Central and Eastern European Migration Review
Received: 5 February 2025, Accepted: 10 November 2025
Published online: 12 December 2025
Vol. 14, No. 2, 2025, pp. 253–280
doi: 10.54667/ceemr.2025.20

The Temporality and Stratification of Refugee Governance in Turkey: An Analysis for Temporary and International Protection from Reception to Return

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Turkey faces significant challenges in managing refugee governance, hosting over 3 million protection beneficiaries across various categories, including 'international', 'temporary', 'subsidiary' and the distinct 'conditional refugee' status. This framework is characterised by legal ambiguities and a complex protection regime that relies on stratified legal statuses and temporality throughout all stages of refugee management. This paper analyses the temporary and international protection regime and its implications for Syrians and non-Syrians under these protection types, covering the 2018–2024 period, with a specific focus on the 'return' dimension. The paper questions how temporality and legal stratification operate as strategic governance tools in Turkey's refugee regime, shaping the management of Syrians under temporary protection from reception to return. It argues that temporality is a deliberate governance strategy rather than a mere legal condition and that legal stratification institutionalises selective inclusion and control. Temporality and stratification are interconnected mechanisms that sustain governable precarity and they are also used to control the conditions for return. In this framework, the paper explores governance through temporality and its implications at the macro level by examining the legal and institutional frameworks and reflecting on the experiences or perceptions of relevant actors at the meso and micro levels. The research is based on a longitudinal study, desk research, multilayered analysis and multi-sited field research across 4 cities (Ankara, Edirne, Istanbul and Izmir), supported by 2 European Union-funded Horizon projects.

Keywords: temporary protection, international protection, Syrians under temporary protection, temporality, stratification, migration governance, migrant returns

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Introduction

Turkey occupies a critical position in contemporary migration studies due to its unique role as a destination, source and transit country, particularly in the context of the Syrian refugee crisis. The mass migration of Syrians into Turkey, beginning in 2011, marked a turning point in Turkey's migration policy and practices. As the conflict in Syria escalated, Turkey rapidly became the primary destination for millions fleeing violence. As of 4 December 2025, around 2.3 million Syrians are under Temporary Protection (TP) and fewer than 200,000 non-Syrians are under International Protection (IP) within its borders (PMM 2025; UNHCR 2024a).

As the country hosting the largest number of beneficiaries of international or temporary protection globally, predominantly Syrians under Temporary Protection (SuTP) (UNHCR 2024b), Turkey's migration policies and practices provide a rich and complex case for studying the intersections of IP, governance and temporality. The Syrian mass migration has tested Turkey's migration governance structures, pushing the country to adapt and innovate within the framework of its TP regime. Turkey introduced the Temporary Protection Regulation (TPR) in 2014, establishing a unique legal framework designed to manage this unprecedented flow of refugees. This framework provided immediate protection and essential services to Syrians; however, the TPR's inherent temporality also revealed the Turkish government's use of 'temporality' as a key governance tool in managing refugee populations. This temporal governance leaves refugees in a cycle of displacement, emphasising the need for rights-based migration policies. With this background, Turkey emerges as a key site for examining the challenges and opportunities of managing protracted refugee populations under TP, especially in a non-European Union (EU) context. Syrians under TP in Turkey represent a paradigmatic case of how modern states balance humanitarian commitments with national interests. The Turkish government's open-door policy at the initial stage of the mass migration evolved into a more regulated, securitised approach, reflecting the complex interplay between domestic politics, regional stability and international obligations (Gökalp Aras and Şahin Mencütek 2015, 2016, 2020).

In this framework, this paper investigates how temporality and legal stratification operate as deliberate governance tools within Turkey's refugee regime, shaping not only the modalities of protection but also the transition from reception to return. The main research question explicitly asks: In what ways does temporality function as a strategic instrument of refugee governance and how do state institutions use time, waiting and indefinite protection statuses to manage and discipline refugee populations? How does legal stratification institutionalise selective inclusion and control, creating differentiated legal and social hierarchies between SuTP and other non-Syrian groups under international protection? How are these 2 mechanisms (temporality and stratification) interconnected in producing and sustaining a condition of 'governable precarity' that enables the Turkish state to shift flexibly from humanitarian reception to return-oriented policies? In relation to the return dimension, how does this dual mechanism shape the conditions, practices and narratives of return, including the blurred boundaries between voluntary and coerced repatriation?

The paper argues that temporality is a deliberate governance strategy, not merely an administrative condition of protection regimes but a strategic instrument used by the state to manage uncertainty, control refugees' time horizons and maintain policy flexibility. On the other hand, legal stratification institutionalises selective inclusion and control because, through differentiated statuses, Turkey formalises a hierarchy of rights and entitlements. This legal layering reproduces inequality and ensures that protection remains conditional and revocable. Syrians and non-Syrians are subject to distinct legal categories, yet both experience temporariness as a shared condition. Temporality and stratification are

interconnected mechanisms that extend into the domain of return. The same temporal logic that governs reception also structures return. Temporality normalises the expectation of eventual repatriation, while stratification defines who can be returned, when and under what conditions.

While Turkey's stratified regime of protection and return is distinctive in its dual-track architecture, combining TP for Syrians with the IP of non-Syrians, its dynamics are not unique. Similar forms of stratified inclusion and selective recognition can be observed across the Middle East and North Africa (MENA), where states strategically govern migrant and refugee populations in line with geopolitical leverage, security priorities and economic needs. Yet Turkey stands out for how legal stratification and temporality are institutionalised through law, particularly via the geographical limitation to the 1951 Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954, 189 UNTS 137) and the TPR (2014) which, together, formalise temporariness and conditionality as the core of refugee governance. This makes Turkey's case a paradigmatic example of how temporality becomes a structural governance tool, embedded in legal design rather than emerging solely from administrative practice or political discourse. For example, in Egypt, migration and refugee management are explicitly stratified, with Syrians accessing relatively greater services while Sub-Saharan Africans remain in precarious conditions (Tsourapas 2019). In Lebanon, stratification takes the form of informalisation and, like Turkey, legal ambiguity, producing systemic precarity through the absence of codified protection with clear safeguards (Carlos 2025; Stel 2021). Taken together, these examples demonstrate that Turkey's approach belongs to a broader regional repertoire of stratified migration governance. However, its codification of temporality and stratification through the geographical limitation and temporary protection regime represents one of the most legally embedded and durable models of managing refugee populations through time, status and uncertainty.

Turkey offers a paradigmatic case for analysing the nexus between strategic temporality and legal stratification in refugee governance. The coexistence of humanitarian admission with a persistent geographical limitation to the 1951 Refugee Convention creates a dual legal architecture that differentiates refugees by nationality and embeds return within the logic of protection. Thus, the Turkish case is both nationally distinctive and globally instructive for understanding temporal governance beyond the EU, especially in a non-EU context.

Turkey's temporary protection (TP) regime has generated extensive scholarly discussion across legal, policy and sociological disciplines. Nuray Ekşi (2012, 2014, 2018) provided the first comprehensive legal assessment of the TPR (2014) and its link to The Law on Foreigners and International Protection (LFIP, Law No. 6458, adopted 4 April 2013, entered into force 11 April 2014, Official Gazette No. 28615), highlighting its group-based, exceptional and discretionary character. Cavidan Soykan (2017) explored the implementation and human rights dimensions of TP, emphasising how broad administrative discretion and ambiguous procedures create legal insecurity and undermine non-refoulement. Meltem İneli-Ciğer (2016, 2018, 2019, 2025) examined Turkey's TP through a comparative lens, situating it *vis-à-vis* the EU Temporary Protection Directive (2001/55/EC) and emphasising Turkey's distinctive lack of temporal limits. Neva Öztürk (2022, 2025) characterised TP as a Janus-faced framework combining humanitarian rhetoric with control, questioning its alignment with international standards. Complementing these doctrinal analyses, İrem Şengül (2022) traced the politicisation of temporariness and its social consequences, arguing that the prolonged temporariness of Syrians under TP normalised uncertainty as a condition of belonging, providing a parallel argument to this article.

While a wide range of studies has examined Turkey's temporary protection regime from legal, humanitarian and policy perspectives, this paper offers a distinct analytical contribution by conceptualising temporality and legal stratification as interconnected governance mechanisms rather

than as isolated features of refugee law. The paper moves beyond those approaches by demonstrating that temporality operates as a deliberate governance strategy, a tool through which the state manages uncertainty, conditions inclusion and normalises return. Likewise, legal stratification is interpreted not merely as inequality in the distribution of rights but as a structured mechanism that institutionalises selective inclusion and maintains governable precarity. The paper shows how these 2 dimensions (temporality and stratification) co-constitute Turkey's refugee regime from reception to return, linking the legal design of protection to the political logic of return. In particular, the research provides a return dimension from a comparative perspective for Syrians and non-Syrians, with multilayered and multidisciplinary analyses. Empirically, the study advances the literature by combining macro-level legal and institutional analysis with meso- and micro-level fieldwork data collected through 2 Horizon projects, enabling a longitudinal and multi-scalar examination of how governance practices evolve.

