

THE CURRENT LEGAL STATUS OF SYRIANS IN TURKEY AND QUESTIONING WHETHER IT IS POSSIBLE FOR THEM TO ACQUIRE TURKISH CITIZENSHIP

Aslı Bayata Canyaş*

Abstract: Syrians who escaped the civil war in their home country and sought asylum in Turkey have been granted 'temporary protection' status, which allows them to remain on humanitarian grounds until they can return to Syria. However, given that they have been living in Turkey since 2011, it is time to question whether this temporary status justifies their current situation. Over the years, their interaction with various domains of Turkish society has brought into focus their legal ability to acquire citizenship, marry, work, receive education etc. Setting aside those who return voluntarily, what a permanent status might be for the population likely to stay in Turkey may be discussed if such a permanency is determined by the Turkish State as a policy one day. Considering such a permanent status, this study first evaluates other states' tendencies regarding more permanent statuses. It then explains the different legal ways to acquire Turkish citizenship for Syrians, discusses whether mass acquisition of Turkish citizenship is possible if such an alternative is adopted by the Turkish state one day and considers what citizenship brings in terms of rights and responsibilities. Also, through the process of searching for a more permanent status by the Turkish State, long-term residency can be evaluated as an alternative that provides fewer rights than citizenship.

Keywords: refugees, temporary protection, citizenship, integration, naturalization

INTRODUCTION

Since civil war erupted in Syria in 2011, thousands of Syrians¹ have sought asylum in Turkey as it initially maintained an open-door policy.² Turkey has welcomed Syrians since they have been perceived almost as sisters and brothers due to links between neighboring states,³ particularly kinship ties among families in border cities, common ethnic origins, language and religion.⁴ Moreover, various tragic events reflected in press headlines, such as the photo of the dead body of baby Aylan washed ashore, have triggered humanistic feelings and greater efforts to host Syrians.⁵ However, since regulations were tightened in 2016,⁶ Syrian nationals have only been admitted into with valid visas.⁷ According to official

* Associate Professor, Dr. Aslı Bayata Canyaş, Hacettepe University Faculty of Law, Ankara, Turkey, ORCID: 0000-0001-8304-6095.

¹ Starting from 2011, many people leaving in Syria have begun to seek asylum in Turkey. Whereas most of these people have Syrian nationality, there are people who have other nationalities as well. However, based on the considerable amount of Syrian nationals, the term "Syrians" has been preferred in this article.

² DOĞAN, V. *Türk Yabancılar Hukuku*. Ankara: Savaş, 2019, p. 2.

³ PİRİNÇÇİ, F. Suriye'ye Komşu Ülkelerin Suriyeli Mültecilere Yönelik Politikaları. *TESAM Akademi Dergisi*, 2018, Vol. 5, No. 2, p. 42.

⁴ NURDOĞAN, A. K., DUR, A. İ. B., ÖZTÜRK M. Ö. Türkiye'nin Mülteci Sorunu ve Suriye Krizinin Mülteci Sorununa Etkileri. *İş ve Hayat*. 2016, Vol. 2, No. 4, p. 221.

⁵ PİRİNÇÇİ, F. Suriye'ye Komşu Ülkelerin Suriyeli Mültecilere Yönelik Politikaları. p. 41.

⁶ HUMAN RIGHTS WATCH Turkey: Open Border to Displaced Syrians Shelled by Government: No Escape for Thousands Fleeing Attacks on Border Camps. In: *Human Rights Watch* [online]. 20. 4. 2016 [2023-09-12]. Available at: <<https://www.hrw.org/news/2016/04/20/turkey-open-border-displaced-syrians-shelled-government>>.

⁷ MEMİŞOĞLU, E., ILGİT, A. Syrian Refugees in Turkey: Multifaceted Challenges, Diverse Players and Ambiguous Policies. *Mediterranean Politics*. 2017, Vol. 22, No. 3, p. 329.

reports, there are currently 3.513.776 Syrians under temporary protection in Turkey,⁸ meaning that Turkey is hosting the world's largest refugee population.⁹

Among the possibilities that can come to mind for the future of Syrians in Turkey are voluntary repatriation, resettlement, integration in general. Considering International Law, generally international protection starts with the steps of entry into country of asylum, granting of asylum, application of non-refoulement principle and ends with a permanent solution. Although we think that the most appropriate possibility for Syrians in Turkey would be a voluntary return in conformity with human rights, there may still be a substantial amount of population that may not return and remain in Turkey based on different reasons. Under what status this relevant population can stay in Turkey is the main discussion topic of this study, if one day the Turkish State would determine to grant them a more permanent status. In this regard, the study firstly questions the alternatives for durable legal statutes. It then investigates 'temporary' status of Syrians in Turkey and questions whether they may become more permanent residents. Although the current legal framework only offers a temporary regime, thousands of Syrians have lived in Turkey for the last eleven years. This may in time raise the question of whether their status is changing from temporary to permanent. The paper therefore discusses legal alternatives whether Syrians may be able to acquire Turkish citizenship *en masse* or on an individual basis and some other permanent status if eventually integration is accepted as a general policy by the Turkish State for those who have not voluntarily returned to Syria.

I. METHODOLOGY AND SCOPE

The methodology of this study is based mainly on a literature review with documentary and conceptual analyses. The data are collected from laws, academic literature, statistics, existing surveys and reports. While analyzing the legal documents, verbal interpretation was used rather than analogy, especially for citizenship provisions in Turkish law, since it is crucial to strictly abide by these legal provisions. Subjective teleological interpretation was also used to understand the legislator's intention regarding the Turkish Citizenship Act¹⁰ (TCA). Objective teleological interpretation method was also referred to understand the aims of certain provisions.

II. LEGAL STATUS OF SYRIANS AND TURKEY'S INTERNATIONAL LAW OBLIGATIONS

Turkey is party to the 1951 Geneva Convention¹¹ and subsequent 1967 Protocol.¹² However, according to the Turkey's declaration to the 1967 Protocol and the Geneva Conven-

⁸ GÖÇ İDARESİ. In: *Republic of Türkiye, Ministry of Interior, Presidency of Migration Management* [online]. [2023-09-12]. Available at: <<https://www.goc.gov.tr/gecici-koruma5638>>.

⁹ UN REFUGEE AGENCY. In: *The UN Refugee Agency* [online]. 14. 6. 2023 [2023-09-12]. Available at: <[unhcr.org/figures-at-a-glance.html](https://www.unhcr.org/figures-at-a-glance.html)>.

¹⁰ Turkish Citizenship Act, Code Number: 5901, Number: 29. 5. 2009, O. J. 12. 6. 2009-27256.

¹¹ 1951 Convention Relating to the Status of Refugees, O. J. 5. 9. 1961-10898.

