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Executive Summary

In the past, Turkey's asylum policy was considered as highly deficient, in comparison with the higher standards of the EU. Recently, this perception has been changing, with Turkey's newly adopted law on foreigners, which contrasts with the EU's slow-paced moves towards standardizing asylum policies and its restrictive approaches towards Syrian refugees. Unlike the EU's de facto closed-door policy for many Syrian refugees, Turkey has applied so far an open-door policy towards Syrian citizens seeking refuge at its southern borders, welcoming more than 600,000 since June 2011. Moving forward, there seem to be many ways in which Turkey and the EU could work together on refugee policy in general, and on the Syrian refugee crisis in particular. At the core of this reassessment of asylum practices is the need to take seriously the concept of solidarity, meaning solidarity among EU member states, solidarity with countries hosting large numbers of refugees in the region, and, most importantly, solidarity with the refugees themselves.

In the first half of 2013, both Turkey and the European Union (EU) witnessed important legislative developments in the field of asylum. In April 2013, Turkey adopted the "Law on Foreigners and International Protection," and in June 2013, the European Parliament endorsed the "Common European Asylum System" (CEAS). Both legislations are now in the process of being implemented, with the expectation that the Turkish Law on Foreigners will come into effect in April 2014, while the CEAS should be implemented by fall 2015.

However, the broader contexts of these new legislations tell two different stories, as they have contrasting tones. On the one hand, Turkey has been commended for its adoption of the Law on Foreigners, and for the way it has welcomed more than 600,000 (as of November 2013) Syrian refugees since June 2011.¹ On the other hand, the EU is facing criticism for its slow-paced move towards standardizing asylum policies across member states and adopting the right policies to assist the Syrian refugee crisis. This state of affairs is somewhat surprising given that Turkey has long been seen as having a relatively poor asylum policy, in comparison to the higher standards of the EU (as repeatedly highlighted in the yearly Progress report issued by the European Commission). Partially, the contrasting tone today has to do with Turkey's ability to catch up on European criteria, as

well as with inherent complications stemming from the EU's complex institutional arrangements. But beyond that, there seems to be a deeper change in approach towards the issue of asylum and refugees, with Turkey turning towards a more humanitarian approach, while the EU is paralyzed by the security approach privileged by member states. Paradoxically, these contrasting approaches create unique issues in the traditional framework of the Turkey-EU relationship. Nevertheless, there is room for bridging the EU and Turkish policies in a way that can benefit both parties, as well as refugees and asylum seekers.

European and Turkish Asylum Policies

Since 1999, the EU has committed to developing a Common European Asylum system, ultimately aiming at moving the issue of asylum from an intergovernmental to a supranational level of governance. Since then, a number of legislative measures have been passed (such as the 2001 Directive on Temporary Protection), a European Refugee Fund was created, the European Asylum Support Office was established, and a number of additional initiatives were launched (including Frontex, EURODAC, recently EUROSUR and revisions of the Dublin agreement). And finally, on June 2013, the CEAS was adopted. The CEAS is composed of five main documents, the revised Asylum Procedures Directive, the revised Reception Conditions Directive, the revised Qualification Directive, the revised Dublin Regulation (also referred to as Dublin III) and the revised EURODAC Regulation.² All of these measures aim at making the asylum practices of member countries more uniform, in order both to enhance cooperation and share responsibilities among member states more equitably, and to improve the quality of protection offered to asylum seekers within the EU. While it is too early to tell how the CEAS will be implemented by member states, a number of NGOs, and to a lesser extent the United Nations High Commissioner for Refugees (UNHCR), critically welcomed this development, acknowledging improvements, but also pointing out that the CEAS could have provided a stronger and more protective legal framework by avoiding some unclear and ambiguous language that is likely to be an incentive for member states to align to the lower, rather than the higher standards of protection.³ In particular, concerns have been voiced regarding "the detention of asylum seekers, legal assistance to asylum seekers in increasingly complex asylum procedures, the lack of sufficient procedural safeguards with regard to vulnerable asylum seekers and the detrimental impact of the

² European Commission, *A Common European Asylum System*, May 2012, http://ec.europa.eu/dgs/home-affairs/e-library/docs/ceas-fact-sheets/ceas_factsheet_en.pdf.