The article proceeds as follows. The next section outlines the methodology, detailing the multilevel qualitative research design, data collection and analytical strategies. It is followed by the conceptual framework, which examines the concepts of temporary and international protection in Turkey within the broader context of Syrian mass migration, with a focus on how temporality is used as a migration governance tool. It then introduces the TP regime and the related legal framework in Turkey, along with their evolution, followed by a theoretical framework that explores strategic temporality in migration governance. The article then reflects on the findings and implications of temporality, with a special focus on returns, drawing on empirical data gathered by the 2 comprehensive research projects. The article concludes by reflecting on the broader consequences of migration governance.

Methodology

This article draws on both desk research and extensive fieldwork conducted through 2 Horizon research projects.[1] The first project, which spanned from 2017 to 2021, involved an in-depth analysis of the TP regime for SuTP in Turkey, with a particular focus on their reception, settlement and initial stage of integration. The second ongoing project's research, covering the 2023–2026 period, extends this work by examining further implications and shifts in Turkey's approach to return policies. Empirical data were collected (June 2018–March 2019 and December 2023–March 2024) through semi-structured interviews (68 in total) with stakeholders, expert consultations and focus groups, complementing a rigorous review of legal documents, policy frameworks and existing literature on migration governance at the meso level as well as through interviews (30 in total) with migrants and refugees with return experience at the micro level.[2] This analysis covers the period up to 8 December 2024; subsequent developments are therefore not reflected in the empirical dataset. Following the reported fall of the Bashar al-Assad regime in Syria on that date, host states, including Turkey, immediately shifted official discourse towards return.

This article adopts a qualitative, multilevel methodological approach that combines extensive desk research with fieldwork. The desk-based component constitutes the analytical foundation of the study and was conducted continuously throughout both projects, reflecting the macro-level analysis. It involved a comprehensive review and triangulation of primary and secondary sources, including national and international legal and policy documents, as well as institutional reports and policy papers from state and non-state actors. A wide range of academic literature on migration governance, temporality, stratification and international protection was also traced. On the other hand, empirical data were collected through in-depth interviews, expert consultations and focus groups conducted across 4 Turkish cities (Ankara, Edirne, İstanbul and İzmir) at the meso and micro levels. The interviews

were conducted with policymakers, local officials, practitioners, civil-society representatives and legal experts involved in implementing the TP regime and return policy, as well as with migrants.

The research design adopts a longitudinal, multilevel approach – macro, meso and micro – to analyse Turkey's migration governance along the protection–return continuum. It combines legal and policy analysis with empirical findings to trace the temporal evolution of refugee management and capture actors' perceptions and practices. Triangulation between legal, policy and field data ensures analytical validity and reveals discrepancies between formal frameworks and implementation, highlighting how migration policies have evolved over time.

Conceptual framework: The interplay between temporality and legal stratification in migration governance

The concepts of 'temporality' and 'stratification' serve as a central analytical lens for understanding Turkey's management of protection. In the migration literature on time, temporality is a critical concept for understanding migration governance (Andersson 2014; Biehl 2015; Nassar and Stel 2019). A substantial body of work covers multiple research strands, with central themes revolving around 'temporality' and 'precarity'.

Alice Edwards is one of the foremost legal scholars examining the temporal dimension of refugee protection. Her analysis regarding refugee status and the cessation clause (Edwards 2012) is foundational for understanding how time is embedded in the legal logic of protection. She argues that the cessation clauses of the 1951 Convention, particularly Article 1C(5) and (6) ('ceased circumstances'), do more than mark an administrative endpoint to protection; they institutionalise temporality as a governance device. She argues that these clauses do more than signal the end of status; they institutionalise temporality as a governance tool, enabling states to transform protection into return once they legally recognise a change in conditions. Edwards (2012) shows that temporary protection regimes operate through the same logic, allowing states to fulfil humanitarian duties while retaining sovereignty over time. Temporality thus becomes a strategic legal mechanism, legitimising the withdrawal of protection and the promotion of return under the guise of normalcy. This insight is crucial for the Turkish case, where Article 11 of the Temporary Protection Regulation (TPR 2014) mirrors the 'ceased circumstances' rationale by allowing termination of protection when 'the situation necessitating it ceases to exist', thereby domesticating the same temporal logic identified by Edwards. The Turkish framework thus domesticates the same temporal mechanism that Edwards identifies at the international level.

While Edwards (2012) and Türk, Edwards and Wouters (2017) highlight the protection dimension of temporality, Jean-François Durieux (2015) extends this logic to the return phase, framing voluntary repatriation as the temporal counterpart and ultimate expression of protection. He argues that refugee protection is inherently dynamic, structured by time, movement and institutional design, where temporary safety is always oriented towards a durable solution. Within this legal duality, return becomes not merely a humanitarian act but the intended temporal completion of the protection cycle. By maintaining protection as provisional, states preserve both humanitarian legitimacy and political flexibility, sustaining governance frameworks that naturally evolve toward repatriation. This perspective shifts the analysis from moral evaluations of return ('voluntary' versus 'forced') to its institutional logic, how temporality in law and policy creates the conditions for return to appear legitimate, timely and orderly. In Turkey, this logic is codified in the LFIP (2013) and TPR (2014), where

temporal flexibility enables a seamless and legally defensible shift from temporary protection to return, illustrating strategic temporality as protection that anticipates its own end.

In particular, for Turkey, the scholars discuss Turkey's multilayered migration regime and its legal uncertainty for refugees. Genç (2018) argues that the migration regime creates legal uncertainty, while Üstübici (2019) focuses on technocratic governance that results in highly differentiated legal statuses for refugees in Turkey, linking the EU externalisation to a technocratic turn in Turkey's migration governance, which manufactures differentiated legal statuses and clearly articulates stratification in law and administration. These categorical hierarchies (TP vs conditional refugee, etc.) serve as instruments for calibrating rights and uncertainty over time. Gökalp Aras and Şahin Mencütek (2015, 2016) highlight the shift in Turkey's response to the refugee crisis, evolving from an *ad hoc* approach to more regulative and restrictive policies over time. Şahin Mencütek, Gökalp Aras, Kaya and Rottman (2023) provide the critical concept of 'strategic temporality', which refers to the intentional use of temporality by state actors to manage, control and ultimately shape the experiences of refugees within a host society. The concept is presented as a central framework for understanding Turkey's response to the Syrian refugee crisis. It is approached as a governance strategy employed to manage and control refugee situations, particularly the Syrian mass migration, through institutional, legal and discursive mechanisms. It highlights how temporal frameworks are strategically used in migration governance to balance political, administrative and social objectives, while profoundly shaping the lives of refugees and the dynamics of migration management. This strategy is characterised by uncertainty, liminality and complexity, which collectively shape the experiences of refugees and the responses of the various actors involved. Within the legal framework, strategic temporality is implemented through TP statuses, which grant limited rights while maintaining legal precarity. The legal precarity experienced by refugees serves as a key component of this governance strategy, ensuring control over their movements and rights.

In parallel, Biehl (2015: 57) introduces the concept of 'protracted uncertainty', which is defined as 'indefinite waiting, limited knowledge, and unpredictable legal status', conditions that characterise the asylum-seeking experience in Turkey. This concept is expanded by Loyd, Ehrkamp and Secor (2018), who argue that this uncertainty serves to demobilise and contain asylum-seekers, normalising it as a bureaucratic necessity and a security measure. Norman (2020) and Stel (2021) also reflect on how temporality governs refugee populations by keeping their legal status precarious, ensuring that refugees remain in legal limbo. Çelik and White (2021) and Öztürk (2022) argue that the regime offers insufficient rights and does not fully comply with international legal standards, thus creating a lack of a rights-based protection system. The precarity experienced by SuTP in Turkey is also explored in numerous studies (Akçapar and Simsek 2018; Baban, Ilcan and Rygiel 2017; Eder and Özkul 2016; Ertorer 2021; Nimer and Rottmann 2022). Özkul's (2022) work during Covid-19 shows how crisis governance intensifies legal precarity and re-asserts status hierarchies; temporal 'exceptions' harden into routine practice, tightening the protection–return hinge.

'Stratification and differential inclusion' further reinforces the temporal experience of beneficiaries of both TP and IP in Turkey. The concept of stratification examines 'differential life chances – who gets what and why – and migration is about improving life chances' (Jasso 2011: 1292). Stratification extends beyond the citizen/non-citizen distinction to differentiate migrants by factors such as wealth, education and ethnicity. The concept of stratification (Joppke 2007; Morris 2002; Sainsbury 2012) helps to explain inequalities among different migrant groups and situates refugee governance within a national citizenship regime. The concept of (civic) stratification is seen as the role of legal status in forging categorical inequalities between groups (Morris 2002).

