

THE CONSTANTS AND VARIABLES IN TURKISH POLICIES TOWARDS SYRIAN REFUGEES

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Abstract:

The unprecedented influx of refugees into various countries, particularly Turkey, whether driven by the Syrian war or originating from sub-Saharan Africa due to conflicts and economic conditions, has presented a significant challenge to these nations. The asylum issue was declared a "crisis" in 2015 due to two crucial factors: first, the insufficient policies of these countries, and second, the lack of political will to respond effectively and humanely to the influx of asylum seekers.

However, with the deteriorating situation in Syria and the outbreak of the Syrian war, the refugee issue received the most attention from researchers, as neighboring countries had a share in receiving refugees. What distinguishes the situation is the vast numbers of refugees heading towards Turkish territory. From here came attempts at reform on legislative aspects that are challenging to achieve on the ground. Despite Turkey adopting a settlement policy (1-1) as an agreement with the European side, the situation still faces several obstacles in implementing new strategies for dealing with African migrants and Syrian refugees. This is acknowledged by human rights and humanitarian organizations, as we still require policies that consider the humanitarian and civilized aspects in addressing this phenomenon.

Keywords: Turkish Policies, Syrian Crisis, Human Rights, Syrian Refugees, Asylum.

1- INTRODUCTION:

The increasing influx of refugees from developing to developed countries has raised critical issues for the latter, both in terms of their connection to refugee rights, as they are among the most vulnerable human groups to exploitation and human rights violations, and in terms of their implications for the overall national interests of the countries concerned with asylum issues, within the framework of differing views on various problems between the countries of origin and the host countries.

While immigration is a source of cultural enrichment, a convergence of civilizations, and a framework for constructive dialogue that is considered a basis for understanding, developing, and strengthening international cooperation, in the absence of regulating this phenomenon, it becomes a source of complex problems that require intervention to contain all its negatives. Thus, immigration has become a top priority in political work for all countries because of the economic, social, and cultural threat it poses to them.

To delve deeper into analysing the phenomenon of asylum and its intertwined effects in countries of origin and reception, in addition to countries that were transit areas that turned into host countries, and the implications of this overlap on several levels, it was necessary to address the countries that dealt with this phenomenon and how they were able to develop strategies to address it while considering human rights and then turn its negatives into positives. Among these countries, we mention Turkey, which is not considered a paradise for refugees and war victims, but rather the penultimate corridor to the European Union countries. The case of its Syrian refugees in particular and Iraqis and Africans in general may be better than the conditions of refugees in other countries. However, the images of life in European countries still constitute a decisive factor in refugees' choice to venture to Europe via Turkey, even if it costs them their lives to achieve access to it.

These conditions were accompanied by the flourishing of human trafficking operations from Turkey towards Europe, as we witness daily how some unfortunate people pay with their lives in exchange for the adventure. The new realities imposed by the wars surrounding Turkey, which caused millions of refugees to flood into its territory, have created a quasi-new "class" of Turks, Syrians,

Bulgarians, and others from around the world. This "class," which has recently taken up the profession of human smuggling, was not created out of nothing, but rather because of the presence of smuggling networks active in Turkey for decades. The increasing numbers of refugees dreaming of reaching Europe have led to the strengthening of Turkish smuggling networks, their numbers, and consequently, their wealth.

On the other hand, the Turkish state sought to combat the smuggling of refugees through its territory, but without achieving real successes in reducing human smuggling operations. It also worked on issuing some regulations and legislation and adopting certain policies to limit this phenomenon that sweeps it and creates many problems for it and for Europe, especially since the legal regulations remained just ink on paper, and there is no actual and firm implementation of their content.

However, the recent conditions forced the Turkish government to adopt new reforms and amend the legislative system to reduce the intensity of this phenomenon and benefit from it. From this, we raise the following problem:

To what extent did the Turkish strategies contribute to alleviating the phenomenon of Syrian refugees while taking into account human rights in light of the current political conditions?

We will address this question through the following axes:

- 1- Causes and routes of asylum in Turkey
- 2- The legal and legislative approach to the phenomenon of asylum in Turkey before the Syrian revolution
- 3- Turkish strategies and policies adopted in mitigating the phenomenon of asylum after the Syrian revolution.

1. Causes and routes of asylum in Turkey

Since the beginning of the Arab revolutionary movements, and with the start of the Tunisian revolution, despite the fact that the popular movement that occurred in "Syria" occurred somewhat late compared to other countries, "Syria" is considered one of the Arab countries most affected by those revolutions and continues to suffer from them until now. This did not stop at being a popular movement that affected the country economically, socially, and politically only, but reached the point of the outbreak of an internal "civil" war that started and has not ceased.

Since the beginning of that revolutionary movement, more than half of the Syrian people have been forced to immigrate to other countries due to the escalation and tension of events inside Syria. Statistics indicate that the number of immigrants in Turkey is 1,667,448 refugees.

Ziv, I. N. (2015).

