changes in Türkiye's policy, international legal requirements, and the effects of Syria's political transition (Zenginkuzucu, 2021). [7, 386] The quantitative analysis covers 2011–2026 and compares the number of Syrians under temporary protection, return trends, and regional distribution. Sources include the Presidency of Migration Management under the Ministry of İnterior of Türkiye, UNHCR's Refugee Data Finder, and IOM reports. According to the Presidency, 73, 23 syrians hosted in Türkiye were resettled in various countries between 2016 and 2026, with Germany ranking first.

UNHCR data indicate that the number of Syrians returning to their country of origin increased from 44,931 in 2017 to 159,439 in 2024. (UNHCR, 2024)

The analytical framework combines Push and Pull theory, the Human Security approach, and the Durable Solutions Framework. Push and Pull theory explains migration through factors that encourage departure and factors that attract migrants to another location. Systematized by Everett S. Lee, the approach has been widely applied in international migration studies (Lee, 1966). [8, 47] In the Syrian case, push factors included armed conflict, terrorism, political repression, human rights violations, economic decline, unemployment, destruction, and the collapse of public services. Pull factors attracting Syrians to Türkiye included geographical proximity, the open door policy, temporary protection, labor-market access, humanitarian assistance, and comparatively safer conditions.

The political changes of late 2024 made the return dimension particularly relevant. Potential pull factors include improved security, calls by the transitional government, restoration of family and property ties, social belonging, and reconstruction opportunities, while economic difficulties in Türkiye, social tensions, and return-oriented policies may operate as push factors. The Human Security approach shifts security analysis from the state to the individual and encompasses military, economic, food, health, environmental, personal, social, and political threats (UN Report, 1994). In Syria, armed violence and displacement threatened personal security, while economic decline, unemployment, and deteriorating health and education systems undermined broader human security.

The Durable Solutions Framework developed by UNHCR provides a normative approach to long-term displacement through voluntary repatriation, local integration, and third-country resettlement. Grounded in international refugee law, particularly the 1951 Convention and 1967 Protocol, it seeks to establish lasting legal, social, and economic security.

The Syrian case represents protracted displacement in which durable solutions remain difficult to implement. Voluntary repatriation is constrained by security risks, political instability, fragmented institutions, and uncertain property rights, while local integration is limited by political, economic, and social pressures and may produce “de-facto long-term temporality”.

The conceptual framework also considers realism and liberalism. Türkiye’s retention of the geographical limitation and temporary protection regime reflects concerns with national interests, sovereignty, security, and geopolitical objectives. Conversely, cooperation with international organizations, multilateral responses, and adherence to human-rights norms demonstrate liberal influences.

Result and discussion. Türkiye’s migration policy developed toward a more liberal and human-centered framework, particularly through the Law on Foreigners and International Protection (Erdoğan et al., 2013). [9] The “Directive on the Acceptance and Accommodation of Syrian Arab Republic Citizens and Stateless Persons Residing in the Syrian Arab Republic Coming to Türkiye for Mass Asylum” was introduced on 30/03/2012, providing an administrative basis for mass protection. Temporary protection subsequently became the principal mechanism for Syrians, emphasizing non-refoulement, the provision of basic needs, and admission under the open door policy. Approximately 2 million registered people were within the temporary protection framework according to the Temporary Protection Regulation (2014) (Palacıoğlu, 2018). [10]

Türkiye’s geographical position and migration policies have contributed to increasing foreign populations. Regional instability, regime changes, civil wars, and economic difficulties have also affected migration toward Türkiye (İçduygu et al., 2014). [11] Consequently, Türkiye has increasingly emphasized regional security.

Between 2016 and 2023, security and integration became increasingly prominent. Türkiye expanded education, labor-market, and social integration measures while strengthening border controls and supporting safe-zone initiatives in northern Syria as a potential basis for future returns. Refugee policy consequently developed into a combined security, integration, and management model. The political transition of 2024–2026 generated a further shift toward voluntary return and repatriation. The Turkish government interpreted the relatively improved security situation and political transition in Syria as creating opportunities for return, while international organizations continued to emphasize voluntariness, safety, and dignity.

Conclusion. This study examined Türkiye's legal framework and policy concerning Syrians under temporary protection, focusing on legal status, human rights, and prospects for return. Türkiye has developed national legislation incorporating international human-rights standards while maintaining the geographical limitation of the refugee regime.

The political transition has altered prospects for return. Under Bashar al-Assad, conflict, political uncertainty, insecurity, and economic decline severely constrained voluntary and sustainable repatriation. The post-2024 transition and administration led by Ahmed al-Sharaa have created relatively more favorable political conditions and opportunities for cooperation and reconstruction.

Nevertheless, political transition alone cannot guarantee sustainable return. Destroyed infrastructure, weak economic conditions, limited employment, inadequate social services, and continuing security risks remain substantial obstacles. From a Human Security perspective, sustainable repatriation requires the restoration of physical security, economic stability, housing, essential services, legal protection, and social reintegration.

Accordingly, Türkiye's Syrian refugee policy has evolved from humanitarian reception to institutionalized temporary protection, security and integration measures, and increasingly toward voluntary repatriation. The new political environment has opened possibilities for return, but incomplete peace and reconstruction mean that large-scale sustainable repatriation remains conditional. A durable solution requires voluntary, safe, and dignified return, together with restoration of the human-security conditions necessary for sustainable reintegration.

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