³ Citizenspace for European Democracy, *Monitor the Implementation of the Common European Asylum System*, 23 September 2013, <http://www.citizenspace.eu/?p=1975>; UNHCR, *Moving Further Toward a Common European Asylum System*, June 2013, p. 1, <http://www.unhcr.org/51b7348c9.html>.

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¹ Osman Bahadır Dinçer et al., "Turkey and Syrian Refugees: The Limits of Hospitality", in *Brookings Doha Center Publications*, No. 28 (November 2013), p. 2, <http://www.brookings.edu/research/reports/2013/11/14-syria-turkey-refugees-ferris-kirisci-federici>.

Dublin Regulation on the fundamental rights of asylum seekers.”⁴ Most observers have emphasized that the current phase of transposition and implementation of the new EU legislation by member states is critical, and that the Commission should closely monitor this process to prevent the CEAS from derailing.

Beyond the CEAS, the EU’s approach to asylum also entails an external dimension. Asylum is one of the components of the “Global approach to migration and mobility”⁵ adopted in 2005 and renewed in 2011, whereby issues of migration and asylum are comprehensively covered as one aspect of EU foreign policy. Since 2005, the EU has also created a number of “Regional Protection Programmes” (RPPs)⁶ to enhance the protection capacity of the regions in which refugee flows originate. Finally, in 2012, the EU adopted a Joint Resettlement Programme⁷ to involve member states more in resettlement of refugees. While these programs are being implemented differently depending on the partners, observers have been critical of the gap between promises of high levels of protection and the actual low levels of protection delivered. They have also mentioned that the EU seems to have better capabilities to fund and enforce projects that focus on migration control (border security, information system, etc.) than projects dealing with migrants’ rights, especially in the case of asylum seekers.⁸

While the EU is struggling to harmonize the existing asylum policies of member states, Turkey has recently created an altogether new asylum policy. Prior to April 2013, Turkey’s asylum policy was composed of layers of piecemeal regulations (the 1934 Settlement Law – renewed in 2006, the 1951 Geneva Convention relating to the Status of Refugees, the 1994 Asylum regulation, and recently an increasing number of executive directives and circulars), which did not provide a comprehensive coverage for asylum seekers reaching Turkey’s territory. In April 2013, the Turkish parliament adopted the “Law on Foreigners and International Protection,” which now represents Turkey’s main legislative document defining its asylum policy (as well as regulating the status of foreigners in Turkey and immigration). Most importantly, the law clearly recognizes the principle of “non-refoulement,” formalizes the status of “subsidiary protection” (also referred to as “secondary protection” or “conditional refugee status”) and creates an agency (the General Directorate on Migration Management, under the Ministry of the Interior) that will centralize asylum applications in the country. The new law does not lift the geographical limitation of the Geneva Convention, whereby only asylum seekers from Europe can be granted the status of “refugee” as defined by the Convention. There have also been some concerns voiced regarding the adoption of EU asylum concepts such as “safe country of origin” and “safe-third country” and “fast-track procedures” that limit the extent of protection offered to asylum seekers.⁹ Nevertheless, the new law represents a significant step forward, and has been recognized as such by both the



EU¹⁰ and the UNHCR.¹¹

There are many explanations for Turkey’s adoption of such a law, and many have to do with the Turkish accession process to the EU and Turkey’s broader intentions to harmonize its legislation with the EU *acquis*. However, Turkey’s significant improvements have come while the negotiation process is stalled, and several observers have pointed at the more critical role played by other actors, such as the UNHCR or the European Court of Human Rights (ECtHR), and to Turkey’s willingness to redefine itself as a responsible and exemplary actor on the international stage.¹² The intersection, or lack thereof, between Turkey’s and the EU’s asylum policies offers a fascinating example of adaptation to new international and domestic political realities. Recently, it has been illustrated and tested by the dramatic refugee situation resulting from the conflict in Syria.