There are important contributions examining how different migrant groups, including Syrians, are treated and how legal frameworks differentiate between Syrians under TP and other asylum-seekers or migrants (Abdelaaty 2021; Gökalp Aras, Kabadayi, Ozeren and Aydin 2021; Şahin Mencütek *et al.* 2023). This stratification results in varying levels of access to rights and services, such as health care and employment, often reflecting Turkey's foreign-policy interests. Rygiel, Baban and Ilcan (2016) and Akçapar and Simsek (2018) describe how this stratification leaves Syrians in a liminal space where their rights are not fully guaranteed and their future remains uncertain.

For this paper, the concept of 'strategic temporality' is central to understanding Turkey's evolving approach to refugee governance (Şahin Mencütek *et al.* 2023). It refers to state actors' intentional use of temporality to manage, control and ultimately shape refugees' experiences within a host society. This governance tool allows the state to adapt its policies over time, transitioning from an initial period of open reception to a more restrictive phase that emphasises return and repatriation. Şahin Mencütek *et al.* (2023) argue that it works 'through the mechanism of granting uncertain temporal legal status to forcibly displaced Syrians, putting them in *ad hoc* reception arrangements and exposing them to short-term changes in integration measures, exceptions or derogation from norms' (2023: 8).

Legal stratification, in particular, refers to the creation of hierarchical legal statuses that determine access to rights, services and opportunities. This selective inclusion not only limits refugees' ability to achieve stability but also reinforces their temporality, making it clear that their stay in Turkey is conditional and subject to change. By employing a system of legal stratification, the Turkish government maintains control over the refugee population, ensuring that their presence remains manageable and adaptable to the state's shifting priorities. This form of differential inclusion allows the state to exercise power over the refugee experience, dictating the terms of access to rights and services while keeping the possibility of return or repatriation open.

Within Turkish law, legal stratification is formally embedded in the LFIP (Law No. 6458, 2013) and related secondary legislation. Articles 61–63 establish 3 distinct forms of international protection: refugee (limited to Europeans), conditional refugee (non-Europeans until resettled) and subsidiary protection, while Article 91 introduces temporary protection as an additional, group-based category. Thus, it authorises (Article 91) temporary protection for mass influxes (legal basis for Syrians). These layered statuses carry differentiated rights, residence entitlements and access to legal remedies, thereby constructing a legally sanctioned hierarchy of protection. The TPR (2014) further codifies this inequality by granting only limited social and economic rights. Articles 25–38 specify limited rights (health, education, work permits) but exclude permanent residence, family reunification or citizenship pathways. TPR also allows the termination of TP when 'the situation necessitating it ceases to exist', reinforcing temporality and conditionality. It also permits termination when 'the situation necessitating it ceases to exist' (Article 11). Finally, the Regulation on Work Permits for Foreigners under Temporary Protection (2016) grants restricted labour-market access, subject to quotas and provincial approvals, deepening legal inequality between TP-holders and other status groups. Thus, this architecture exemplifies legal stratification by institutionalising the differentiation of refugee groups, mediated by statutory and regulatory provisions that combine temporality with selective inclusion.

Turkey's use of strategic temporality and legal stratification plays a crucial role not only in protection but also in determining the type of return that refugees face. Strategic temporality implies that the presence of refugees in Turkey is provisional and contingent on shifting political goals. By framing their stay as temporary, Turkey retains the flexibility to move from integration to return when it aligns with political or strategic interests. This temporality shapes a policy environment that inherently moves towards return, whether through voluntary means or more coercive strategies. Thus, temporality and

legal stratification are not just mechanisms for managing refugees within Turkey but are also actively employed to make the process of return more feasible and justifiable. The temporality embedded in the legal framework helps to normalise the idea of return as an inevitable outcome, while legal stratification ensures that refugees remain in a vulnerable position and more willing to accept return as a viable option.

Legislative landscape: From protection to return temporality and stratification

Turkey's legal framework for IP is built on a complex combination of primary and secondary laws, creating a system marked by temporality and stratification. Starting from the very first regulatory document in the field of migration (the Law on Settlement, #2510), dating back to 1934, Turkey has developed an intricate set of immigration and asylum laws, resulting in a dual system that restricts the right of asylum and migration to persons with 'Turkish descent and culture' (Article 3). It distinguished the Muslim population living under Ottoman governance across different geographies from non-Turkish-origin populations, as they were not accepted as immigrants. The Settlement Law was Turkey's first comprehensive migration legislation, focusing on the settlement of immigrants in the country and prioritising persons of Turkish descent and culture for settlement and integration. This represented a strong emphasis on the nation-building agenda of the early Republican period, with migration policy serving as a tool for homogenising the population in ethnic and cultural terms. Restrictions on the settlement of non-Muslim and non-Turkish ethnic groups reflect a selective approach to immigration. Turkey is a signatory to the 1951 Refugee Convention and the 1967 Protocol; however, due to its geographic limitations, it has granted refugee status only to individuals fleeing events in Europe. This limitation excluded refugees from non-European countries from gaining formal refugee status in Turkey, leaving them under temporary or *ad hoc* arrangements. This geographical limitation resulted in duality and stratification between European and non-European nationalities, as Turkey recognises refugee status only for those from European countries. In 1994, in response to increasing migration flows, particularly from the Middle East and Asia, Turkey adopted the 1994 Regulation on Asylum (Regulation No. 6169), issued under the Law on the Residence and Travel of Foreigners (Law No. 5683). Under this law, temporary asylum procedures for non-European refugees are established, along with guidelines for the registration and TP of asylum-seekers, often with the expectation of resettlement to a third country. However, limited rights and access to services provided for non-European refugees reinforce the geographical limitation of the 1951 Refugee Convention.

In 2006, the Settlement Law (#5543) replaced the 1934 Settlement Law, maintaining certain elements while introducing modernised policies. However, it continued to prioritise individuals of Turkish descent and cultural ties for migration and settlement, using 'persons of Turkish descent coming' and 'those connected to Turkish culture' (Article 11). Although the update reflects efforts to modernise Turkey's migration policies within the framework of international relations, human-rights standards and changing migration dynamics, it still prioritises certain groups over others. It appears to conflict with principles of equality in migration governance.

In 2013, Turkey's first national migration and asylum law – the Law on Foreigners and International Protection Law (#6458, LFIP, 2013) – was adopted. The LFIP addresses IP issues and the statuses and rights of foreigners.

Complex protection categories and nested dualities

The LFIP (2013) demonstrates a complex, stratified approach to the protection framework, offering varying levels of rights and status to different groups of migrants and refugees under international, temporary and subsidiary protection regimes. The LFIP imposes geographical limitations and introduces additional legal categories that further stratify the already stratified legal system. Due to this geographical limitation, asylum-seekers from non-European countries, including millions of Syrians, fall outside the scope of Convention refugee status and are instead categorised under alternative protection statuses, such as 'conditional refugee' or 'subsidiary protection' (LFIP 2013). These statuses, introduced through the LFIP in 2013, do not offer long-term integration prospects; instead they restrict rights such as family reunification and allow stays only until resettlement in third countries, which often takes years (AIDA 2019). As part of the primary law, the geographical limitation reflects the dual approach to differential protection for European and non-European asylum-seekers.

The LFIP made the situation even more complicated by introducing 4 legal statuses regarding international protection: 'refugee', 'conditional refugee', 'subsidiary protection' and 'temporary protection' (LFIP, Article 61 (1), 62(1), 63(1), Article 91).

Among the different protection types under IP, the 'refugee' status is based on Turkey's obligations under the 1951 Convention and, due to Turkey's geographic limitations, is granted only to persons from European countries. When we look at the consequences, we see that, since Turkey's establishment in 1923, only 70 persons from European countries have qualified for refugee status under the 1951 Convention (TBMM 2018: 111). Unlike Syrians and Afghans, Ukrainian nationals fall within Turkey's geographical limitation to the 1951 Refugee Convention and are thus formally eligible for refugee status under Article 61 of the Law on Foreigners and International Protection (LFIP, Law No. 6458, 2013). However, their small numbers (7,131 registered applicants as of February 2023) mean that they are processed individually rather than under any group-based or temporary-protection regime (UNHCR 2023 cited in Çoban 2024: 79). In practice, most Ukrainians are considered for subsidiary protection (Article 63 LFIP) rather than full refugee recognition, as their displacement results primarily from indiscriminate violence linked to the ongoing armed conflict rather than persecution on Convention grounds. In practice, however, very few have applied for individual recognition, as most Ukrainians enter through visa or residence permit schemes rather than asylum channels. Thus, the refugee clause for Europeans remains symbolic rather than operational.

On the other hand, persons from a non-European country of origin can obtain only 'conditional refugee' status and cannot benefit from the refugee rights specified by the 1951 Convention (Article 1A (2). This status reflects the duality and stratification that comes from differentiated treatment between the 1951 Convention for those originating from 'non-European' vs 'European' states (AIDA 2019). This status is rooted in Turkey's geographic limitations under the 1951 Refugee Convention, which restricted formal refugee status to those fleeing events in Europe. A key distinction between refugee and conditional-refugee status is that the latter does not provide a pathway for long-term integration or the right to reunification. Conditional refugees are allowed to stay in Turkey only until they can be resettled in a third country. Thus, this foresees the relocation and resettlement of conditional refugees in safe third countries. Therefore, this stratification also brings temporality for one group – who were granted a temporary status on the condition that they would eventually be resettled in a safe third country – providing protection until they are settled in one, rather than being integrated into Turkish society or allowed to remain permanently.

