

LEGAL PERSPECTIVE ON TEMPORARY PROTECTION STATUS AND THE CITIZENSHIP APPLICATION PROCESS FOR SYRIANS IN TURKEY

Prof. Dr. Zoran FİLİPOVSKI, - Ass. Elif Hoca, LL.M

ABSTRACT

The civil war that started in Syria in 2011 caused the displacement of thousands of Syrians. With most of the displaced people migrating to Turkey and the inability to return caused by the civil war, the rights to protection arising from international law have emerged. This study examines the legal framework surrounding the temporary protection status granted to Syrians in Turkey and the process of applying for Turkish citizenship. It provides a comprehensive overview of the legislative measures and regulations that govern the rights and obligations of Syrians under temporary protection, including various laws, decrees, and administrative guidelines established by Turkish authorities to manage the large influx of Syrian refugees.

The analysis delves into the eligibility criteria for obtaining citizenship, which encompass a range of legal, social, and economic requirements that Syrians must meet. These criteria often involve demonstrating a certain period of continuous residence in Turkey, proficiency in the Turkish language, and financial self-sufficiency. The procedural requirements are also scrutinized, detailing the step-by-step process that applicants must follow, including the submission of necessary documents, background checks, and interviews with immigration officials.

Moreover, the study addresses the potential challenges and barriers faced by Syrians seeking to transition from temporary protection to citizenship. These challenges can include bureaucratic hurdles, lengthy processing times, and the complexities of navigating the legal system. By providing this detailed analysis, the study aims to shed light on the complexities of the legal journey from temporary protection to citizenship for Syrians in Turkey.

Keywords: Temporary Protection Status, Citizenship Application, Legal Framework, Syrians in Turkey, Immigration Policy.

Zoran FİLİPOVSKI

*PhD, Professor,
International Vision
University, Faculty of
Law*

e-mail:

filipovski@vision.edu.mk

Elif HOCA

*LL.M, PhD Candidate,
International Vision
University, Faculty of
Law*

e-mail:

elif.hoca@vision.edu.mk

UDK:

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INTRODUCTION

Turkey signed the 1951 Geneva Convention, which outlines the fundamental principles of international protection, with geographical and temporal reservations. While the 1967 Protocol removed these reservations, Turkey maintained the geographical limitation. As a result, individuals seeking asylum in Turkey from outside Europe are not granted refugee status.

The Law on Foreigners and International Protection, which came into force in 2014 in alignment with the European Union's asylum system, defines international protection as including refugee, conditional refugee, and subsidiary protection statuses. To benefit from international protection in Turkey, a foreigner must qualify under one of these statuses. International protection starts with the non-refoulement principle (not returning the person to a place where they may face danger) and ends with a durable solution. The three durable solutions are Voluntary Repatriation, Local Integration, and Resettlement to a Third Country.

Temporary protection, under the Law on Foreigners and International Protection (LFIP), is not considered an international protection status. Therefore, the three durable solutions do not apply to Syrians under temporary protection in Turkey. Since they cannot obtain international protection status, resettlement to a third country is not an option for them. Due to the ongoing civil war in Syria, voluntary repatriation is also not feasible. This leaves local integration as the only viable solution. Local integration involves granting permanent residency rights and citizenship.

Turkish citizenship is governed by the Turkish Citizenship Law No. 5901 and the Settlement Law. Citizenship can be acquired by birth, based on descent or birthplace, and later in life. Citizenship acquired later can be through the decision of the competent authority, adoption, or the right to choose. The acquisition of citizenship by the decision of the competent authority can occur through general means, exceptional circumstances, or reacquisition.

METHODOLOGY

A comprehensive and exhaustive exploration of the pertinent scientific literature was conducted using diverse sources. These sources included scientific books, printed research papers, as well as online databases like Google Scholar, Researchgate, and Dergipark, which feature journals indexed on prestigious platforms such as EBSCO, SCOPUS, and WEB OF SCIENCE. Our search was meticulously guided by specific keywords, which included "temporary protection status," "citizenship application," and the "Syrians in Turkey."

To ensure the highest quality and relevance of the selected publications, we implemented a set of stringent elimination criteria, which included: (a) The inclusion of papers written in languages such as English, Turkish, and other pertinent languages. (b) Consideration of papers published from the year 1951 onwards.

By adhering to these criteria, it is aimed to curate a comprehensive and rigorous collection of literature for this research on the impact of international organizations on the international system concerning their authority and responsibilities.