The Syrian Critical Case

Since the spring of 2011, the ongoing fighting in Syria has created a mass influx of refugees in neighboring countries, with about 2,300,000 Syrian refugees recorded by the UNHCR by mid-December 2013.¹³ Among them, more than 600,000 Syrians have found refuge in Turkey,¹⁴ while only 55,000 Syrian refugees have come to Europe.¹⁵ The scope of this humanitarian crisis and its likely continuation in the months to come present not only a practical illustration of the EU’s and Turkey’s asylum policies, but also a critical case for understanding and comparing the approaches of the two partners.

The EU’s response to the Syrian refugee crisis has centered on four aspects so far. The largest component is financial help. EU (the Commission and individual member states combined) humanitarian funding has exceeded € 1.6 billion for Syrians in need inside and outside Syria.¹⁶ These funds have mainly been directed at international governmental and non-governmental organizations in the region.¹⁷ The second aspect is the protection granted to Syrian refugees by

4 Joint NGO Statement: “Establishing a common European Asylum System: Still a Long Way to Go”, in *Asylum Information Database*, 13 June 2013, <http://www.asylumineurope.org/node/918>. See also: JRS and ECRE, *The Dublin III Regulation enter into Force*, 19 July 2013, in *Asylum Information Database*, <http://www.asylumineurope.org/node/989>; UNHCR, *Moving Further Toward a Common European Asylum System*, June 2013, <http://www.unhcr.org/51b7348c9.html>.

5 European Commission, *The Global Approach to Migration and Mobility* (COM(2011) 743 final), 18 November 2011, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=celex:52011dc0743:en:not>.

6 European Commission, *On Regional Protection Programmes* (COM(2005) 388 final), 1 September 2005, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=celex:5205dc0388:en:not>.

7 European Parliament and Council of the European Union, *Decision No 281/2012/EU amending Decision No 573/2007/EC establishing the European Refugees Fund*, 29 March 2012, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=celex:32012d0281:en:not>.

8 Marie-Laure Basilien-Gainche, “The EU immigration and asylum policy in the post-Lisbon institutional context”, in Martin Trybus and Luca Rubini (eds.), *The Treaty of Lisbon and the Future of European Law and Policy*, Cheltenham, Edward Elgar, 2012, p. 355-378.

9 Cavidan Soykan, “The New Draft Law on Foreigners and International Protection in Turkey”, in *Oxford Monitor of Forced Migration*, Vol. 2, No. 2 (November 2012), p. 38-47 at p. 42, <http://oxmofm.com/wp-content/uploads/2012/11/Cavidan-FINAL.pdf>.

10 European Commission, *Joint statement by Commissioners Štefan Füle and Cecilia Malmström on the adoption by the Turkish Parliament of the law on foreigners and international protection*, Brussels, 5 April 2013, http://europa.eu/rapid/press-release_MEMO-13-297_en.htm.

11 UNHCR, *UNHCR welcomes Turkey’s new law on asylum*, 12 April 2013, <http://www.unhcr.org/5167e7d09.html>.

12 Kemal Kirişçi, “Turkey’s New Draft Law on Asylum: What to Make of It?”, in Seçil Paçacı and Thomas Straubhaar (eds.), *Turkey, Migration and the EU: Potentials, Challenges and Opportunities*, Hamburg, Hamburg University Press, 2012, p. 63-83, http://hup.sub.uni-hamburg.de/HamburgUP/HWWI5_Elitok_Migration.

13 UNHCR, *Syrian Refugees in the Region as of Dec 15 2013*, 15 December 2013, available at <http://www.refworld.org/docid/52b02ff94.html>. For updated data see: UNHCR, *Syria Regional Refugee Response*, <http://data.unhcr.org/syrianrefugees/regional.php>.

14 Osman Bahadır Dinçer et al., “Turkey and Syrian Refugees: The Limits of Hospitality”, cit., p. 1-2.

15 Amnesty International, *An International Failure: The Syrian Refugee Crisis*, 13 December 2013, p. 5, <http://www.amnesty.org/en/library/info/ACT34/001/2013/en>.

16 European Commission, “Syria Crisis”, in *ECHO Factsheets*, updated 9 January 2014, http://ec.europa.eu/echo/files/aid/countries/factsheets/syria_en.pdf.