The third and last IP in Turkey is 'subsidiary protection'. It reflects Turkey's commitment to IP standards as outlined in Article 63 of the LFIP. This protection is granted to individuals who do not qualify for refugee or conditional-refugee status but who face serious threats if returned to their country of origin, such as the death penalty or a serious threat to life due to generalised violence (Article 63). Subsidiary protection status provides certain rights – such as access to healthcare and limited work opportunities – but it does not offer the full rights associated with refugee status.

The above-mentioned 3 protection categories reflect Turkey's reluctance to absorb large numbers of non-European refugees permanently. The categorisation of these individuals as 'persons to be resettled' underscored their transient legal and social status in Turkey, leaving them with limited rights and access to long-term solutions while they waited for resettlement opportunities. The LFIP formalised this practice, officially defining conditional-refugee status and continuing the policy of third-country resettlement for non-European asylum-seekers, thus institutionalising the temporary and transitional framework that had been in place for decades.

The second part of the stratification and temporality is based on 'temporary protection', which is 'provided for foreigners who have been forced to leave their country, cannot return to the country that they have left and have arrived at or crossed the borders of Turkey in a mass refugee movement situation seeking immediate and temporary protection' (LFIP 2013, 91(1)). It is applied on a group basis during mass migration (forced) situations when the large volume of arrivals makes individual assessments not possible for the related authorities. For the mass migration of Syrians since 2011, Turkey implemented a TP regime codified through the TPR (2014). This group-based protection applies to those who have been forced to leave Syria and seek immediate safety but it is inherently temporary, with no specified time limits (LFIP, Article 91; TPR 2014). The Turkish Presidency has the authority to extend or terminate TP, reflecting the strategic flexibility and temporality embedded in this legal framework.

Except for refugee status, the other protection types do not fall under the 1951 Convention and only provide complementary protection. It can be argued that the cessation clauses[3] of the 1951 Refugee Convention underscore that the protection granted under the Convention is not an immutable or permanent guarantee. These clauses allow for the termination of refugee status under certain conditions, such as the resolution of the circumstances that led to the individual's displacement. This inherent feature also underscores uncertainty and the fact that refugee status is contingent on evolving circumstances. Therefore, the Convention does not promise absolute certainty or permanence in the legal status of refugees. However, despite this uncertainty, it can be said that protection under the Convention remains significantly more reliable than TP mechanisms. The Convention establishes a binding framework of rights and obligations within international law, including access to legal remedies and safeguards against refoulement. In contrast, TP is limited by its provisional nature and often lacks procedural safeguards comparable to those provided by the Convention. TP is typically subject to the state's decisions and policy changes, which can vary widely in their application and may not guarantee the same level of legal security.

Also, the conditional-refugee status in Turkey exemplifies a temporality framework that is even more restrictive than the cessation clause for refugees under the 1951 Refugee Convention. While cessation clauses reflect international standards for ending refugee status when conditions in the country of origin improve, the conditional-refugee status in Turkey imposes systemic temporality by design, limiting protection to a transitional phase until resettlement in a 'safe third country'. This temporality is structural and legally codified, tying the protection of individuals solely to their resettlement prospects,

which are uncertain and subject to international agreements and political negotiations. As a result, conditional refugees face greater vulnerabilities than those governed by cessation clauses.

The existing national legislation prioritises temporary arrangements over permanent refugee status, leading to a situation in which even those under international or temporary protection experience significant legal and social precarity (Gökalp Aras and Şahin Mencütek 2020; Kaya 2020; Şahin Mencütek *et al.* 2023). This dual structure results in gaps between the legal framework and actual practices, highlighting the strategic use of temporality in Turkey's asylum regime to maintain control over the presence and future of those seeking protection.

The concept of duality in Turkey's migration governance emerges primarily from 2 interconnected layers of differentiation in protection regimes. This duality highlights the structural divisions among groups based on geographical origins and specific nationality-based policies, as outlined in the manuscript. First, the European vs non-European refugees, due to Turkey's retention of the geographical limitation in the 1951 Refugee Convention, creates a legal division. Refugees from European countries can access full refugee status under the Convention, while those from non-European countries – such as Syrians, Afghans and Iraqis – are moved to alternative and more precarious statuses, such as 'conditional refugee' or 'subsidiary protection'. The second is Syrians vs non-Syrians within the category of non-European refugees; a secondary layer of duality emerges, rooted in the distinct treatment of Syrians under the TPR and other non-Syrian populations under the LFIP. The table below summarises Turkey's dual protection regime and highlights its stratified nature.

As Table 1 reflects, stratification characterises Turkey's approach to protection. The LFIP creates multiple tiers of protection statuses, including refugee, conditional refugee, subsidiary protection and TP. Each status comes with different rights and conditions, resulting in a hierarchical structure of protection.

Article 1 of the TPR defines its scope in general terms, referring to 'foreigners who have been forced to leave their country, are unable to return and arrive at or cross Turkish borders in masses for urgent and temporary protection' (Official Gazette No. 29153, 22 October 2014). While the Regulation does not explicitly mention Syrians, in practice it has been applied exclusively to Syrian nationals and stateless persons from Syria since 2014. This *de facto* restriction effectively constitutes a nationally specific implementation of Article 91 of the LFIP (2013). It was influenced by the EU Temporary Protection Directive (EC 2001), which served as a model in its legal framework and operational principles. Turkey has provided TP to Syrians for over a decade, which is different from the EU Directive regarding the duration. The EU Directive sets a 1-year limit, with possible 6-month extensions up to an additional year (Article 4(1)) – and a further extension of up to 1 more year (as per Article 4(2)), so a total possible maximum of 3 years. In contrast, Turkey's legislation, neither the LFIP (Article 91(2)) nor the TPR (Article 10), specifies a time limit. Instead, the authority rests with the Presidency (previously the Council of Ministers until 2018), which determines the duration, conditions for extension and termination of TP (TPR, Article 11(1)).

Table 1. Protection categories in Turkey

Type of protection	**International protection (individual-based status determination)**			**Temporary protection (Syrian + Non-Syrian division) (Group-based status determination)**
Geo-scope	European	Non-European		Only Syrians
Legal status	**Refugee** granted to individuals coming from European countries based on the 1951 Convention	**Conditional refugee** for asylum-seekers coming from non-European countries. Granted temporarily until resettlement in a third country	**Subsidiary protection** granted to individuals who do not qualify as refugees or conditional refugees but face serious threats (death penalty, torture or violence)	**Temporary protection** group-based protection for mass influx situations, currently only for Syrians who arrived directly from Syria after 28 April 2011
Legal source	LFIP, Article 61(1)	LFIP, Article 62(1)	LFIP, Article 63(1)	LFIP, Article 91(1–2) and the temporary protection regulation TPR (2014)
Numbers	Estimated around 70 people (TBMM 2018)	220,000 (UNHCR 2024a)	Estimated around 100 people, but no official data (Gürakar Skribel 2018)	2,366,922 (PMM 2025)
Nationality	No data regarding nationality	The top 3 nationalities are Afghans, Iraqis and Iranians		Only Syrians

LFIP, Article 61(1): A person who, as a result of events occurring in European countries and owing to a 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/her citizenship and is unable or, owing to such fear, is unwilling to avail him- or herself of the protection of that country; or who, not having a nationality and being outside the country of former residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted refugee status upon completion of the refugee status determination process.

LFIP, Article 62(1): A person who, as a result of events occurring outside European countries …

LFIP, Article 63(1): A foreigner or a stateless person, who could be qualified neither as a refugee nor as a conditional refugee, shall nevertheless be granted subsidiary protection upon the status determination because, if returned to the country of origin or to the country of [former] habitual residence …

LFIP, Article 91(1): 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 have arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection. (**2)** The actions to be carried out for the reception of such foreigners into Turkey; their stay in Turkey and rights and obligations; their exit from Turkey; measures to be taken to prevent mass influxes; cooperation and coordination among national and international institutions and organisations; determination of the duties and mandate of the central and provincial institutions and organisations shall be stipulated in a Directive to be issued by the Council of Ministers.

Source: Updated and modified by the author and expanded based on Şahin Mencütek *et al*. (2023).