¹² 1967 Protocol Relating to the Status of Refugees 31 January 1967.

tion, the status of a ‘refugee’ can only be granted to people who have left their country of nationality or habitual residence because of events in European countries and who have a well-founded fear of persecution due to race, religion, nationality, or membership of a particular social group or political opinion. Therefore, a person from outside European countries cannot acquire refugee status in Turkey or enjoy its rights and protections.

The Turkish Law on Foreigners and International Protection (TLFIP)¹³ adopted the same interpretation of the status of ‘refugee’: it is granted to a people who had to leave their country of origin (country of nationality, residence) due to events in Europe and owing to a well-founded fear of persecution due to race, religion, nationality, or membership of a particular social group or political opinion. TLFIP also introduces the status of a ‘conditional refugee’, which is granted to people who had to leave their country of origin (country of nationality, residence) due to events occurring outside European countries and owing to a well-founded fear of persecution due to race, religion, nationality, or membership of a particular social group or political opinion.

Turkey is particularly prone to asylum influxes since it neighbors the Middle East and is a transfer point to Europe.¹⁴ Turkey therefore acts on the instinct of self-defense and tries to avoid being a destination country for asylum-seekers.¹⁵ People coming from outside Europe are entitled only to stay in Turkey under certain statutes, like the conditional refugee status, until they are resettled in a third country. Compared to these arrivals, fewer people come from Europe. Since Turkey does not give refugee status to those arriving from outside Europe, it cannot be defined as a safe third country under European Union policies.¹⁶

Although Syrians may be wrongly thought of as ‘conditional refugees’ at first glance, they are only the beneficiaries of ‘temporary protection’ according to Art. 91 of TLFIP.¹⁷ According to this provision, temporary protection status is granted to people forced to leave and unable to return to their country, and who arrived at or crossed Turkey’s borders during “a mass influx” of people seeking immediate protection. The law aims to grant a ‘temporary’ rather than permanent stay. In cases of temporary protection, individual assessments cannot be held due to the large number of people at the border; because procedures for international protection might be inadequate and lengthy. In the case of temporary protection, what really matters is to host these people humanely, secure their basic human rights and apply the non-refoulement principle.¹⁸ However, when there is not “a mass influx”, specific international protection mechanisms can be applied, such as

¹³ The Turkish Law on Foreigners and International Protection Law; Law number: 6458, Date: 4. 4. 2013, O. J. 11. 4. 2013-28615.

¹⁴ DOST, S. Ulusal Ve Uluslararası Mevzuat Çerçevesinde Ülkemizdeki Suriyeli Sığınmacıların Hukuki Durumu. *S.D.Ü. Hukuk Fakültesi Dergisi*. 2014, Vol. 4, No. 1, p. 33.

¹⁵ NURDOĞAN, A. K., DUR, A. İ. B., ÖZTÜRK, M. Ö. *Türkiye'nin Mülteci Sorunu ve Suriye Krizinin Mülteci Sorununa Etkileri*. p. 233.

¹⁶ PARLAK, B., ŞAHİN, A. U. Türkiye İltica ve Göç Mevzuatının Coğrafi Kısıtlama Uygulaması Yönünden Analizi. *Turkish Journal of TESAM Academy*. 2015, Vol. 2, No. 2, p. 77.

¹⁷ EKŞİ, N. Geçici Koruma Yönetmeliği Uyarınca Geçici Korumanın Şartları, Geçici Koruma Usulü, Sağlanan Haklar ve Geçici Korumanın Sona Ermesi. *İstanbul Barosu Dergisi*. 2014, Vol. 88, No. 6, p. 66.

¹⁸ ÖZKAN, I. *Göç, İltica ve Sığınma Hukuku*. Ankara: Seçkin, 2013, p. 351; İNELİ CİĞER, M. Protecting Syrians in Turkey: A Legal Analysis. *International Journal of Refugee Law*. 2017, Vol. 29, No. 4, p. 559; İNELİ CİĞER, M. Uluslararası Hukuka Uygun Geçici Koruma Rejiminin Unsurları Üzerine. *Göç Araştırmaları Dergisi*. 2016, Vol. 2, No. 3, p. 78.

holding interviews, submitting documents and applying normal procedures. In contrast, during a mass “influx”, international protection mechanisms cannot be applied individually, so temporary protection is assured on a mass basis.¹⁹ In sum, Turkey’s legal provisions suggest that Syrians in the country are not ‘refugees’ in the legal sense defined by the 1951 Convention, so the Convention’s rights and protections are not applicable to them.

Under Turkey’s temporary protection regime, Syrians are not asked to return to Syria, pursuant with the rule of non-refoulement, which has its roots in both international law²⁰ and Art. 4 of TLFIP, which can be applied even if an individual has not entered the country via legal means.²¹ Moreover, return must be voluntary, and in cases where serious risks persist, return should be discouraged.²²

Temporary protection has various defects. First, no legal document in international law describes or regulates temporary protection with mandatory provisions. There is no common and accepted definition of the temporary protection regime within the framework of international law. For this reason, the temporary protection regime can take the form of meanings and practices that vary according to countries and situations.²³ Consequently, states’ obligations under its mechanisms are unclear.²⁴ This could allow arbitrary applications or even policies that conflict with the 1951 Convention, such that individuals under temporary protection may lack defined, foreseeable rights.²⁵ To minimize these risks, some argue that temporary protection should have a maximum limit of five years.²⁶ The second defect is that individuals who remain under the temporary protection regime for a long time, yet who are also eligible as refugees, may not be able to apply for refugee status.²⁷ That is, temporary protection may mean that they cannot access procedures of individual determination.

For instance, EU’s Temporary Protection Directive²⁸ also aims giving temporary protection in the event of a mass influx of displaced persons from third countries who are unable

¹⁹ NURDOĞAN, A. K., DUR, A. İ. B., ÖZTÜRK M. Ö. *Türkiye’nin Mülteci Sorunu ve Suriye Krizinin Mülteci Sorununa Etkileri*. p. 227; NURDOĞAN, A. K., DUR, A. İ. B., ÖZTÜRK M. Ö. *Türkiye’nin Mülteci Sorunu ve Suriye Krizinin Mülteci Sorununa Etkileri*. pp. 423–424.

²⁰ HAMDAN, E. *The Principle of Non-refoulement Under the European Convention on Human Rights and the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Leiden: Brill/Nijhoff, 2016, p. 22; BHUIYAN, J. H. Protection of Refugees Through the Principle of Non-Refoulement. In: Rafiqul Islam - Jahid Hossain Bhuiyan (eds.). *An Introduction to International Refugee Law*. Leiden-Boston: Martinus Nijhoff Publishers, 2013, p. 99; UZUN, E. Geri Gönderme (Non-Refoulement) İlkesinin Uluslararası Hukuktaki Konumu Üzerine Bir Değerlendirme. *Uluslararası Hukuk ve Politika*. 2012, Vol. 8, No. 30, p. 25.