17 Osman Bahadır Dinçer et al., “Turkey and Syrian Refugees: The Limits of Hospitality”, cit., p. 29.

member states: between July 1, 2012 and July 1, 2013, about 34,200 asylum applications were lodged in the EU by Syrians,¹⁸ and most of them received either conventional refugee status or a form of subsidiary protection.¹⁹ Additionally, in October 2013, a number of member states pledged to resettle about 9,500 Syrian refugees under the joint EU resettlement program.²⁰ Furthermore, Germany has committed to providing 5,000 temporary relocations,²¹ and Sweden has announced that it will grant permanent citizenship to all Syrians in Sweden.²² The third aspect is the establishment, with the UNHCR, of an RPP for Syrian refugees, which, according to an announcement from the Commission, should be in place by the end of 2013.²³ The fourth aspect has been the reinforcement of border controls, especially along the Greek-Turkey border, where most Syrians cross the border into the EU.²⁴

Many observers deem the European response to the Syrian refugee crisis inadequate. Member states have been criticized for failing to deliver on promised aid, as well as for committing to too little funds²⁵ and admitting too few Syrians for settlement in the EU.²⁶ EU numbers indeed pale in comparison to the number of Syrians received by Lebanon, Jordan or Turkey. Many reports have raised concerns about the *de facto* closed-door policy adopted by EU member states. Syrians are required to have a Schengen visa to come to Europe, while many refugees do not even have a passport, and hence attempt to enter the EU through irregular channels. In fall 2013, the UNHCR reported a sharp increase in the number of Syrians attempting to enter the EU illegally, especially via Greece, Bulgaria, Cyprus, Malta and Italy.²⁷ While most member states have suspended the deportation of Syrians, some cases of “refoulement” have still been documented (at the Greek border for instance). The tragedies in Lampedusa in October 2013²⁸ also illustrate the dangers awaiting Syrian refugees with no other choice but to put their fate in the hands of smugglers to reach European shores. Finally, there is growing concern over the differences between countries in their ability to address the Syrian asylum crisis. Some countries have been more protective than others: while Sweden is ready to accommodate all Syrian citizens on its territory, Greece grants the status of refugee to less than 1 percent of asylum seekers.²⁹ At the same time, countries across the EU are affected differently by the number of Syrian asylum seekers, with countries of South and

Southeast Europe having to face many more asylum applications. The stipulation of Dublin III – whereby an asylum seeker is to be sent back to the first member state s/he arrived at and the asylum application processed there³⁰ – does not help with solidarity among member states. Most importantly, it hinders refugees’ rights and their access to adequate protection. Even though initiatives and declarations made at the EU level call for a humanitarian approach to the Syrian conflict and refugee situation, in practice, Syrian refugees are being denied protection due to the security concerns of EU member states.

In contrast to the EU’s *de facto* closed-door policy for many Syrian refugees, Turkey has so far applied an open-door policy towards Syrian citizens seeking refuge at its southern border. In October 2011, Turkey extended the status of “temporary protection” to Syrians, in practice granting them facilitated access to Turkish territory, guarantees against “refoulement,” (even if smuggled into the country), and access to basic humanitarian services, including healthcare (since January 2013).³¹ Syrians who enter with a valid passport are free to settle wherever they want, while refugees without papers are settled in camps. A third of Syrian refugees in Turkey (about 200,000) live in camps, while two thirds live outside of camps. Syrian refugees are also free to voluntarily return to Syria whenever they want. By November 2013, Turkey had set up 21 refugee camps, which have earned the praise of the international community for their high-level quality and standards.³² Turkish funds for humanitarian help to Syrian refugees have exceeded USD 2 billion (about € 1.5 billion, that is as much as the combined EU aid).³³ However, since August 2012, Turkish authorities have started to put restrictions on official entries of Syrians without valid passports, until more space become available in camps. This has led to the creation of makeshift camps on the Syrian side of the Turkish border. To accommodate this situation, Turkish authorities have also put into place a “zero-point delivery system,” whereby humanitarian help is delivered at the border with Syria, to be picked up by Syrian organizations and distributed to people in need on the other side of the border.³⁴