THEORETICAL FRAMEWORK

1. International Protection and Basic Requirements

The fundamental requirement for individuals to be considered under international protection status is their fear of persecution and oppression based on race, nationality, religion, or political beliefs, which forces them to leave their country and seek refuge in another (Kate DARLING, 2009). Individuals displaced within their own country, even for similar reasons, do not fall under international protection. This is not covered under the 1951 Geneva Convention and the 1967 Protocol. Turkey, maintaining the geographical interest (Ratification Law number 359 published in the Official Gazette of the Republic of Turkey, 1961), international Turkey conditions became.

2. International Protection Statuses

2.1. Refugee

Refugee status is based on the Geneva Convention and is recognized in Turkey with geographical reservations. The primary requirement for this status is the fear of returning to the country of nationality (Convention and Protocol Relating to the Status of Refugees).

2.2. Conditional Refugee

Conditional refugee status is an international protection status developed by Turkey based on geographical reservations. It allows individuals seeking international protection due to events outside Europe to stay in Turkey until they are resettled in a third country (Nasih Sarp ERGÜVEN, Beyza ÖZTURANLI., 2013).

2.3. Subsidiary Protection

Subsidiary protection is considered complementary protection under international refugee law. It is granted to individuals who do not qualify for refugee or conditional refugee status in Turkey but need for international protection. The person must face the risk of the death penalty, torture, or inhumane treatment if returned to their country.

3. Temporary Protection Status

Temporary Protection Status is a legitimate means by which different nations grant temporary haven and protection to those fleeing from conflicts or natural calamities. This status allows people to work without any specific employer, such as the TPS holders in the United States. Turkey also introduced temporary protection for Syrian refugees indicating the necessity of international burden-sharing and a move towards durable solutions (Esra YILMAZ EREN, 2019). The invocation of the Temporary Protection Directive within the EU is aimed at enhancing responsibility sharing and solidarity with refugees, but there are concerns regarding its long-term implications and a need to avoid backsliding on refugee protection standards.

Temporary Protection Status provides an interim measure while permanent solutions are being sought, underscoring the importance of

collaboration, integration, and long-term planning in addressing forced displacement crises (Zoran FILIPOVSKI, Elif HOCA, 2023).

4. Legal Status of Syrians in Turkey

Legal status is among the major issues surrounding Syrians' settlement in Turkey. According to its geographical limitation policy, Syria nationals who enter Turkey cannot be accepted as refugees. The Syrian civil war is classified as an event happening outside Europe, thus making it reasonable to grant conditional refugee status for those escaping from Syria into Turkey. Nonetheless, for conditional refugee status to be granted out, it a must that they have applied for individual protection (Ali Kemal NURDOĞAN, Mustafa ÖZTÜRK, 2018).

Due to the sudden mass influx of people fleeing from their country because of the ongoing war, it is impracticable to evaluate their claims of international protection individually. Therefore, since October 2011, an open-door policy has been adopted towards them by Turkey and declared a temporary protection regime. Article 7/3 Temporary Protection Directive says persons under temporary protection are neither considered as refugees nor receive conditional refugee or subsidiary protection statuses. As a result, Syrians in Turkey are subjected to temporary protection and their requests for international security are not processed (Article 16 - Temporary Protection Directive, 2014).

As long as the temporary protection status remains in effect, these individuals cannot obtain any of the international protection statuses. The only exception to this rule applies to individuals who participated in armed conflict in Syria and subsequently permanently ceased their armed activities. In such cases, these individuals may be eligible to obtain subsidiary protection status under Article 63 of the Law on Foreigners and International Protection.

5. Acquiring Turkish Citizenship

The journey towards integration and eventual citizenship for persons seeking international protection and staying in Turkey under temporary protection is markedly different. Local integration, a process of adjustment between the foreign nationals and the host society is very important. This is not only about foreigners getting used to a new environment but also about the fact that local people must live with

newcomers. The United Nations High Commissioner for Refugees (UNHCR) defines local integration as a legal process predicated on the premise that refugees will stay forever in their country of asylum. It includes more than mere self-sufficiency and local settlement (Ali Kemal NURDOĞAN, Mustafa ÖZTÜRK, 2018).

Local integration refers to when refugees are provided by their host country with permanent residency, eventually leading to citizenship. This contrasts with Article 96 of Law on Foreigners and International Protection which pertains to adaptation process. While Article 96 concentrates on helping foreigners as well as local community integrate mutually as they independently navigate social life, local integration entails providing permanent residence permits and granting citizenship rights too at times. Citizenship represents the legal bond between an individual and the state, regardless of ethnic origin. The conditions under which individuals can obtain Turkish citizenship, as well as the circumstances that might lead to its revocation, are specified in the Turkish Citizenship Law No. 5901. According to this law, Turkish citizenship can be acquired either by birth or later in life (Turkish Citizenship Law No. 5901 Article 5, 2010).