²¹ GOODWIN-GILL, G. S., MC ADAM, J. *The Refugee in International Law*. Oxford: Oxford University Press, 2007, p. 520.

²² CASTILLO, M. A., HATHAWAY, J. C. Temporary Protection. In: James C. Hathaway (ed.). *Reconceiving International Refugee Law*. The Hague/Boston/London: Martinus Nijhoff Publishers, 1997, p. 19.

²³ EDWARDS, A. Temporary Protection, Derogation and the 1951 Refugee Convention. *Melbourne Journal of International Law*. 2012, Vol. 13, No. 2, pp. 599–600.

²⁴ İNELİ CİĞER. *Protecting Syrians in Turkey: A Legal Analysis*. p. 80.

²⁵ Ibid.

²⁶ HATHAWAY, J. C., NEVE, R. A. Making International Refugee Law Relevant Again: A Proposal for Collectivized and Solution-Oriented Protection. *Harvard Human Rights Journal*. 1997, Vol. 10, No. 10, p. 182.

²⁷ ÖZTÜRK, N. Ö. *Mültecinin Hukuki Statüsünün Belirlenmesi*. Ankara: Seçkin, 2015, p. 405.

²⁸ Official Journal L 212, 07/08/2001 P. 0012–0023. In: *eur-lex.europa.eu* [online]. 7. 8. 2001 [2023-09-12]. Available at: <<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32001L0055>>.

to return to their country of origin, therefore it offers temporary protection based on similar reasons under the Turkish law's regime. However, while Turkey's regime operates within its national legal framework, the EU's regime addresses mass influxes of refugees and operates under a directive applicable to all member states. The Directive also emphasizes (art. 21/1) the voluntary return of persons whose temporary protection has ended. According to the aforementioned provision, "the Member States shall ensure that the provisions governing voluntary return of persons enjoying temporary protection facilitate their return with respect for human dignity". Such an understanding has also been accepted under Turkish law under the Temporary Protection Regulation²⁹ art. 42 stating that "Necessary facilitation shall be provided to foreigners under this Regulation, who will voluntarily repatriate to their country and support may be provided to them within resources". Both the Directive (art. 3/2) and the TLFIP (art. 4) emphasize the importance of non-refoulement principle with regard to the states' obligations.

III. INTEGRATION AND LAW: MORE DURABLE STATUTES

If a country chooses integration as its state policy, then legal provisions are enacted accordingly. These provisions may help the integration of refugees and immigrants into the host community.³⁰ It is easier if newcomers are granted secure legal status, like citizenship or permanent residence³¹ because such a secure, permanent status gives them equal rights with others in the community, such as in education, the labor market, and family reunification. This can accelerate and strengthen integration. Moreover, although a secure status is an important step towards further integration, it cannot be the final aim because integration might deepen over time.³²

However, legislation in many states hinders integration by preventing refugees or immigrants gaining permanent residence and naturalization because they do not fulfill the requirements due to their socio-economic position or because they must have permanent residency for a certain time period to acquire citizenship.³³ To remove such barriers, it is alleged that residency requirements should not exceed five years³⁴ while refugees should not be required to give up their former citizenship to become eligible for naturalization.³⁵

Countries have different eligibility requirements for permanent residence or citizenship. It may be easier to gain a durable status in more developed countries than in less developed countries, which tend not to grant a durable status. However, even developed countries stipulate many conditions, such as familiarity with the country's culture, language, history, etc. while residency for a certain period of time is generally required. For

²⁹ O. J. 22. 10. 2014-29153.

³⁰ DA LOMBA, S. Legal Status and Refugee Integration: a UK Perspective. *Journal of Refugee Studies*. 2010, Vol. 23, No. 4, pp. 419–420.

³¹ AGER, A., STRANG, A. Understanding Integration: A Conceptual Framework. *Journal of Refugee Studies*. 2008, Vol. 21, No. 2, pp. 174–176; DA LOMBA, S. *Legal Status and Refugee Integration: a UK Perspective*. p. 420.

³² *Ibid.*, p. 421.

³³ For more information see DA COSTA, R. *Rights of Refugees in the Context of Integration: Legal Standards and Recommendations*. Geneva: UNHCR-Division of International Protection Services, 2006.

³⁴ *Ibid.*, p. 186.

³⁵ *Ibid.*, p. 186.

instance, in certain European Union member states, in order to become eligible for a permanent residence, language requirements might be stipulated as it is in Portugal or knowledge of the host society in terms of history and culture might be required like it is in Greece.³⁶ Germany also demands such language requirements and knowledge of legal and social systems for the acquisition of a long-term residence permit.³⁷ In France, refugees might get the right for a long-term residency and if recognized as an official refugee by the State, a refugee can apply for naturalization. However, certain criteria like sufficient knowledge of French language, history and culture are sought and absence of criminal record is required.³⁸ In short, some adaptation to the host society is required to have any chance of gaining a more durable status.

In developing countries, it may be impossible to gain a more durable status and integrate into the host community. In many developing countries in Africa, Asia and Central America, integration of refugees is generally prevented: they are not entitled to gain citizenship or residency permits and are not generally integrated into the host community.³⁹ For instance, they are not entitled to join the labor market because of scarce resources, particularly since unemployment is a problem for the host country's own citizens.⁴⁰ Thus, economic factors generally determine policy preferences and legal provisions regarding integration.

Regarding the integration of Syrians, two alternatives under Turkish law need detailed analysis, namely naturalization and long-term residence. However, only refugees whose situation is compatible with Art. 34 of the 1951 Convention (including facilitation of naturalization) can acquire Turkish citizenship. Art. 12(1) (c) (exceptional acquisition of Turkish citizenship) of the Turkish Citizenship Act may provide legal grounds if acquisition of citizenship is found necessary by the President.⁴¹ While this approach is quite similar to that in some developed countries, it only applies to those qualified as 'refugees', which is very unlikely to apply because of Turkey's geographical limitation to the 1951 Convention. Similarly, Art. 3(1) (d) of the Settlement Act⁴² only enables individuals of Turkish descent and culture to immigrate and potentially gain Turkish citizenship under Art. 12(1) (d) of the Turkish Citizenship Act. Regarding long-term residency, Art. 42/2 of TLFIP says that refugees, conditional refugees and subsidiary protection status holders, humanitarian residence permit holders and those under temporary protection are not entitled to a long-term residence permit.

³⁶ ISSUE PAPER. In: *Human rights aspects of immigrant and refugee integration policies*, Council of Europe [online]. 2019 [2022-12-12]. Available at: <<https://rm.coe.int/168093de2c>>.

³⁷ Ibid.