Turkish policies towards Syrian refugees have been evaluated differently in three phases. The initial phase, starting in April 2011 with low numbers of refugees coming in, was one in which Turkish authorities were intent on providing protection on their own, without assistance and/or monitoring from the international community. This led to criticism regarding a lack of openness, especially when access to camps was restricted even to the UNHCR. There were also some concerns regarding the limbo status of these refugees,³⁵ although that critique was mitigated after Turkish authorities granted temporary protection in October 2011.³⁶ The second phase was one in which observers could enter the camps and access information, and were, overall, impressed by the hospitality and high level of resources allocated to assisting Syrian refugees.³⁷ Even if issues persist regarding access to camps, access to services and access to determination of

18 Alexandros Bitoulas, “Asylum applicants and first instance decisions on asylum applications: second quarter 2013”, in *EUROSTAT Data in Focus*, No. 12/2013 (October 2013), p. 5, http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-QA-13-012.

19 Ibidem, p. 12. See also Philippe Fargues and Christine Fandrich, “The European Response to the Syrian Refugee Crisis: What Next?”, in *Migration Policy Centre Research Reports*, No. 2012/14 (November 2012), p. 13, <http://hdl.handle.net/1814/24836>.

20 Nick Cumming-Bruce, “Countries Agree to Special Quotas for Syrian Refugees”, in *New York Times*, 1 October 2013, <http://www.nytimes.com/2013/10/02/world/europe/special-quotas-for-syrian-refugees.html>. For updated data see: European Resettlement Network, *The Crisis in Syria*, <http://www.resettlement.eu/news/crisis-syria>.

21 Ray Smith, “Europe Failing Syrian Refugees”, in *IPS News Agency*, 12 September 2013, <http://www.ipsnews.net/?p=127462>.

22 Behzad Yaghmaian, “Syrian Refugees: A Need for Global Burden Sharing”, in *The Globalist*, 31 October 2013, <http://www.theglobalist.com/?p=18722>.

23 European Commission and High Representative of the Union for Foreign Affairs and Security Policy, *Towards a Comprehensive EU Approach to the Syrian Crisis* (JOIN(2013) 22 final), 24 June 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=celex:52013jc0022:en:not>.

24 Christine Fandrich, “Healing a neighborhood: Potential EU Responses to the Syrian refugee crisis”, in *Migration Policy Centre Policy Briefs*, July 2013, <http://wp.me/p386xX-ux>.

25 Nikolaj Nielson, “Lack of funding may force Syrian refugees into Europe”, in *EUobserver*, 31 July 2013, <http://euobserver.com/foreign/117110>.

26 Behzad Yaghmaian, “Syrian Refugees: A Need for Global Burden Sharing”, cit.

27 “Syrian refugees at EU border increase”, in *Anadolu Agency*, 17 September 2013, <http://www.aa.com.tr/en/world/229145--syrian-refugees-at-eu-border-increasing-unhcr>.

28 More than 300 migrants trying to reach the European shore lost their life in early October 2013 as their boat sunk off Italian island Lampedusa. See Nick Squires, “Italy mourns 300 dead in Lampedusa migrant boat tragedy”, in *The Telegraph*, 4 October 2013, <http://www.telegraph.co.uk/news/worldnews/europe/italy/10355661/Italy-mourns-300-dead-in-Lampedusa-migrant-boat-tragedy.html>.

29 Behzad Yaghmaian, “Syrian Refugees: A Need for Global Burden Sharing”, cit.

30 Cecilia Wikström, *The Dublin III Regulation*, <http://ceciliawikstrom.eu/en/politik/migration-och-asyl/dublinforordningen>.

31 Osman Bahadır Dinçer et al., “Turkey and Syrian Refugees: The Limits of Hospitality”, cit., p. 24-25.

32 International Crisis Group, “Blurring the Borders: Syrian Spillover Risks for Turkey”, in *ICG Europe Reports*, No. 225 (30 April 2013), p. 8-11, <http://www.crisisgroup.org/en/regions/europe/turkey-cyprus/turkey/225-blurring-the-borders-syrian-spillover-risks-for-turkey.aspx>.