So today, approximately 1 million Syrian refugees reside in Turkey. This large number is only a census of those who registered their names inside Turkey, while hundreds of thousands of other refugees live there without legal status; some of them chose to stay in the camps set up by the Turkish governments to shelter them, and others adapted to life in cities and their suburbs, while others seek to migrate from it and move as far as possible from the woes and wars of the Middle East. **McCall, J. (2014).**

The reasons that compel Syrians and others to leave for Europe are numerous. Among these reasons is their belief that they will remain mere refugees in Turkey no matter how long they stay there, while they can obtain citizenship in one of the European countries after a few years and enjoy the rights of its citizens. It also includes Turkey's location, which constitutes a natural geographical gateway to Europe from its southeast. In addition, the encouragement of refugees' relatives and friends who preceded them in coming to Europe plays a role. **Nawin, S. (2016).**

Although there are multiple and complex reasons, it does not change the fact that the result is the same, which is that many Syrians are searching for an opportunity to go to Europe no matter how high the price and how many risks there are. With the increasing numbers of Syrian immigrants and the length of their stay in Turkey, the Turkish government had to act in order to find solutions to this phenomenon. It began working on taking new measures regarding granting residence to Syrian

refugees located on its territory, with the aim of limiting immigration to Europe and organizing the affairs of Syrians who have identification papers or even those who do not equally. Turkish laws proposed three types of residencies for Syrians: **Idlibi, M. (s.d.).**

- Types of residencies for Syrian refugees

1- The first residency will be allocated to all Syrians who have identification papers or even those who do not. Accordingly, they will obtain a "humanitarian refugee status" residency or what is known as temporary residency. This residency entitles Syrians to work in Turkey.

2- A tourist residency for Syrians for a period of one year, but under several conditions, the most important of which is that the Syrian refugee possesses official travel documents and a passport with which he entered the Turkish territory, in addition to the existence of a housing contract certified by the municipality for a full year, and that he possesses health insurance for a year for which he pays 800 Turkish liras annually, provided that all these papers are submitted. However, this residency does not entitle Syrians to work on Turkish territory.

3- As for the third residency, it is an investor residency granted to Syrian businessmen who invest their money inside Turkish territory.

According to the rules set by the Turkish government, Syrians who enter Turkey without passports are granted "temporary asylum" status. But they are forced to join the camps, which many of them prefer to avoid by smuggling themselves across the 822-kilometer border. Others enter legally with a passport but stay longer than the three months granted to them automatically.

A report issued by the United Nations High Commissioner for Refugees in mid-2016 estimated the number of residents in refugee camps in Turkey at about 217,000 refugees, distributed among 22 camps established by the Turkish government in the southern and southeastern provinces. This number represents a percentage of less than 10% of the total number of Syrians who entered the country as "refugees," who were estimated by the head of the Union of Syrian Civil Society Organizations in Turkey, Khidr Al-Soufi, to be around 2.9 million Syrians, constituting about half of the number of Syrians who fled the ongoing war in their country for six years.

Among the most important camps that shelter Syrian refugees are the "Öncüpinar" camp on the Syrian-Turkish border in the Kilis province, which was established in 2012 and includes about 14,000 refugees, and the "İslahiye" camp in Gaziantep, which was also established in the same year.

In addition to the "Osmaniye" camp, a process of replacing the tents and placing ready-made wooden houses instead is currently underway to shelter more than 16,000 refugees. The "Nusaybin" camp in Mardin province was opened in 2014 for Yazidi Kurdish refugees, while other refugees reside in the "Ceylanpinar" camps in Şanlıurfa province, Karkamış, and in the village of Akçakale, and in the "Kahramanmaraş" camp.

Refugees in these camps receive food aid through distribution systems ranging in value between 40 and 50 dollars per month per person. Their children receive strict compulsory education, and they are medically insured to receive treatment in Turkish hospitals and medical centers. However, outside the refugee camps, where the vast majority of Syrians reside, the situation appears different. In the 81 Turkish provinces and their towns, Syrians have managed to a large extent to build their own humanitarian activity and have become part of the natural scene of daily life in Turkey. **Idlibi, M. (s.d.).**

According to the UNHCR report, the largest number of Syrians (more than 385,000) reside in the southern province of Hatay, while more than 377,000 live in Istanbul, Turkey's largest city, and 325,000 others live in Gaziantep in southeastern Turkey. When you wander around a city like Istanbul, you hear the Arabic language in its Syrian accent present everywhere to the extent that it does not even attract the attention of the local Turks, for whom the Arabic letter has become part of the mixture of sounds that reach their ears everywhere. **Videmsek, B. (2015).**

Syrians are employed in various Turkish professions and shops, with owners valuing their presence as an advantage in communicating with Arab customers. Others find work in private commercial interests such as restaurants, barbershops, telecommunications centers, and companies offering tourism and real estate services. Turkish cities are also home to hundreds of youth associations and

gatherings engaged in diverse political, social, artistic, and other fields, as well as schools and medical clinics.