³⁸ BORING, N. France in Refugee Law and Policy in Selected Countries. In: *The Law Library of Congress, Global Legal Research Center* [online]. 2016 [2020-12-10]. Available at: <<https://www.loc.gov/law/help/refugee-law/refugee-law-and-policy.pdf>>.

³⁹ KIBREAB, G. Citizenship Rights and Repatriation of Refugees. *The International Migration Review*. 2003, Vol. 37, No. 1, p. 48; NORTH, L. L., SIMMONS, A. B. Fear and Hope: Return and Transformation in Historical Perspective. In: Lisa L. North – Alan B. Simmons (eds.). *Journeys of Fear: Refugees Return and National Transformation in Guatemala*. Montreal: McGill-Queen's University Press, 1999; EGAN, B. Somos de la Tierra: Land and Guatemalan Refugees' Return'. In: Lisa L. North – Alan B. Simmons (eds.). *Journeys of Fear: Refugees Return and National Transformation in Guatemala*. Montreal: McGill-Queen's University Press, 1999.

⁴⁰ KIBREAB, G. *Citizenship Rights and Repatriation of Refugees*. p. 48.

⁴¹ GÜNGÖR, G. *Tabiiyet Hukuku Gerçek Kişiler-Tüzel Kişiler-Şeyler*. Ankara: Yetkin, 2019, p. 99.

⁴² Act of Settlement, 5543-19. 9. 2006- R.G. 26. 09. 2006-26301.

Art. 96 of TLFIP emphasizes the term “harmonization” in relation to “foreigners, applicants and those under international protection” whereas integration is not mentioned. Individuals under temporary protection (Directive on Temporary Protection, Art. 25) or conditional refugees (TLFIP, Art. 63) are only seen as guests whose stay in Turkey is temporary. So, in our opinion, as a result of the interpretation of the current legislation in terms of Syrians in Turkey, it can be said that it aims to perceive the stay of Syrians as temporary and to be hosted under humanitarian conditions during their stay, rather than an approach aimed at long-term or permanent stay. Therefore, the relevant laws were not to promote integration by providing secure, durable statuses like citizenship or permanent residency – a closely similar approach to that in developing countries. These legal provisions appear to reflect Turkey’s asylum policy in that the general strategy is to minimize the country’s refugee population.⁴³

Such a policy may stem from various reasons, for instance feelings of belonging towards the state. According to the Preamble of the Turkish Citizenship Act, individuals seeking naturalization must show emotional links to the state as well as meeting legal obligations. Without such a link between individual and state, including knowledge of the host country’s language, culture, etc., acquisition of citizenship is not possible according to the law’s general terms. After gaining citizenship, these individuals gain political rights, such as the right to be elected or vote, giving them a say in the country’s political fate. Granting such powers may not be appropriate unless that individual has strong ties to the host state. The Preamble of the Turkish Citizenship Act also stipulates that citizenship should be granted to those who contribute to society,⁴⁴ for example through success in sports, art, or science, owning property, or investing in Turkey. Thus, individuals who acquire citizenship exceptionally are supposed to contribute to the society. This mainly reflects economic concerns because promoting integration and giving newcomers durable statuses increases the population and requires further sharing of Turkey’s natural and economic resources.

In short, Turkey’s current laws avoid encouraging integration, excluding refugees and immigrants under the Settlement Act. Therefore, should Turkey later decide to promote integration, then policy-makers will have to change their perspective and make appropriate legal amendments.

IV. SOME ALTERNATIVES FOR THE FUTURE OF SYRIANS IN TURKEY

Apart from returning to their home country (voluntary repatriation) which we believe would be the best option, Syrians in Turkey may have several options,⁴⁵ including moving to a third country (resettlement) or to a safe-zone. Another alternative can be local inte-

⁴³ ÖZTÜRK, N. *Türkiye’nin Mülteci Sorunu ve Suriye Krizinin Mülteci Sorununa Etkileri*. p. 387.

⁴⁴ Preamble. Dönem: 23 Yasama Yılı: 2 TBMM Türk. In: *tamm.gov.tr* [online]. 8. 11. 2007 [2023-09-14]. Available at: <<https://www.tbmm.gov.tr/sirasayi/donem23/yil01/ss90.pdf>>. Vatandaşlığı Kanunu Tasarısı ve İçişleri Komisyonu Raporu (1/458), 2007, pp. 5–6.

⁴⁵ As stated in international refugee law, see ÇİÇEKLİ, B. *6458 Sayılı Kanunla Güncellenmiş Yabancılar ve Mülteci Hukuku*. Ankara: Seçkin, 2016, p. 318; HATHAWAY, J. C. *The Refugees Under International Law*. New York: Cambridge, 2005, pp. 977–978; CHIMNI, B. S. *International Refugee Law, A Reader*. New Delhi/Thousand Oaks/London: Sage Publications, 2000, p. 330.

gration⁴⁶ for those that would remain in Turkey. Some argue that local integration does not require citizenship as permanent residence may be sufficient.⁴⁷ It should also be mentioned that neither international law nor any convention obliges states to provide a permanent solution for refugees.⁴⁸ Given that Syrians have been renewing their temporary status annually for almost a decade, their current status no longer reflects the reality of their current situation. Some would be expected to voluntarily return to Syria which is a result compatible with the general logic of temporary protection as being “temporary”. However, for those that remain in Turkey, there might be several options in terms of integration.

One option is that Turkey could rescind its declaration to the 1967 Protocol and the Geneva Convention, which would enable anyone to gain refugee status, regardless of whether their country of nationality or habitual residence where they suffered fear of persecution is in or outside Europe. Syrians could then gain refugee status in Turkey along with its rights and protections under the 1951 Geneva Convention. However, it is debatable whether this solution is necessary because Art. 29 of the Geneva Convention, which facilitates assimilation and naturalization, would already be satisfied if Syrians are granted Turkish citizenship.

The following sections discuss other alternatives like long-term residence permits, Turkish citizenship and naturalization, which are the main focus of this study.

V. GRANTING CITIZENSHIP FOR SYRIANS IN TURKEY

Granting Turkish citizenship and naturalization, which could enable integration, in the long run, could be an alternative if permanent status is determined by the state.⁴⁹ One survey⁵⁰ reported that 74% of Syrians in Turkey want to become Turkish citizens. The question is whether this can be legally recognized given opposition to it. A survey of Turkish citizens in 26 cities found that 75.8% disagreed with granting citizenship to Syrians while only 4% supported unconditional citizenship and 17.3% supported citizenship under certain conditions.⁵¹

Every state exclusively owns the right to grant citizenship.⁵² According to Art. 66 of the Turkish Constitution, citizenship can be acquired under certain conditions. Syrians can base their citizenship claims on the appropriate provisions of the Turkish Citizenship Act, which is the main law regulating and stipulating the conditions. Legally, once individuals

⁴⁶ AYGÜN, M., KAYA, C. *Yabancılar ve Uluslararası Koruma Hukukunda Kalıcı Bir Çözüm Olarak Yerel Entegrasyon. İnönü Üniversitesi Hukuk Fakültesi Dergisi*. 2016, Vol. 7, No. 1, p. 101.