33 Osman Bahadır Dinçer et al., “Turkey and Syrian Refugees: The Limits of Hospitality”, cit., p. 26.

34 International Crisis Group, “Blurring the Borders: Syrian Spillover Risks for Turkey”, cit., p. 31-33; Osman Bahadır Dinçer et al., “Turkey and Syrian Refugees: The Limits of Hospitality”, cit., p. 21-22; Kemal Kirişçi, “Syrian Refugees in Turkey: The Limits of an Open Door Policy”, in *Up Front Blog*, 27 June 2013, <http://www.brookings.edu/blogs/up-front/posts/2013/06/27-syrian-refugees-in-turkey-kirisici>.

35 Euro-Mediterranean Human Rights Network, *Syrian Refugees in Turkey: A Status in Limbo*, 14 October 2011, <http://www.euromedrights.org/eng/?p=10444>.

36 Council of Europe Parliamentary Assembly, *Syrian refugees on the Turkish border: Report on the visit to Antakya (Turkey)*, 26 July 2011 (AS/Mig/AhLarg(2011) 04 Rev.), 29 November 2011, p. 7-8, <http://www.assembly.coe.int/CommitteeDocs/2011/amahlarg042011.pdf>.

37 International Crisis Group, “Blurring the Borders: Syrian Spillover Risks for Turkey”, cit., p. 8-11.

refugee status, given the seriousness of the refugee situation, Turkish authorities have been able to provide adequate protection and refugee services and have been commended for that. The third phase has evolved incrementally since summer 2013 and is characterized by an emerging alarmism. Syrian refugees are entering Turkish territory at an increasingly high rate, with the UN expecting 1 million Syrian refugees in Turkey by the end of 2014.³⁸ Not only is the Turkish government now openly calling for more help from foreign donors and the international community, but observers are highlighting how the mass influx of refugees is testing the limits of Turkey's reception capabilities, and will increasingly lead to a lowering of the protection offered to refugees.³⁹

Nevertheless, the contrast in the way external actors have assessed EU and Turkish responses to the Syrian refugee crisis is striking. This higher praise received by Turkey is partly due to Turkey surpassing the relatively low initial expectations, given Turkey's previous experience with the mass influx of refugees from Iraq in 1991, when the government actively worked to prevent too many entries and precipitated early returns. The expectations for the EU were much higher, given the EU's relative wealth and material capabilities and its self-portrayal as upholding high standards of human rights and its readiness to lecture other countries on that. The structure of a single, centralized state in the case of Turkey also allows for easier immediate implementation of decisions regarding Syrian refugees, whereas any decisions taken at the EU level have to rely on the administrations of 28 individual member states to be implemented. Nonetheless, it seems that political willingness in Turkey has paid off and is helping Syrian refugees in a way that European actors, with hesitant steps, have not been able to do.

Taking Solidarity Seriously

Looking forward, there seem to be many ways in which both Turkey and the EU could work together and find ways to address more adequately the protection needs of refugees in general, and Syrian refugees in particular. At the core of this reassessment of asylum practices is the need to take seriously the concept of solidarity so often called upon in speeches and texts, but not sufficiently applied in practice. Solidarity in this context means solidarity among EU member states, solidarity with countries hosting large numbers of refugees in the region, and, most importantly, solidarity with refugees themselves.

The Syrian refugees crisis is highlighting even more sharply how the various EU member states are unequally affected by the influx of refugees. Countries of the South and East of Europe (especially Greece, Malta, Italy and increasingly Bulgaria), as well as countries with maritime borders, face a substantially larger amount of entries and asylum applications than other countries. Affected countries have adapted to this situation by tightening border controls and interpreting refugee status determination with greater restrictions in order to encourage asylum seekers to seek asylum further along in another member state. Dublin regulations try to compensate for that by allowing the deportation of asylum seekers to the first country of asylum, yet Dublin does not sufficiently compensate the costs of first arrival countries. This is detrimental both to relations between member states and to the protection offered refugees.