Additionally, the Presidency can restrict or suspend TP when national security, public order or health are at risk (TPR, 2014 Article 15). In particular, this aspect establishes a connection between temporality and the return policy, granting the Turkish Presidency the right to terminate TP if it deems the conditions in Syria to be safe or if an agreement is reached with Syria on the grounds that the circumstances necessitating temporary protection have ceased to exist. This status is left without a fixed time frame, enabling the Presidency to make adjustments or terminate it as political or security considerations evolve. This flexibility allows Turkey to adapt its protection policies over time, using the temporary status to manage the mass refugee movement and then gradually shift towards return policies if circumstances change. On the other hand, for IP, Article 86 of the LFIP has the relevant provisions regarding the grounds for cancellation of this status, which are the usage of false documents, deception or concealing essential facts (Article 86(a)); Article 86(b) allows for the cancellation of international protection if it is discovered that the individual falls under the exclusion clauses in Article 64. These clauses exclude individuals who committed crimes against humanity or serious non-political crimes (e.g., terrorism) or who threaten Turkey's national security or public order. The PMM makes the decision and individuals can appeal through legal channels. This ensures that protection is not granted to those who pose a risk to security or peace.

Return and temporary and international protection

The literature provides insights into the general legal framework and its temporal and stratified character; however, this paper extends its analysis to the understudied return. The existing differentiation in international protection (including TP) creates a stratified system in which Syrians receive a specific status with associated return procedures.

The TPR establishes the legal framework for their protection status and provides specific procedural safeguards, including the prohibition of refoulement (forced return) as outlined in Article 4 of the TPR. The return process for Syrians is more centralised than that for IP beneficiaries in Turkey under the PMM, which coordinates with the UNHCR and other entities to ensure compliance with voluntary return protocols. The voluntary return of Syrians is managed under TPR Article 42, which specifies that those wishing to return voluntarily to Syria must complete a 'Voluntary Return Request Form'. This process must be conducted under the supervision of international organisations or relevant Turkish authorities to ensure that returns are genuinely voluntary. This oversight aims to ensure that Syrians' return to Syria occurs without coercion – and the legal system has an emphasis on voluntary returns. For Syrians, the TP status under the TPR provides a tailored framework, particularly concerning return conditions. The Turkish authorities emphasise returns to designated 'safe zones' in northern Syria. The TPR allows the Turkish authorities to emphasise the voluntary nature of return while retaining the power to suspend or terminate the protection status if certain conditions are met (TPR, Articles 11 and 15). This flexibility enables a shift in the approach to returns as political and social contexts change, particularly amid challenges such as the 2023 earthquake, which affected both Turkey and Syria. By maintaining this sense of temporality, Turkey effectively manages expectations among Syrians that their stay is conditional and reversible. This approach creates a psychological and social environment in which Syrians are less likely to view Turkey as a place of long-term settlement, making them more receptive to the idea of return when political or economic conditions change. It reinforces the notion that Turkey's role is as a temporary refuge rather than a permanent resettlement destination, thereby laying the groundwork for future return policies.

Temporality is used to justify and legitimise policies that encourage voluntary return. For example, the framing of Syrians as 'guests' who are staying temporarily has been used to promote the idea that they should return once conditions in Syria are deemed safe or when Turkey's political or economic circumstances change (Baban *et al.* 2017). This narrative makes it easier for the state to implement programmes or initiatives that encourage return, as the temporary nature of protection makes return a logical outcome. The temporality of protection for Syrians implies that access to rights and services is conditional, thus reinforcing the idea that these privileges are granted temporarily. This conditionality makes it easier for the state to withdraw or limit access to health care, employment or education if the political objective shifts toward encouraging return. By keeping rights and protections as fluid, the state creates an environment where return becomes a more attractive or even necessary option for Syrians who face increasing restrictions. Turkish policymakers frequently emphasise the temporary nature of Syrians' stay, reinforcing the idea that their ultimate destination is back in Syria. This rhetoric supports the state's efforts to implement return policies by framing them as part of a broader, long-term plan to facilitate the repatriation of Syrians when the conditions are right.

On the other hand, the return process for non-Syrians, including those under conditional-refugee status or subsidiary protection, is governed by LFIP Articles 52–60, which outline the procedures for both voluntary and forced returns, emphasising the need for individual assessments to ensure that returns do not violate the principle of non-refoulement. This law governs the procedures for return, deportation and IP applications. Non-Syrians who violate visa regulations, pose a risk to public order or security or engage in activities such as using false documents, may face deportation, as outlined in Article 54 of the LFIP. The LFIP also provides for challenges to deportation decisions and allows for judicial review. Specifically, Article 53 of the LFIP provides that deportation decisions can be appealed to the administrative courts within 7 days. This right of appeal offers a legal safeguard that can temporarily suspend deportation until the court issues a final decision.

In Turkey, Syrians under TP do not have the same access to appeals as individuals under IP, highlighting a significant procedural disparity between the 2 systems. For individuals under IP, the appeals process is well-defined and involves multiple layers. If an applicant receives a negative decision regarding their status, they can file an administrative appeal within 10 days through the International Protection Evaluation Commission (IPEC). Additionally, they have the right to bring their case to the Administrative Court within 30 days. If the Court upholds the rejection, applicants may escalate the appeal to the District Administrative Court and, if necessary, file an individual complaint with the Constitutional Court. Importantly, these appeals have the effect that applicants generally have the right to remain in Turkey until a final decision is reached.

Furthermore, under the LFIP, individuals under IP have access to free legal aid to support them during the appeal process. In contrast, Syrians under TP do not benefit from procedural safeguards. TP is granted on a group basis, meaning Syrians are not subjected to individual status determination. As a result, they lack any clear legal grounds to challenge their status. Decisions regarding their protection, including their termination, are made administratively by the Presidency and there is no structured judicial appeals mechanism. This absence of appeal options reinforces the temporary and precarious nature of their status, leaving Syrians with significantly less legal recourse compared to those under IP.

For non-Syrians, the LFIP introduced a voluntary return provision under Article 60/A, which provides in-kind or in-cash support to those who opt for it. This process is often implemented through cooperation with international organisations, such as the International Organisation for Migration (IOM), as part of the Assisted Voluntary Return and Reintegration (AVRR) programme. Turkey also has a national AVRR (N-AVRR) programme in collaboration with the International Centre for Migration

Policy Development (ICMPD). However, this framework lacks the same level of monitoring and formalisation as the TPR for Syrians. The administrative discretion significantly determines who qualifies for these programmes and who faces deportation. The criteria for assessing eligibility and the safety of return countries often vary, adding to the uncertainty and temporality of protection. It is a fact that non-Syrians subject to deportation face individual assessments under the LFIP, which requires decisions to align with the principle of non-refoulement as outlined in LFIP Article 4. Voluntary return programmes are often coordinated with the IOM. However, non-Syrians can be forcibly returned if they are deemed to be a threat to public order, as stipulated in LFIP Article 54(1).

The return regime under the TPR and the LFIP differs significantly in both its procedural safeguards and the degree of protection provided. While Article 6 of the TPR guarantees the principle of non-refoulement, ensuring that individuals under TP cannot be forcibly returned to unsafe conditions, the safeguards around returns are comparatively limited and lack robust procedural guarantees. Unlike IP beneficiaries, Syrians under TP are subject to centralised, highly discretionary administrative decisions, particularly after the 2018 reform of the presidential system. Additionally, under TPR Article 15, TP can be suspended or terminated for risks to national security, public order or health, creating significant legal uncertainty. The cessation of protection is not necessarily tied to an individualised assessment and, while general accountability measures under Turkish administrative law apply, dedicated legal remedies to challenge return decisions are not provided within the TPR.

However, the return regime under the LFIP, at least on paper, ensures individual assessment and access to appeals, as applicants can appeal removal decisions through administrative and judicial channels, including the Administrative Court and, potentially, the Constitutional Court. These remedies are clearly outlined in the LFIP. Appeals generally have a suspensive effect, allowing individuals to remain in Turkey until a final decision is reached. Under the LFIP, individuals granted international protection (e.g., subsidiary protection or conditional-refugee status) are safeguarded from deportation to conditions where they face persecution, torture or other forms of harm, as outlined in Article 63.

Non-Syrians' return involves the broader application of the LFIP across various levels of local and national authorities. This includes decisions by the Provincial Directorates of Migration Management (PDMM) and general law enforcement units, as outlined in Article 53 of the LFIP. While these processes ensure legal support, they lack the specific mechanisms and international oversight seen with Syrian returns.

The principle of non-refoulement is a cornerstone of both the TPR and the LFIP. Article 4 of the LFIP and Article 4 of the TPR prohibit the return of any individual to a country where they might face threats to life, torture or inhumane treatment. Article 4 of the LFIP (Law No. 6458, 2013) codifies the principle of non-refoulement, stipulating that 'No one shall be returned to a place where they will be subjected to torture, inhuman or degrading punishment or treatment or where their life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion'. This provision mirrors Article 33(1) of the 1951 Refugee Convention and Article 3 of the European Convention on Human Rights (ECHR), thereby incorporating the international norms directly into Turkish domestic law. However, scholars note that the application of Article 4 often diverges in practice. İneli-Ciğer (2018) shows that procedural safeguards remain weak and administrative discretion broad, particularly in cases involving Syrians under Temporary Protection. Although Syrians formally benefit from Article 6 of the TPR, which repeats the non-refoulement obligation, numerous reports highlight *de facto* violations through coerced 'voluntary' returns or returns to so-called 'safe zones' (HRW 2022; UNHCR 2023). In this sense, the non-refoulement principle functions as both a legal safeguard and a governance instrument, setting the normative boundary of return while being

strategically interpreted to legitimise differentiated practices between Syrians and non-Syrians. Its flexible application illustrates how Turkey's regime reconciles formal compliance with international law and the political drive toward return.