⁴⁷ SMIT, A. *The Property Rights of Refugees and Internally Displaced Persons*. Abingdon-on-Thames: Routledge, 2012.

⁴⁸ KAYA, C. *Yabancılar ve Uluslararası Koruma Hukukunda Kalıcı Bir Çözüm Olarak Yerel Entegrasyon*. İstanbul: On İki Levha, 2017, p. 27.

⁴⁹ AKAR, S., ERDOĞAN, M. M. Syrian Refugees in Turkey and Integration Problem Ahead. *Journal of International Migration and Integration*. 2018, Vol. 20, No. 1, p. 2019.

⁵⁰ INGEV (İNSANİ GELİŞTİRME VAKFI) (2017) ‘Suriyeli Mülteci Hayatlar Monitörü Özet Değerlendirme’. IPSOS. pp. 1–5. In: *ingev.org* [online]. [2023-09-14]. Available at: <<http://ingev.org/wp-content/uploads/2017/07/Multeci-Hayatlar-Monitor%C3%BC.pdf>>.

⁵¹ ERDOĞAN, M. M. *Suriyeliler Barometresi*. İstanbul: İstanbul Bilgi Üniversitesi Yayınları, 2017.

⁵² NOMER, E. *Türk Vatandaşlık Hukuku*. İstanbul: Filiz, 2015; AYBAY, R. *Vatandaşlık Hukuku*. İstanbul: İstanbul Bilgi Üniversitesi Yayınları, 2006.

gain Turkish citizenship, their ethnic origin becomes irrelevant since everyone bound to the Turkish state by citizenship is defined as a ‘Turk’ according to Art. 66(1) of the Turkish Constitution. Art. 10 of the Constitution also stipulates the equality principle, whereby every person is equal irrespective of, *inter alia*, race or ethnic origin. Moreover, according to the Preamble of the TCA, citizenship is a legal link between the individual and state that ignores their ethnic origin.⁵³ Legally, therefore, once Syrians gain Turkish citizenship, the political context becomes irrelevant.

Under the provisions of the TCA, Syrians can only acquire Turkish citizenship by marriage or under certain exceptional circumstances. However, they cannot acquire it according to the general provisions (TCA, Art. 11). TCA Art. 11 requires several conditions, such as five years’ uninterrupted residency in Turkey as evidenced by a permit, proof of intention to settle in Turkey, free from any diseases endangering public health, speaking adequate Turkish, and not threatening national security or public order. However, because most Syrians in Turkey are under temporary protection, they lack residence permits as stipulated under TCA, Art. 11. Therefore, they cannot acquire citizenship by way of this provision.

V. 1 Acquisition of Citizenship on an Individual Basis

a. Acquiring Citizenship through Marriage

For Syrians living in Turkey, marriage and building a family life – whether with fellow Syrians, Turks or other nationals – are vital elements of their social life. Marriage can be interpreted as a link through permanency, which is obviously incompatible with their temporary status.

Art. 16 of the TCA, which indicates that marriage provides a strong link for granting Turkish citizenship to foreigners who marry Turkish citizens, stipulates certain conditions. In addition to “living within the unity of marriage, abstaining from acts incompatible with the unity of marriage and having no obstacle in respect of national security and public order”, the foreigner and Turkish citizen must be married for at least three years while the marriage must be real and continuous. The Citizenship Application Commission can investigate the marital status, for example by interviewing the partners separately and together to determine if the marriage is real or merely for acquiring citizenship.⁵⁴ Since 2011, while approximately 4,500 Syrians have acquired Turkish citizenship through marriage,⁵⁵ this option is clearly not available to many.

One problematic issue in Syrian marriages is the practice of Turkish men marrying young Syrian girls or ‘Syrian child brides’,⁵⁶ which should primarily be evaluated from the

⁵³ Preamble. Dönem: 23 Yasama Yılı: 2 TBMM Türk. In: *tbbm.gov.tr* [online]. 8. 11. 2007 [2023-09-14]. Available at: <<https://www.tbmm.gov.tr/sirasayi/donem23/yil01/ss90.pdf>>.

⁵⁴ GÜNGÖR, G. Tabiiyet. *Milletlerarası Hukuk ve Milletlerarası Özel Hukuk Bülteni*. 2017, Vol. 37, No. 2, p. 138; DOĞAN, V. *Türk Vatandaşlık Hukuku*. Ankara: Savaş, 2016, p. 99. See also Art. 29/1 of The Directive on the Application of Turkish Citizenship Law, O. J. 6.4.2010-27544.

⁵⁵ TBMM REPORT, Türkiye Büyük Millet Meclisi İnsan Haklarını İnceleme Komisyonu Mülteci Hakları Alt Komisyonu Göç ve Uyum Raporu. In: *tbbm.gov.tr* [online]. 2018 [2023-09-14]. Available at: <https://www.tbmm.gov.tr/komisyon/insanhaklari/docs/2018/goc_ve_uyum_raporu.pdf>.

⁵⁶ BARIN, H. Türkiye’deki Suriyeli Kadınların Toplumsal Bağlamda Yaşadıkları Sorunlar ve Çözüm Önerileri. *Göç Araştırmaları Dergisi*. 2015, Vol. 1, No. 2, p. 10.

child's perspective. Apart from the physiological problems from early marriage, child brides endure the heavy burden of raising a child as very young mothers.

The legal validity of such marriages in Turkey is also questionable. The Law on Private International and Procedural Law (TPIL) Art. 13/1 states that the capacity to marry is determined by each party's national law (i.e. Syrian law for a Syrian citizen). However, if one party is a Syrian national but the marriage is registered in Turkey, Turkish law can apply. This is accepted in practice⁵⁷ while some argue that a wide interpretation of Art. 4/1/a of TPIL⁵⁸ includes those under temporary protection.⁵⁹ According to this article, the minimum marriage age stipulated by Turkish law applies, so a 12-year-old Syrian girl cannot marry in Turkey despite having the capacity to marry under Syrian law. The Turkish Civil Code (Art. 124) forbids marriage under 17 years for either gender. Lacking legal validity, such child marriages cannot enable young Syrian girls to acquire Turkish citizenship.

It should also be noted that foreign laws may have different legal provisions based on different sociological structures, culture and ethical principles. Although Turkish law generally respects these different tendencies and Turkish courts apply provisions that differ from Turkish law, there may be exceptions. Under Art. 5 of TPIL, for example, foreign laws that contradict Turkish public policy are not applied. Concerning marriages, public policy may intervene if applying a foreign law causes discrimination between genders or religious or ethnic inequalities, or enables early-age marriages. Such marriages contradict the basic principles of the Turkish Constitution, such as the equality principle, conflict with the essence of laws and general ethical principles.⁶⁰ Consequently, the foreign law's provision is unacceptable because it seriously threatens Turkish public policy. In an exceptional situation like this, it cannot be applied, so respect for the differing provisions of foreign laws and cultures must be overridden.