In general, with the perceived blurred line between asylum seekers and irregular migrants, softening access policies towards asylum seekers will often be politically problematic. However, with Syria, the situation is more straightforward: any Syrian has a reasonable claim to asylum and the burden of proof in denying refugee status should be on the state, not on the individual. An EU directive dating from July 2001⁴⁰ envisions exactly this type of situation, by defining a regime

of temporary protection in case of mass influx. Under such a regime, Syrians would be granted a number of rights (work authorization, access to accommodation, medical treatment) that would facilitate their stay in the EU until a political solution in Syria is found. Therefore, this would not commit member states in the long term, yet would substantially increase their protection capabilities. Many different actors are calling for such a measure, highlighting how the failure to adopt it during the Libyan crisis should not be repeated.⁴¹ In addition, some clauses of Dublin III should be suspended for Syrians to allow for a fairer distribution of Syrian refugees throughout Europe.

But solidarity among states should be extended beyond the EU. The existing channels of EU assistance (availabilities of funds and regional protection program) are appropriate, but these operations (1) should be fine-tuned by being more inclusive, at the decision-making level, of local actors, including national and local governments (and not only international governmental and non-governmental organizations),⁴² (2) should deliver the funds promised, (3) should invest more in mid-term to long-term solutions given the apparent impasse in the Syrian conflict, and (4) should step up the amount allocated to assistance (by both the Commission and member states). The EU is indeed priding itself on being the number one international contributor of humanitarian funds to the Syrian crisis, with more than 50% of funds flowing to the region originating in the EU.⁴³

However, these figures do not reflect the financial capabilities of the 28 member states and, given the seriousness of the conflict, it is clear that more should be done. Also, from a more self-centered perspective, it is clear that the more the EU helps Syrian neighboring countries to build reception capabilities for Syrian refugees, the less the asylum pressure on the EU's border and asylum agencies.⁴⁴ It should also be kept in mind that investing in building Syria's neighbors' protection and reception capabilities for refugees is a much less costly way of helping the Syrian population than any military option, and seems more likely to make a stronger qualitative difference in the long term.

More funding going to the region means more funding to Turkey in particular. While Lebanon and Jordan are certainly facing a proportionally much higher number of Syrian refugees, hence deserving more immediate attention, the EU should not miss the medium-term advantages of investing in Turkey's capabilities. First of all, it seems that as Turkey started to coordinate with the international community later as part of the UN's Regional Response Plan, the percentage of pledged funding is lower than for other countries.⁴⁵ Now that Turkey is cooperating fully with the international community, it is important that donors catch up on the promised funding so that Turkey can appropriately build new capabilities.

Second, as a bigger, richer and more stable country, Turkey's potential capabilities to receive large amount of refugees is relatively higher, and so it is important to start investing now in Turkey's medium-term capabilities. Third, being a larger country, if Turkey were to be seriously destabilized by the influx of Syrian refugees – conflict spill-over, rekindling of the Kurdish conflict, rise in discontent and repressive policies – the impact on the broader Turkish neighborhood, both in Europe and in the Middle East, would be consequential. We are far from reaching that threshold, but the acceleration of the humanitarian drama unfolding around Syria is worrisome even for a more established country like Turkey.

41 Ray Smith, "Europe Failing Syrian Refugees", cit.

42 Osman Bahadır Dinçer et al., "Turkey and Syrian Refugees: The Limits of Hospitality", cit., p. 29.

43 These numbers account only for "international contributions", hence does not include assistance provided by Syrian neighboring countries such as Turkey. European Commission, *Syria: EU biggest donor, leads international aid response, reaching 7 million people in need*, 25 September 2013, http://europa.eu/rapid/press-release_IP-13-865_en.htm.

44 Nikolaj Nielson, "Lack of funding may force Syrian refugees into Europe", cit.

45 Osman Bahadır Dinçer et al., "Turkey and Syrian Refugees: The Limits of Hospitality", cit., p. 29.

38 UNHCR, "Turkey", in *2014 Syrian Regional Response Plan*, December 2013, p. 3, <http://www.unhcr.org/syriarrp6>.

39 Kemal Kirişçi, "Syrian Refugees in Turkey: The Limits of an Open Door Policy", cit.

40 Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons ..., <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=celex:32001I0055:en:not>.