However, while these protections apply generally, their implementation varies depending on the individual's status. For Syrians, the TP status under the TPR provides a tailored framework, particularly concerning return conditions. The Turkish authorities emphasise returns to designated 'safe zones' in northern Syria despite ongoing debates about the safety and voluntariness of such returns. For non-Syrians, Article 55 of the LFIP restricts deportation if the individual faces a threat of persecution in the destination country. This provision applies during the initial deportation decision and any subsequent appeals. However, the safeguards provided in the LFIP are often interpreted more strictly, with a focus on national security concerns.

Briefly, the return regime under the TPR is less protective than that under the LFIP due to significant differences in procedural safeguards and legal frameworks.[4] Under the LFIP, non-Syrians benefit from individualised assessments and multilayered appeals, ensuring stronger adherence to the non-refoulement principle (Article 4). For example, if a deportation or return decision is issued as a result of an individual assessment (Article 52), IP applicants have the right to appeal (Article 53) and to legal aid. In contrast, Syrians under the TPR[5] are subject to a group-based approach to protection. While the principle of non-refoulement is guaranteed under Article 6 of the TPR, Syrians face more precarious conditions regarding return. Because Syrians lack an individualised protection determination process, their status is automatically granted under TP. In addition, appeals against decisions such as removal orders or the termination of TP are far more limited and are primarily administrative rather than judicial, offering weaker safeguards. The discretion of state authorities to terminate TP status, particularly for reasons related to public order or national security, further undermines Syrians' protection against return.

In contrast, the TPR's group-based approach for Syrians lacks individualised assessments and appeal mechanisms are limited to administrative procedures, offering weaker protections against forced returns. Moreover, the TPR allows the termination of protection for public-order reasons without robust procedural safeguards, creating heightened legal uncertainty. While both frameworks emphasise returns, the LFIP includes clearer procedural safeguards, often supported by international organisations, thereby reducing the risk of coercion. Ultimately, the TPR's return regime reflects a less protective approach, prioritising temporality and facilitating returns over durable solutions. Thus, the return regime under the LFIP provides stronger procedural safeguards for non-Syrians, including individual assessments, access to appeals and legal remedies, which are absent or limited for Syrians under the TPR. As a result, non-Syrians enjoy greater protection against return compared to Syrians, reflecting the stratified and hierarchical nature of Turkey's asylum and protection framework.

The legal frameworks for both Syrians and non-Syrians highlight the role of administrative discretion in interpreting and applying the law. For example, the Presidency's authority to determine the duration and conditions of TP (TPR, Article 11) or to terminate it entirely underscores the status' temporary and flexible nature. Similarly, the decision-making process for the deportations or voluntary returns of non-Syrians is often shaped by interpretations of risks to public order or security (LFIP, Article 54). Legal gaps, such as the lack of detailed criteria for what constitutes a voluntary return or for designating safe third countries, create inconsistencies in implementation. These gaps result in practical divergences between the legal framework and the actual experiences of those seeking protection, leading to a highly stratified and temporal system.

In summary, Turkey's legal framework for returns relies on a dual structure of stratification and temporality, as established by the LFIP (2013) and the TPR (2014). The legal framework governing the return of Syrians under the TPR emphasises voluntary return, with substantial international oversight to ensure compliance with non-refoulement principles. The LFIP governs the return procedures for non-Syrians, providing a more general legal structure for deportation but with fewer safeguards for voluntary return. These differences emphasise the distinct legal and procedural pathways for managing returns based on the legal status of the individuals involved and allow Turkey to adapt its return policies to changing political contexts, prioritising temporary solutions over permanent integration.

Before continuing with the findings, the legal distinction between return, deportation and cessation in Turkey needs clarification, as the Turkish migration and asylum framework draws important distinctions between voluntary return, deportation, cessation and exclusion from protection. However, in practice, these categories often overlap. A central legal foundation for understanding the governance of return in Turkey is the principle of non-refoulement, which prohibits the expulsion or return of individuals to territories where they would face persecution, torture or inhuman treatment. This principle is codified in Article 4 of the LFIP (2013). Article 4 reflects Article 33(1) of the 1951 Refugee Convention and is consistent with Article 3 of the ECHR, both of which Turkey is bound by. Under Turkish law, non-refoulement is considered an absolute, directly applicable norm that limits administrative discretion in deportation and return procedures.

Under the *LFIP (2014)*, *voluntary return* is regulated under Article 52 and refers to the return of foreigners who 'decide to leave Turkey of their own will'. However, the findings, particularly those from the second fieldwork period, reflect the absence of procedural safeguards and limited oversight of consent, rendering the voluntariness of such returns highly questionable. *Deportation* (Articles 53–60 LFIP) concerns administrative removal on grounds such as public order or irregular stay, with legal remedies available through the *administrative courts* within 7 days (Article 53/3). In practice, access to these remedies is impeded by short appeal deadlines, language barriers and the lack of suspensive effect. The *cessation* of international or temporary protection (Article 85 LFIP and Article 11 TPR) occurs when 'the circumstances that gave rise to the protection cease to exist'. As Edwards (2012) and Durieux (2015) explain, cessation clauses legally embody the temporal dimension of protection, allowing states to shift from protection to return once they determine that conditions have changed. *Exclusion clauses* (Article 64 LFIP), on the other hand, remove individuals from eligibility for safety due to crimes or security threats and should not be confused with cessation. The *principle of non-refoulement* (Article 4 of the LFIP) applies to all categories. Yet its implementation has been challenged before the European Court of Human Rights, most notably in *Akkad vs Turkey* (Application No. 14859/19, Judgment of 22 February 2022), where the Court held that the deportation of a Syrian national without effective access to an appeal violated Articles 3 and 13 of the ECHR. This jurisprudence reinforces the empirical findings of this study: the boundary between *voluntary* and *forced* return is blurred by the direct and indirect effects of law and administrative practice – and refugees' access to legal remedies remains constrained by procedural and institutional barriers.

Finally, while voluntary return remains the central policy orientation, the citizenship question must also be addressed as part of durable solutions. After more than a decade of residence, the persistence of temporary protection has sparked debate over whether some Syrians may transition to more durable legal statuses or to eventual naturalisation. Under the Turkish Citizenship Act (Law No. 5901, 2009), Syrians may acquire citizenship only through exceptional naturalisation, a discretionary pathway governed by Article 12. According to Tarman (2023), the Turkish legal framework formally permits citizenship acquisition by persons under temporary protection; however, such cases depend on

administrative discretion and political priorities rather than transparent criteria. Canyaş (2023) further argues that long-term residence and integration may eventually pressure the state to provide either permanent residence or selective naturalisation as more sustainable solutions. Recent data analysed by Şahin Mencütek and Barthoma (2025) confirm that, between 2016 and 2024, over 230,000 Syrians were naturalised under an 'exceptional citizenship' scheme that operates through selective invitations, opaque eligibility criteria and fast-track procedures. While this policy marks a partial shift from pure temporality toward selective permanence, it remains highly politicised and contested. Taken together, these trajectories illustrate how temporary protection, durable status and return coexist as interdependent governance strategies, each used to balance humanitarian commitments, demographic control and domestic political considerations.

Reflections from the 2 fieldwork periods: Implications of temporality

In line with this legal framework, the empirical findings of this study show how *temporality and stratification* are operationalised through these legal categories: *voluntary return* often merges with *administrative removal* and the practical inaccessibility of legal remedies renders ostensibly voluntary processes coercive. Thus, the distinction between protection and return, formal in law, becomes fluid in practice.

The fieldwork results from 2 Horizon projects, conducted by the author in Ankara, Edirne, İstanbul and İzmir at the meso and micro levels, highlight Turkey's approach to protection, including both temporary and international protection, with a division between Syrians and non-Syrians and emphasising temporality and stratification. This approach is evident both in the legal framework and in practice and illustrates a hierarchical structure in Turkey's policies for protection and return. As a part of the first research project and its fieldwork, 33 meso-level (Ankara and İzmir) and 23 micro-level (Izmir) interviews were conducted. The second period of fieldwork yielded 35 meso-level (Ankara, Edirne, İstanbul and İzmir) and 7 micro-level (İzmir) interviews. Among the micro-level interviews, 15 were conducted with Syrians and 15 with non-Syrians.

Overall, the findings show that strategic uses of temporality and stratification shape Turkey's legal framework for protection and return. The differentiation between Syrians and non-Syrians leads to distinct legal and social realities for each group, affecting their access to services, stability of status and future pathways; however, this paper mainly focuses on the implications concerning the return dimension. The 2 fieldwork periods provide a critical examination of the consequences of temporality within Turkey's refugee governance framework, particularly under TP regimes.