Another issue is that Syrian women can marry in religious ceremonies to become a Turkish man's second, third or fourth wife ('kuma').⁶¹ Under the Turkish Civil Code,⁶² a man can only marry one woman, although this provision can be avoided through a religious ceremony. Because it is allowed under Syrian law, a Syrian woman in Turkey may mis-

⁵⁷ Ministry of Interior Affairs General Directorate of Population and Citizenship has published a report dated 13. 10. 2015 and which considers the application of Turkish law according to art. 13 and art. 4/1/a of TPIL in such a situation. The report has been delivered to concerned public authorities: Ministry of Interior Affairs General Directorate of Population and Citizenship, Number: 40004962-010.07.01-E.88237, Date: 13. 10. 2015.

⁵⁸ Turkish Law on Private International and International Procedural Law – 5718, 27.11.2007, O. J. 12. 12. 07- 26728; art. 4/1/a concerns mainly that where the applicable is determined on the basis of national law, for stateless persons and for refugees, place of domicile, in the absence of thereof, place of habitual residence, in the absence of thereof law of residing on the date of the lawsuit is applied.

⁵⁹ ÇELİKEL, A., ERDEM, B. *Milletlerarası Özel Hukuk*. İstanbul: Beta, 2020, p. 69; ŞANLI, C., ESEN, E., ATAMAN FİĞANMEŞE, İ. *Milletlerarası Özel Hukuk*. İstanbul: Vedat, 2016, p. 32; ULUSU KARATAŞ, E. Geçici Koruma Altındaki Suriye Vatandaşlarının Çocuk Yaşta Evliliklerinin Mukayeseli Hukuka ve Türk Hukukuna Göre Geçerliliği. *İstanbul Hukuk Mecmuası*. 2020, Vol. 78, No. 1, p. 47.

⁶⁰ ŞANLI, C., ESEN, E., ATAMAN FİĞANMEŞE, İ. *Milletlerarası Özel Hukuk*. İstanbul: Beta, p. 136; ÇELİKEL, A., ERDEM, B. *Milletlerarası Özel Hukuk*. İstanbul: Beta, p. 235; NÖMER, E. *Devletler Hususi Hukuku*. İstanbul: Beta, 2015, p. 242.

⁶¹ KİRİŞÇİ, K. Misafirliğin Ötesine Geçerken Türkiye'nin "Suriyeli Mülteciler" Sınava. Uluslararası Stratejik Araştırmalar Kurumu & Brookings Enstitüsü. In: *madde14.org* [online]. June 2014 [2023-09-14]. Available at: <madde14.org>.

⁶² Turkish Civil Code, Code Number: 4721, 22.11.2001, O.J. 8. 12. 2001-24607.

takenly consider a religious marriage to be legally valid. This lack of legal recognition often poses multiple problems. For instance, it does not entitle a Syrian woman to Turkish citizenship because TCA Art. 16 requires a legally valid marriage lasting at least three years, which can be challenging for the woman. Despite sharing a home, having a marriage-like relationship and even having a child with a Turkish man, she is denied Turkish citizenship. Furthermore, paternity must be proven for children born through religious marriages as being effective from birth the marriage is not legally recognized. The child only becomes legally bound to the father to acquire the father's surname and Turkish citizenship after establishing paternity.

b. Citizenship Status of Children Born in Turkey being effective from birth

Another issue linked to the individual acquisition of citizenship is the unique situation of children born in Turkey to Syrian parents. Between 2011 and 2017, 276.158 of these children were born in Turkey, with approximately 306 babies born to Syrian parents each day.⁶³ An official report⁶⁴ explains that these children are currently stateless, lacking Turkish or Syrian citizenship, and facing the threat of becoming a lost generation. Although they have been unable to register or get citizenship documents so far, they can acquire Syrian citizenship through their Syrian fathers. This means that they are not granted Turkish citizenship, based on the *jus soli* principle in the TCA which allows babies born in Turkey to foreign parents to acquire Turkish citizenship only under certain conditions. For instance, if such children cannot acquire their parents' citizenship, they can acquire Turkish citizenship under the *jus soli* principle (TCA Art. 8/1) to prevent them from becoming stateless. The child can also acquire Turkish citizenship if the parents are stateless at the time of birth. However, so long as there is a possibility that Syrian law may grant them citizenship, they cannot gain Turkish citizenship simply because they were born in Turkey because every state determines who its citizens are regardless of other countries' laws. Only the prevention of statelessness is accepted as a directive principle in nationality law,⁶⁵ and only to prevent people becoming stateless, in which case these babies born in Turkey to Syrian parents may be granted Turkish citizenship.

If a child is born to a Syrian father and a Turkish mother, he/she automatically acquires Turkish citizenship under the *jus sanguinis* principle starting from birth; according to an official report⁶⁶ almost 10.000 children acquired Turkish citizenship by this way. If a child is born to a Syrian mother and a Turkish father and if the couple is not married, a legal bond should be established with the father; after it is established, the child acquires Turkish citizenship as being effective from birth.

c. Exceptional Acquisition of Turkish Citizenship for Syrians

Acquisition of citizenship under exceptional situations is covered in Art. 12 of the TCA, which grants citizenship for individuals who have achieved outstanding success in art,

⁶³ ERDOĞAN, M. *Suriyeliler Barometresi*. 2018, İstanbul: İstanbul Bilgi Üniversitesi, p. 26.

⁶⁴ TBMM REPORT.

⁶⁵ For more information see NOMER, E. *Türk Vatandaşlık Hukuku*. pp. 6–7.

⁶⁶ TBMM REPORT.

science, sports, culture, business, economy or technology, or contributed to Turkey's infrastructural development. While available to all Syrians, this route of citizenship can only be considered for individual applications. For instance, a talented Syrian pianist acquired Turkish citizenship by this way.⁶⁷ Another option (TCA Art. 12/1/c) can be exercised if the state finds it necessary to grant citizenship for an individual. However, what the state constitutes as “necessary” may lead to arbitrary decisions⁶⁸ as also discussed below.