Finally, and most importantly, Turkey's recent legislative development and practices in the field of asylum is redefining the broader role that Turkey can play in the asylum field at the international level. Turkey is establishing itself as a responsible and reliable partner regarding refugee policies, and the EU should take advantage of these new changes to empower Turkey (as opposed to leaving it on its own). The combination of the close political relationship between the EU and Turkey (as a candidate country and a powerful neighbor) and Turkey's new signals in the field of asylum, should establish Turkey as a "special partner" for the EU. The allocation of funds could be decided in consultation between the EU and Turkey; the process of resettlement of Syrian refugees from Turkey to the EU should be streamlined and facilitated; better dialogue should be facilitated on border issues between Turkey and Greece on the one hand, and Turkey and Bulgaria on the other.

Such a new approach of close collaboration with Turkey on the Syrian refugee crisis could also become the basis for EU-Turkey cooperation on matters of asylum beyond Syria. In the previous decade, the EU had an important impact in helping Turkey reform and reformulate its migration and asylum policy, especially through a number of twinning projects. With the adoption of the new Law on Foreigners and International Protection last April, the reformulation phase is over for now. What is left is a number of projects funded by the EU to improve Turkey's capabilities. With the possible exception of the building of seven reception centers (focusing on pre-registration, screening and accommodation), the large majority of projects funded by the EU focus on migration control (creation of removal centers for irregular migrants, creation of integrated information systems, most recently installation of heat-cameras at border crossing areas, etc.).⁴⁶ This security/control approach may be necessary and useful to Turkey, but it should be compensated by other projects that focus more on the protection and provision of services to asylum seekers, refugees, immigrants and undocumented migrants alike. Moving ahead in a redefined cooperation between the EU and Turkey on asylum issues might well mean working on creating a more protective (rather than more orderly) system of asylum.

Turkey itself should not rest on the laurels it is receiving from the international community. There are still things that it could do to improve the well-being of Syrian refugees on its territory. Turkey has gone a long way in shedding a mindset of suspicion towards

Western actors (be they officials or workers for non-governmental organizations), however, there are still areas where distrust prevail. It is important that Turkey fully embrace international assistance in the case of Syrian refugees, and facilitate the registration of INGOs that propose to work in the area as much as possible.⁴⁷ More transparency in sharing the data collected in the field is also important. Finally, Turkish authorities could share some of their experience and expertise with authorities in Lebanon, Jordan (and increasingly Iraq and Egypt) to assist them in coping with the immediate inflows of refugees, but also in transitioning to a system that can accommodate refugees' needs in the medium and long term.

The sad realization that the Syrian refugee crisis is unlikely to go away within the next few months, and that increasingly long-term solutions for refugees need to be put in place calls for an open discussion that needs to be taken seriously both in the EU and in Turkey. As Syrian refugees interact more intensely with the Turkish population, it is important to open a public debate in Turkey regarding the long-term integration of these refugees. Turkey traditionally has eschewed a discussion of the integration of foreign populations, but given the way the discourse is emerging in traditional and social Turkish media, with misunderstandings, misinformation and hostility expressed towards Syrian refugees, this topic cannot be put off any longer. The EU, and especially member states, have longer experience with public discussions on the integration of refugees (or other immigrants), and the EU and Turkey might want to open a dialogue together about this issue.

In recent months, Turkey is setting an interesting example: even in a situation of massive refugee inflows, it is possible to uphold a humanitarian approach and enact policies that prioritize the needs of refugees over the immediate security interests of the state. This is not an easy thing to do, and there are some dark spots in Turkey's practices, but nevertheless it illustrates that a change of mindset can be translated into different policy practices. This is hopefully a fact that can be heard by EU member states to help them overcome the division between protective states that are isolated from massive inflows, and restrictive states that are so because they have to deal with the immediate consequences of large numbers of refugees. A new mindset could help the EU as a whole to be more efficient and protective which, in turn, can assist Turkey in providing more effectively for refugees.

46 European Union Delegation in Turkey, *EU supports border surveillance in Turkey with thermal Cameras*, 25 November 2013, <http://www.avrupa.info.tr/en/en/resource/press-room/press-releases-single-view/article/eu-supports-border-surveillance-in-turkey-with-thermal-cameras.html>.

47 Osman Bahadır Dinçer et al., "Turkey and Syrian Refugees: The Limits of Hospitality", cit., p. 29.