The governance of protection regimes in Turkey reveals a complex interplay of stratification and strategic temporality, which together shape the lived experiences and outcomes of different groups of migrants and refugees. This stratified structure creates disparities in access to protection and services and to the pathways available for return or integration.

The respondents highlighted that this differentiation is legal and practical, affecting how Syrians and non-Syrians access services. Their testimonies highlight how the stratified system creates varying degrees of insecurity and legal precarity among refugees, influencing their sense of belonging and stability in Turkey. The following quotations from the 2 national NGOs reflect the stratification between the protection categories and TP's relatively advanced position compared to IP.

As noted by an NGO representative:

> *International and temporary protections need to be handled differently. The general perception is seeing all refugees as Syrians, which is wrong. At the moment, perhaps 350,000–360,000 people are under international protection and they are non-Syrians. It is wrong to ignore them or create such a hierarchy among refugees, to create categories such as acceptable or unacceptable refugees* (15 August 2018, Izmir).

Shared precarity through temporality

The research showed that, despite this stratification by nationality, the common denominator for both TP and IP beneficiaries is their shared experience of precarity stemming from temporality. An overreliance on temporary frameworks risks normalising unstable and insecure living conditions for refugees, undermining international standards of protection. Thus, the normalisation of precarity is an important implication. The research reveals that strategic temporality is a core feature of Turkey's approach to managing displaced populations, particularly in the context of SuTP but also for non-Syrians. Despite some salient differences between the 2 protection statuses afforded by Turkey (TP for Syrians and IP for non-Syrians), both are marked by a temporality and stratification that preserve Turkey's flexibility in migration governance but leave those subjects to these regimes in uncertainty and instability.

Refugees, especially SuTP, often find themselves in a state of legal and social liminality. The respondents frequently cited their critiques of the temporary protection and its 'temporality' as underlying the tension between international standards for durable solutions and Turkey's pragmatic, transient approach. A lawyer described the incoherence of the system, questioning, 'How is it temporary protection when people are here for 7 years?' (12 July 2018, İzmir).

Another NGO representative and a lawyer from the field summarised the precarity and, in 2018, projected the current situation after 8 December 2024 as follows:

> *Even if temporary protection status is given, the provisional Article 1 of the TPR states that international protection application procedures will not be processed during the time that Syrians are granted temporary protection status. This article is a violation of human rights, the right to asylum and the law. Because there is temporary protection that has been in place for 5 years and this can be revoked by a decision of the Council of Ministers [now this role belongs to the Presidency]. So, I wonder what will happen when the Syrians are told that they can return* (15 August 2018, Izmir).

Non-Syrians under IP are required to pursue resettlement in a safe third country, which often results in prolonged waiting periods with uncertain outcomes. As noted by an NGO representative, temporality is valid for both TP and IP:

> *The principle of temporality is valid for both Syrians and non-Syrians because it is embedded in the legal frameworks, leaving both groups in states of liminality and precarity. One of them is clear; it is temporary protection and the other one is hidden. Because it says you can stay in Turkey until you are resettled, I am not giving you the refugee rights* (18 January 2024, Izmir).

Particular emphasis was placed on the challenges which Afghans face in applying for IP and in being resettled to a safe third country. Afghans fall outside the geographical limitation but within the non-European categories eligible for conditional refugee or subsidiary protection under Articles 62–63 of

the LFIP. In practice, however, the adjudication of their claims has been largely suspended or channelled through pre-removal centres due to political and administrative priorities that favour deterrence and return. The fieldwork showed that they have limited access to legal assistance and that accelerated procedures and increased bilateral readmission cooperation with Afghanistan have produced widespread irregularisation and forced returns despite formal eligibility for protection (HRW 2022). This explains why Afghans experience a higher degree of precarity: the gap between the law's potential entitlements and restrictive implementation is widest in their case. During the interviews with the meso-level actors, they were identified as the most disadvantaged group among non-Syrians. Following the Taliban's takeover of Afghanistan in 2021, the process for IP applications became even more problematic. Interviews highlighted their treatment as irregular migrants and the pushbacks targeting this population at the eastern border. An NGO representative from Izmir stated that:

> *A few hours ago, an Afghan counselee called. They have been in Turkey as a family for 12 years and are waiting for resettlement. She wants a permanent solution. She asked, 'Why aren't we seen as human? Don't we have human rights? Nobody pays attention to or cares for us'* (15 August 2018, Izmir).

Similarly, 38-year-old Yusuf from Sudan described being in a limbo situation:

> *I have been here for 16 years now, waiting. I still have a case file at the United Nations; I am under international protection. Neither going, staying nor returning is an option. After being here for 16 years, they can still deport me. I am black and it is not possible for me to hide* (20 January 2024, Izmir).

As can be seen, the temporary nature of TP for Syrians and the transitional framework of IP for non-Syrians ensure that protection is provisional. Both groups face uncertainty that discourages long-term settlement and favours policies placing return over integration.

Stratified protection regimes shape return processes

The fieldwork showed that Turkey's migration governance is characterised by a stratified protection regime, in which different groups and this stratification directly influence the nature of their return processes. Based on the research, the following return types are observed for the provided protection types.

- Syrians under TP: Framed within a group-based protection model, their returns are heavily tied to Turkey's geopolitical goals and policies, such as the creation of 'safe zones' in northern Syria. These are often termed voluntary returns but economic hardships, social exclusion and indirect coercion blur the line between voluntary and forced.
- Non-Syrians under IP: Governed by individualised assessments, non-Syrians, in particular Afghans, face returns often categorised as forced deportations or pushbacks, with fewer procedural safeguards. Their lack of inclusion in Turkey's broader humanitarian rhetoric places them at higher risk of expedited removal without ensuring their safety upon return.

Syrians benefit from group protection, making them eligible for structured return programmes often framed as voluntary. However, the coercive conditions of administrative detention, limited rights and socio-economic constraints make these returns quasi-voluntary at best. The pathways to durable solutions are stratified and limited by temporality. For Syrians under TP, local integration is not formally

recognised as a viable solution and their legal status does not provide a pathway to permanent residency or citizenship. A lawyer highlighted, 'Syrians are not allowed to integrate fully and the only durable solution being promoted is return' (21 January 2024, Izmir).

In contrast, non-Syrians under IP theoretically have access to resettlement. However, in practice, they face significant delays and many live in uncertainty for years. Non-Syrians under conditional-refugee or subsidiary protection experience less-structured processes. Returns often take the form of deportations or removals under less-formalised conditions, with significant risks of human-rights violations. An Afghan respondent remarked, 'We wait and wait for resettlement but nothing happens. It feels like we are forgotten' (22 January 2024, Izmir).

Regarding returns, Syrians are encouraged to return to 'safe zones' in northern Syria but field data indicate that coercive factors often influence these returns. According to my field interviews, Syrians subject to administrative detention or 'voluntary-return' procedures were the most frequently transferred to removal centres in Hatay, Kilis, Şanlıurfa and Gaziantep, before being returned to border gates such as Bab al-Hawa and Jarablus in northern Syria. Lawyers and NGO representatives I interviewed noted that these returns were concentrated towards the so-called 'safe zones' under Turkish control, including Afrin and Azaz, where the monitoring of post-return conditions remains limited. These findings illustrate how the implementation of return policies spatially reflects Turkey's strategic temporality: Syrians' mobility is channelled from urban reception areas toward securitised border zones, operationalising temporariness through controlled geographic relocation.

Despite that, returns are often framed as 'voluntary'; the fieldwork reveals significant coercion due to deteriorating living conditions and restricted rights in Turkey, as the following statement from a legal practitioner summarises:

> *Two main issues emerge. The first is on the ground – voluntary returns are closely intertwined with deportations. We see that voluntary return forms are present but the actual process often resembles deportation. In many cases, deportations are disguised as voluntary returns. As such, we cannot trust these statistics, as we cannot determine how many of those who left were deported versus those who voluntarily returned. For example, we have seen the implementation of systematic return policies in 2022. In the earthquake-affected regions, individuals forced to leave their homes were placed in camps. Upon reviewing the procedures, we found that residents of these camps were presented with 3 options under an unpublished regulation. First: return to Syria and receive 14,000 TL in assistance; second, move to prefabricated homes built by Turkey in 'safe' zones in Syria but forget 14,000 TL assistance; or, third, leave the current province for another in Turkey but without the right to register in the new location* (19 January 2024, Istanbul).

On the other hand, an NGO representative's statement reflected the potential consequences of the recent developments after 8 December in Syria and its impact as follows:

> *We see cases where individuals are granted status 1 week and recalled the next, with the justification that 'the situation in the country of origin has changed'. The future of temporary protection is something we do not discuss much but we will probably discuss it extensively in the near future. It looks pretty likely that it will suddenly be abolished overnight. Ultimately, there is a clear policy aimed at significantly reducing the population under protection and completely dismantling the protection framework* (19 January 2024, Istanbul).