Finally, owning immovable property in Turkey is no longer a viable alternative for gaining Turkish citizenship for Syrians (TLC Art. 12 and Directive on the Application of Turkish Citizenship Law Art. 20/1/b). More specifically, according to Art. 35 of the Land Registry Law amended by Law 6302, and considering that Syrian nationals are not allowed to buy immovable property in Turkey, they cannot acquire Turkish citizenship by this way.⁶⁹

V. 2 Mass Acquisition of Turkish Citizenship

It is seen that some Syrians in Turkey have already acquired Turkish citizenship on an individual basis. It can be asked whether mass acquisition of Turkish citizenship is possible or not for those that remain in Turkey. Some scholars claim⁷⁰ that art. 12/1/c of the Citizenship Act enables a possibility for Syrians to acquire Turkish citizenship *en masse*. According to the said provision, those that are deemed necessary to gain citizenship can get it by the president's decision as long as there is no obstacle as regards national security and public order. This provision is also being criticized⁷¹ for the possible extensive usages since it depends on the vague conception of “being deemed necessary”. Also, some scholars⁷² have criticized mass acquisition of Turkish citizenship because it would damage Turkey's public order and demographic structure if a large number of Syrians – who neither speak Turkish nor adopt Turkish culture – were simultaneously granted Turkish citizenship. Others argue that citizenship should not be acquired without spending time in the host country to enable people from a different culture to understand its living conditions.⁷³ We also believe that when the relevant provision is interpreted in a teleological way, it can be based on for the necessity occurring in cases of individual naturalization rather than mass. In our view, citizenship requires a certain level of bond with the state concerned. This bond can be established with language and history, as well as living in the country of that state and adapting to its culture. Making an important contribution to the relevant state in fields

⁶⁷ Tambi Esad, a Syrian national who is a talented pianist has acquired Turkish citizenship by a decision of the President in 2014. In: *aa.com.tr* [online]. [2023-09-14]. Available at: <www.aa.com.tr>.

⁶⁸ ERDEM, B. *Türk Vatandaşlık Hukuku*. İstanbul: Beta, 2016, p. 141.

⁶⁹ Syrian citizens are not among the foreigners (According to the provisions of Land Registry Law, 2644, 22. 12. 1934, O. J. 29. 12. 1934-2892 and the Directive 2012/12 (1734) who are allowed to acquire immovable property in Turkey. In: *tkgm.gov.tr* [online]. [2023-09-14]. Available at: <https://www.tkgm.gov.tr/sites/default/files/icerik/ekleri/kilavuz_0.pdf>.

⁷⁰ EKŞİ, N. Suriyelilere Toplu Olarak Türk Vatandaşlığı Verilebilir mi? *İstanbul Barosu Dergisi*. 2015, Vol. 89, No. 2, p. 200.

⁷¹ GÜNGÖR, G. *Tabiiyet Hukuku Gerçek Kişiler-Tüzel Kişiler-Şeyler*.p. 112; ERDEM, B. *Türk Vatandaşlık Hukuku*. İstanbul: Beta, 2022, p. 141.

⁷² ÖZEL, S. Suriyeli Sığınmacıların Kitleli Olarak Türk Vatandaşlığına Alınması Meselesinin Hukuki Açısından Değerlendirilmesi. *İstanbul Barosu Dergisi*. 2017, Vol. 91, No. 3, pp. 28–29.

⁷³ KAYA, C., AYGÜN, M. Yerel Entegrasyon. *İnönü Üniversitesi Hukuk Fakültesi Dergisi*. 2016, Vol. 7, No. 1, p. 165.

such as science, art, sports, economy can also help in establishing a link. It can be said that without the existence of such ties, mass naturalization may result in demographic, social, cultural and economic complications in the state concerned.

Thus, mass acquisition of Turkish citizenship remains unlikely within the current legal framework as compatible with the state's integration policies, as explained above. However, an official mission has been launched⁷⁴ to help qualified Syrians gain citizenship. In a working project, implemented in collaboration with the Directorate General of Migration Management, approximately 10,000 families have been evaluated in terms of education and other qualifications, with those identified as beneficial to Turkey likely to gain citizenship. However, the definition and interpretation of 'beneficial' is critical to avoid arbitrary or unfair decisions.

VI. BECOMING A TURKISH CITIZEN - WHAT DOES IT SOLVE?

If a Syrian or stateless child acquires Turkish citizenship, they automatically get the rights of Turkish citizens, which are particularly important regarding identity, political rights to vote or be a candidate, employment and education.

Children born to Syrian parents but currently stateless would gain citizenship. The resulting legal bond with the Turkish state would give them a Turkish passport and national identity, and diplomatic protection by the Turkish state. Avoiding the risk of statelessness could also create an emotionally satisfactory feeling of belonging, although this is beyond the scope of this study.

According to Art. 67 of the Turkish Constitution, only Turkish citizens have the right to vote, including in referendums, be elected or engage in political activities, whether independently or in a political party. Under Art. 68, only Turkish citizens have the right to form, join or leave political parties. Thus, if Syrians acquire Turkish citizenship, they can have a say in Turkey's political fate. Considering their population and significant birth rate, they may become an effective political power. Consequently, a purely legal approach may be inadequate, so decision-makers need to consider the sociopolitical dimension before implementing any new citizenship regulations.

Male Turkish citizens must also do military service under Art. 72 of the Turkish Constitution. There are also some consequences of being a Turkish citizen in terms of tax law. In Turkish Tax Law, mainly a real person has full tax liability based on residency principle according to Turkish Income Tax Law for the income acquired in Turkey or abroad. Therefore, citizenship plays an exceptional role in the taxation of the income acquired by real persons. According to art. 3/2 of Turkish Income Tax Law,⁷⁵ Turkish citizens who live abroad and work for government or for a governmental institution or a company whose headquarter is in Turkey, are considered as unlimited liable taxpayers. According to the provision, if these people get income or acquisitions in the country where they have been and if they have been subject to taxation in that country, they are exempted from taxation in Turkey again. Such an understanding has been adopted to

⁷⁴ TBMM REPORT.

⁷⁵ Turkish Income Tax Law- 193, 31/12/1960, O. J. 6. 1. 1961-10700.

prevent double taxation. These provisions would also be applicable to Syrians if they acquire Turkish citizenship one day.

Regarding employment, Syrians' work status is currently determined by the Law on International Labour⁷⁶ and the Directive on Work Permit of Foreigners Under Temporary Protection.⁷⁷ The latter regulation enables foreigners under temporary protection, including Syrians, to obtain work permits but not the right of residence. Thus, although they can participate in the labour market, their temporary status remains unchanged. This conflicts with other lifestyle indicators, such as employment, settling into a routine and integrating with society, which are signs of permanent residency. Experts therefore believe that participation in the labour market may be a sign of permanent stay in Turkey.⁷⁸ A working person generally acquires sufficient language skills to communicate and develops a general idea about the host society's general structure, which strengthens feelings of belonging. Such characteristics seem out of harmony with the temporary status and may be interpreted as steps towards permanency. Moreover, the 10% quota⁷⁹ relating to temporary status may mean that Syrian workers with the required education, adequate skills and living in Turkey for years cannot get jobs. However, once they acquire Turkish citizenship, the quota will not apply, so they will have the same opportunities as other Turkish citizens. Similarly, citizenship would enable Syrians to work in professions that are currently reserved for Turkish citizens, such as civil-servants, judges and attorneys. Finally, as Turkish citizens, they would gain access to retirement pensions and health service.