In essence, becoming a Turkish citizen involves more than just a legal process; it's about building a lasting relationship with the country and its people. The law provides a framework, but the real integration happens in the everyday interactions and mutual respect between the newcomers and the host society.

However, Interior Minister Ali Yerlikaya announced on November 9, 2023, that Turkish citizenship had been granted to 237,995 Syrians. Of these, 156,987 are adults, and 81,008 are children. The number of Syrians who have obtained Turkish citizenship was reported as 230,998 on April 15, 2023; 221,671 on December 2, 2022; 211,908 on August 19, 2022; 200,950 on March 31, 2022; 193,293 on December 31, 2021; and 110,000 on December 30, 2019 (Refugee Association, 2024).

5.1. Acquisition of Turkish Citizenship at Birth

Turkish citizenship, through descent or birthplace can be acquired automatically at birth. The child of a Turkish citizen couple is deemed as Turkish even if they are born out of Turkey or within it. Where the mother

is a Turk, the child becomes a Turk by operation of law for purposes of nationality without regard to the nationality of the father in a situation where the mother was not married when he was born. However, children sired by foreign fathers and native mothers could only become Turks by going through legal paternity procedures (Turkish Citizenship Law No. 5901 Article 7, 2010).

Besides this, any child born to foreign parents in Turkey who cannot pass on their nationality shall obtain Turkish citizenship from birth (Turkish Citizenship Law No. 5901 Article 8, 2010).

5.2. Acquiring Turkish Citizenship After Birth

Turkish citizenship can also be acquired later through several means: a decision by the competent authority's decision, adoption, or exercising the right of choice (Turkish Citizenship Law No. 5901 Article 9, 2010).

If anybody fulfill the requirements specified in Turkish Citizenship Law, they can acquire Turkish Citizenship upon the decision of the relevant authority. However, the fact that they fulfill the requirements stated does not provide an absolute entitlement to citizenship.

- Only can apply for Turkish citizenship if they reside in Turkey with a stateless person identity document or as a resident for 5 years without interruption. However, additional conditions such as a good command of Turkish, good morals and not being diagnosed with a disease that may constitute hazard to general health are also sought.
- If an individual has been married to a Turkish citizen for at least 3 years and that marriage is sustaining, they can apply for Turkish citizenship. If their spouse dies after their application, the requirement of unity of family is not sought any more.
- Turkish Citizenship Law also contains provisions about acquisition of exceptional citizenship. Provided that do not pose any threat to national security and public order, may acquire Turkish citizenship upon the proposal of the Ministry of the Interior and the decision of the **Cabinet (The Presidency of Migration Management)**.

CONCLUSION

In the academic studies, can see that Syrian refugees also frequently opt for dual citizenship or transnational citizenship, mainly to gain rights and retain privileges in both contexts. The acquisition of Turkish citizenship by refugees, especially Syrian refugees, has an important place in recent academic studies. Turkey, which hosts millions of refugees and is one of the countries hosting the most refugees in the world, has changed its citizenship law to offer citizenship to refugees as a means of integration. This change is one of the first steps taken by some countries around the world for the integration of refugees into the state and socio-economic system. This change reflects the government's strategy to reward skilled immigrants while facilitating the integration of other Syrians into society.

In conclusion, Turkey's approach to international protection and citizenship acquisition for Syrians reflects a complex legal framework influenced by both domestic legislation and international conventions. Turkey signed the 1951 Geneva Convention but maintains geographical limitations, impacting the status of those seeking asylum from outside Europe. The Law on Foreigners and International Protection, aligned with EU standards, defines various statuses including refugee, conditional refugee, and subsidiary protection, crucial for accessing international protection in Turkey.

For Syrians, temporary protection is the primary legal status, as they do not qualify for refugee status due to geographical limitations. This has significant implications, restricting their access to durable solutions like resettlement to a third country. Local integration thus becomes the main pathway, offering permanent residency and, potentially, Turkish citizenship. The acquisition of Turkish citizenship is governed by specific legal criteria, including residency duration, language proficiency, and good moral conduct.

Recent data highlights a significant number of Syrians acquiring Turkish citizenship, demonstrating the impact of these legal frameworks on their integration. Challenges persist, however, including bureaucratic hurdles and socio-political complexities, which affect the implementation of these laws. The involvement of international organizations and NGOs is crucial in supporting refugees' rights and facilitating their legal processes.

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