For non-Syrians, as reflected by the interviews, many of them face immediate deportations or pushbacks, often without due process. Their irregular status and lack of access to meaningful legal protections expose them to higher risks of forced returns. For Afghans, in particular, the lack of a robust protection framework results in a precarious existence, leaving little room to contest their return despite the unsafe conditions in their countries of origin. The following 2 quotations from legal practitioners highlight problems with administrative detention conditions and with voluntary vs forced returns.

> *During voluntary return processes, as we observe from clients and consultees in the field, many individuals are forced into returning after the unbearable conditions of administrative detention. For example, one of my Iranian gay clients held at the X removal centre was transferred to X after we filed a complaint about the detention conditions. During the 10–15 days he spent there, despite the lack of a realistic chance of returning to Iran, he began expressing a willingness to consider a voluntary return. He stated that this was due to the living conditions, hygiene issues, lack of access to international protection and the psychological impact of the actions other detainees were subjected to. For example, at X Removal Centre, 3 individuals recently opted for voluntary return due to these conditions* (19 January 2024, Istanbul).

> *We can mention the issue of forcing voluntary return through administrative detention. This includes treatments bordering on torture, typically occurring in storage rooms or toilets. Even after the process ends and the deportation decision is cancelled, many individuals choose to return because they believe they won't have access to international protection. Simultaneously, their access to justice is severely restricted. Other issues include being deported within the 7-day legal period for filing an appeal, effectively preventing access to this right. Also, even if a case is filed within the legal timeframe, the individual is sometimes unlawfully deported regardless* (19 January 2024, Istanbul).

Pushback practices are reported to be increasing, particularly along Turkey's borders with countries like Iran and Greece. Meso-level actors highlight the challenges in distinguishing between officially recorded returns and unrecorded pushbacks, which often happen without due process – particularly affecting vulnerable groups like families with children and unaccompanied minors. For the pushbacks, in particular, Afghans and the other nationalities entering from the western borders were addressed, thus mainly non-Syrians. These latter, particularly Afghans, face a more precarious situation, with reports of forced deportations and pushbacks at Turkey's borders. One Afghan respondent highlighted, 'We were pushed back without any opportunity to explain our situation or enter. It was not voluntary at all but we could not apply also for being refugees' (17 January 2024, Izmir).

As can be seen, both groups face temporality as a governance tool, restricting their ability to plan for the future or to resist returns. Limited access to stable employment and social services increases their dependency and makes them more susceptible to return pressures. Neither group has clear legal pathways to permanent protection or naturalisation in Turkey. Significant similarities and differences become visible in the light of the fieldwork.

Shared experiences

- Legal Insecurity: Both groups are subject to temporality as a governance tool, limiting their ability to plan for the future or challenge return decisions effectively.
- Socio-Economic Vulnerability: Limited access to stable employment and social services exacerbates the dependence of both Syrians and non-Syrians on state policies, making them more susceptible to coercive pressures.
- Lack of Pathways: Neither Syrians nor non-Syrians are offered clear legal pathways toward permanent protection or naturalisation in Turkey.

The two statements from a lawyer and an NGO representative summarise their similarities as follows:

> *Those people are living in limbo; their future is left in doubt. If the Council of Ministers [now the Presidency] decides to end temporary protection, ok, we accepted you but now it is time to turn to Syria. There is no chance to change the temporary protection status to international protection. If they transfer Syrians to international protection, what will happen? It is the same. After 15 years, people who have been living in Turkey with international protection. They cannot be sent back; they cannot be resettled* (15 August 2018, Izmir).

Differences in treatment

- Legal Protections: Syrians under TP have stronger safeguards, including protection against forced deportation and access to basic services. Non-Syrians, however, are often categorised as irregular migrants with minimal protection.
- Return Mechanisms: Syrians are subject to structured 'voluntary' return programmes with international oversight, while non-Syrians frequently face direct deportations or pushbacks without procedural fairness.

Discussions and conclusion

This study highlights the critical role of strategic temporality and legal stratification in shaping Turkey's approach to refugee governance for the selected time period. Through an evolving policy landscape, the Turkish state has used temporality as a governance strategy to manage and control the mass movement of SuTP and other displaced populations. Turkey's migration governance, deeply rooted in the dual mechanisms of strategic temporality and legal stratification, reveals a complex interplay between short-term humanitarian objectives and long-term political strategies. This system, while initially responsive to the unprecedented mass movement of SuTP and other displaced populations, has evolved into a structured, albeit precarious, framework emphasising temporality and conditionality. By design, it discourages permanent integration and instead privileges return as the ultimate policy goal. By maintaining the temporary nature of protection statuses, particularly under the TPR, Turkey has been able to adapt its policies according to shifting political and economic contexts, moving from initial reception towards a focus on return and repatriation.

The findings emphasise how temporality serves not merely as a feature of the legal framework but as a deliberate tool that creates a state of protracted uncertainty for refugees. This temporality constrains refugees' ability to integrate into Turkish society, leaving them in a state of liminality, where

their presence remains contingent and their future uncertain. This strategic use of temporality enables the Turkish state to balance international obligations with domestic political considerations, thereby shaping a dynamic yet unpredictable refugee management system. While this governance model allows Turkey to adjust its policies in response to changing national and regional dynamics, it also perpetuates uncertainty and legal precarity for those seeking refuge. Addressing the humanitarian and legal gaps in this system requires a shift towards more-consistent and rights-based approaches that recognise the long-term presence of refugees and support their integration into society.

As this paper demonstrates, Turkey's strategic use of temporality and legal stratification not only governs the conditions of protection but also serves as a pivotal tool in shaping return policies. While temporality creates a narrative of provisional refuge, stratification differentiates access to rights and resources, leaving refugees in a state of perpetual precarity. These dynamics disproportionately affect different groups – Syrians under TP and non-Syrians under IP – underscoring the need for a rights-based approach that prioritises safety, dignity and sustainability in return policies. Recent developments in Syria, including the transformative political changes following Assad's departure, highlight the interconnected nature of refugee return policies and geopolitical dynamics. The surge in voluntary returns to Syria after 8 December 2024 illustrates how evolving political realities in origin countries can influence return trends.

Future research should focus on the lived experiences of returnees, the rebuilding of social and physical infrastructure and the legal and administrative barriers that persist in both host and origin contexts. Ultimately, Turkey's approach reflects broader global trends in migration governance, where temporality and stratification are strategically deployed to balance national interests with international obligations. However, the long-term viability of these strategies requires a shift towards more inclusive, sustainable and rights-based policies that recognise refugees as active agents in shaping their futures rather than as passive subjects of state-led migration control.

Notes

1. *RESPOND: Multilevel Governance of Mass Migration in Europe and Beyond Project* (Horizon2020, #101094341) https://www.respondmigration.com; *GAPs: De-Centring the Study of Migrant Returns and Readmission Policies in Europe and Beyond Project* (Horizon Programme, #101094341) https://www.returnmigration.eu/. The research is funded by these 2 projects.
2. The first part of the research was conducted from June 2018–March 2019; the ethical approval based on the Ethics Committee Decision was obtained on 29 March 2018 with the approval code '2018/02' from Özyeğin University. For the second part of the research, conducted December 2023–March 2024, the ethical approval based on the Ethics Committee Decision was obtained on 26 April 2023 with the approval code '2023/07/07' from Özyeğin University. Regarding the interviews, oral consent was obtained from respondents and their anonymity and untraceability are ensured.
3. Voluntary Re-Availment of National Protection (Article 1(C)(1)); Voluntary Acquisition of a New Nationality (Article 1(C)(2)); Re-acquisition of Former Nationality (Article 1(C)(3)); Re-establishment in the Country of Origin (Article 1(C)(4)); Change of Circumstances in the Country of Origin (Article 1(C)(5)); and Other Grounds for Cessation (Article 1(C)(6)).
4. Relevant articles from the LFIP are Article 4–Non-Refoulement; Article 52–Individual Assessment for Deportation; Article 53–Appeal Mechanism; Article 55–Exemption from Deportation; Article 60/A–Assisted Voluntary Return; Article 63–Subsidiary Protection.

5. Relevant articles from the TPR are Article 4–Non-Refoulement; Article 6–Scope of Temporary Protection; Article 15–Termination of Temporary Protection; Article 42–Voluntary Return.

Funding

The author received funds from *RESPOND: Multilevel Governance of Mass Migration in Europe and Beyond Project* (Horizon2020, #101094341) https://www.respondmigration.com; *GAPs: De-centring the Study of Migrant Returns and Readmission Policies in Europe and Beyond Project* (Horizon Programme, #101094341) https://www.returnmigration.eu/.

Acknowledgements

I would like to express my sincere gratitude to the editors and reviewers for their valuable and constructive feedback, which significantly enriched the depth and clarity of this work. I am also deeply thankful to Kamila Kowalska and Alan Desmond for their insightful comments, generous support, and the time they devoted to reading and reflecting on my manuscript.

Conflict of interest statement

No conflict of interest was reported by the author.

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How to cite this article: Gökalp Aras N.E. (2025). The Temporality and Stratification of Refugee Governance in Turkey: An Analysis for Temporary and International Protection from Reception to Return. *Central and Eastern European Migration Review* 14(2): 253–280.