As the number of Syrians in Turkey has grown and their stay has lengthened, a legal basis became essential to address their education rights. Accordingly, legal provisions were introduced, particularly for Syrian children in 2013.⁸⁰ The new education policy seems to recognize that Syrians are becoming a permanent rather than temporary presence in Turkey.⁸¹ Today, Syrian school children have been inducted into the Turkish curriculum alongside their Turkish peers, with Turkish as the medium of instruction. These are crucial indicators of integration into Turkish society and signs of permanency. Such an interconnection with Turkey's educational system can strengthen belonging to Turkish culture, language and history. This in turn may be important if they later acquire Turkish citizenship while receiving the same education as their Turkish peers will help them compete in the labour market. They may also benefit from scholarship opportunities for Turkish citizens.

⁷⁶ The Law on International Labour, 6735, 28. 7. 2016, O. J. 13. 8. 2016-29800.

⁷⁷ O. J. 15. 1. 2016-29594.

⁷⁸ SANDAL, E. K., HANÇERKIRAN M., TIRAŞ M. Türkiye'deki Suriyeli Mülteciler ve Gaziantep İlindeki Yansımaları. *Gaziantep University Journal of Social Sciences*. 2016, Vol. 15, No. 2, p. 479.

⁷⁹ Art. 8 of the Directive on Work Permit of Foreigners Under Temporary Protection says that the amount of the employees under temporary protection cannot exceed 10% of the number of Turkish citizens in a particular work place.

⁸⁰ KIZIL, Ö., DÖNMEZ, C. Türkiye'deki Suriyeli Sığınmacılara Sağlanan Eğitim Hizmetleri ve Sosyal Bilgiler Eğitimi Bağlamında Bazı Sorunların Değerlendirilmesi. *International Journal of Education Technology and Scientific Researches*. 2017, Vol. 17, No. 4, p. 212.

⁸¹ UNUTULMAZ, K. O. Turkey's Education Policies Towards Syrian Refugees: A Macro-level Analysis. *International Migration*. 2019, Vol. 57, No. 2, p. 235.

VII. A MORE FLEXIBLE ALTERNATIVE TO CITIZENSHIP: LONG-TERM RESIDENCE PERMITS

If it is too radical for the Turkish state to grant full citizenship to Syrians, however if the State determines to grant a more permanent position for those remain in Turkey, then a different status similar to a “long-term residence permit” could provide an alternative solution to the current regime.⁸² According to Art. 42/1 of TLFIP, this permit has no time limit. However, Art. 42/2 of TLFIP says that refugees, conditional refugees and subsidiary protection beneficiaries, as well as persons under temporary protection or humanitarian residence permit holders are not entitled to transfer their status to gain a long-term residence permit. Thus, the law must be amended to grant such a right to those under temporary protection like Syrians. Doing so would raise various questions regarding the details of the new status.

Foreigners granted long-term residence permits benefit from the same rights as Turkish citizens. This is without prejudice to acquired rights to social security and subject to conditions stipulated in the related legislation for enjoying these rights while excluding provisions in special laws. However, there are certain exceptions. For instance, they are not subject to compulsory military service, cannot vote, be elected or enter public service and are not exempted from customs duties when importing vehicles. Finally, the President has the power to completely or partially limit these rights.

Such long-term residence permits could be cancelled under certain conditions as stipulated in Art. 45 of TLFIP, such as if the foreigner poses a serious public security or public order threat or remains outside Turkey continuously for more than one year for reasons other than health, education or compulsory public service in the home country.

The permit would give them a non-temporary status without requiring regular renewal and a permanent identity card, which would strengthen feelings of belonging and certainty, while their rights to education, work or travelling within or outside Turkey would become clear, sustainable and predictable. We believe such a status might also eliminate certain concerns that citizenship might assure while important public rights to vote or be elected, doing military service or permanent public service might be exempted. Thus, the permit holders would play no role in state functions like administration, security, justice or international relations, but their rights in other fields like education, civil rights and employment would become certain and durable.

Those who strongly oppose granting Syrians Turkish citizenship with the same rights as Turkish nationals might also accept this new status. By satisfying these critics, this new status could bring certainty to Syrians by providing a conciliatory approach.

Such a status would mean that certain job opportunities and the 10% quota would no longer apply. Simply knowing that permanent jobs in public service are available would bring more predictability to Syrian permit holders, thereby enabling them to shape their career plans accordingly. Similarly, knowing that they cannot work as attorneys, judges, soldiers, etc. would enable them to adjust their educational plans accordingly in fields with more job opportunities for permit holders.

⁸² KAYA, C. *Yabancılar ve Uluslararası Koruma*. İstanbul: Onikilevha Yayınları, 2017, pp. 165–166.

Finally, domestic and foreign travel would become more certain. For instance, the new status would mean that they know they can return to Turkey after travelling abroad for reasons of education, family, work, etc.

CONCLUSION

Given that Syrians have been living in Turkey since 2011 and their return is not imminent because the danger has still not disappeared, their temporary status can be challenged in near future. During this stay, many aspects of their life, such as education, work and marriage, have called for important interactions with Turkish society. Accordingly, many legal provisions have been introduced to ensure justice, accountability and certainty while indicating an evolution from a temporary status towards *de facto* permanent residency.

Among the possibilities that can come to mind for the future of Syrians in Turkey are voluntary repatriation, resettlement, integration in general. We believe that voluntary repatriation would be the best alternative. Aside from those who return to voluntarily, what a permanent status might be for the population remain in Turkey can be questioned if one day the Turkish state determines integration for those.

Considering these developments, if the Turkish state eventually and officially determines to grant Syrians that remain in Turkey a permanent status, from a legal point of view, one alternative is to acquire Turkish citizenship. It should also be emphasized that, even in such a condition, an individual's demand for citizenship should be required since individuals cannot be compelled to become citizens under the Turkish Citizenship Law. Furthermore, Turkish citizenship brings many rights and responsibilities regarding identity, political rights, military service, employment and education.

If the state decides that it would be too radical to grant Turkish citizenship to Syrians, however permanency is found necessary by the State, another legal alternative would be offering a permanent status through a long-term residence permit, which would also provide many rights in employment, education, residence and travel. However, to make it more flexible than full citizenship, this status could exclude certain public rights, such as the right to be elected or vote, military service and public service. If integration and, in this context, a durable status is to be preferred by the Turkish State for the Syrians that would remain in Turkey and would not return to Syria, in our opinion, it would be appropriate to grant the right of a long-term residence which includes a narrower range of rights, instead of citizenship which includes a very close bond with the state and very broad rights.