In addition to Syrians attempting to escape to the Greek islands from Turkish territory at present, the number surpasses 200 individuals per day through organizing regular trips via different methods, despite the challenges faced by smugglers due to the Turkish government's crackdown on them and efforts to curb immigration to Greece. **Turkey, R. o. (2015).**

Regarding the routes to Europe, they are numerous. Some refugees utilize Turkey as a base to reach the Scandinavian countries via Russia and the countries of Eastern Europe after traversing the Black Sea. This route is the longest and most arduous process, but it is the safest (in terms of the chances of being apprehended and returned from where they came being lower than other routes). As for the second route, it passes through Bulgaria, where refugees arrive from Turkey by land or sea. However, the Bulgarian state's reinforcement of its forces on the border with Turkey and its maritime borders has led smugglers to primarily rely on the third route. This route begins from Turkish coastal cities such as "Bodrum" and Izmir, situated on the shores of the Mediterranean Sea, and passes through one of the western Greek islands off the Turkish coast. It commences with small and multiple trips into the depth of Greek territory and from there by land to central and western Europe. This route witnesses the highest percentage of drowning incidents among refugees fleeing to Europe. **Hammoura, J. (2015).**

2. Laws combating illegal immigration before the Syrian war

Turkey fortified itself with a series of laws and agreements to combat illegal immigration, including signing the United Nations Convention against Transnational Organized Crime and its Additional Protocol on Combating the Smuggling of Migrants by Land, Sea, and Air in 2003. In parallel with these conventions and their protocol, Turkey has taken many legal measures, including:

1- Enacting a law related to work permits for foreigners in 2003. This law provided the Ministry of Labor and Social Security with the authority to issue various permits related to organizing the work and affairs of foreigners, which is intended to alleviate the severity of illegal immigration.

2- Enacting the Land Transport Law and its regulations in 2003-2004, which granted the state the power to confiscate transport vehicles proven to have smuggled immigrants and to suspend the renewal of their driving licenses for a period of three years (tightening the noose on smuggling networks).

3- Enacting Article 79 of Law No. 5237 of the Turkish Penal Code in 2005, which defined the meaning of immigrant smuggling. The article also stipulated a penalty ranging between 3- and 5-years imprisonment for immigrant smugglers and the approval of an increase of half of the penalty period in the event that the convicted person commits an act within an organized gang.

4- Turkey joined the International Organization for Migration in 2004 and enhanced its cooperation with European Union countries regarding illegal immigration. **Kilberg, R. (2014).**

The Turkish state implemented these measures related to combating illegal immigration, but they were insufficient to prevent it or even to prevent human trafficking and organ trafficking. Moreover, all these laws were introduced as part of Turkey's commitment to the demands of the European Union in order to join it, during the period between 2003-2005 when it was preparing to start accession negotiations. However, due to the failure of the negotiations after this date, updating the laws related to immigrants and illegal immigration was suspended until 2013, after the Syrian refugee crisis had eased its burdens on the Turkish state and society and later on the European Union countries as a whole. **Star . T. (2016).**

With the influx of refugees during the Syrian war, Turkey did not remain idle in the face of the exacerbation of the crisis, which linked the issue of human trafficking at the international level to its name. It enacted a number of laws and regulations and took some measures, but that only led to a reduction in the number of illegal immigrants to Europe, which we will attempt to present.

3. Post-Syrian crisis strategies and policies

With the beginning of the Syrian war and the arrival of thousands of refugees, Turkey was late in highlighting or taking legal measures, due to its conviction in the first period that the Syrian war would not last long and would end, and the Syrian immigrant refugees would return to their homeland. However, the calculations of the Syrian field with the Turkish one did not match, so Ankara began to put laws related to refugees in order to organize their conditions, which included articles dealing with illegal immigration, the most important of which is the Foreigners and International Protection Law on April 4, 2013. **Adel, I. (2017). 43-46.**

- The new law, which bore the number 6458, stipulated several basic things, the most important of which are: defining the legal formula for those coming to Turkey from Syria, and thus determining their rights and duties. It also included several reforms and measures aimed by the Turkish authorities to alleviate the refugee crisis on it, as well as to address illegal immigration from it, which in 2013 had begun to flourish greatly. Pursuant to the new law, the department concerned with registering refugees was unified, in order to alleviate the hardships of moving on their shoulders, and in order to limit refugee affairs to one administration, which contributes to collecting information about refugees, and thus knowing who among them has migrated illegally. The law also gave this department, which was established by the law under the name "General Directorate of Migration Management," the powers to propose legislation and implement plans in order to combat illegal immigration and protect its victims.

Before the end of 2015, the Turkish authorities rarely intercepted and detained human smugglers, as they were doing so in response to European and international criticism of them. However, the escalation of the illegal immigrant crisis in Europe prompted the European Union to open a dialogue with Turkey in order to search for ways to end Europe's suffering from the huge numbers of asylum seekers arriving daily. As negotiations progressed, the Turkish and European sides were able to conclude a final agreement on November 30, 2015. The agreement stipulated that Turkey should take all necessary steps to limit the flow of refugees to Europe, in exchange for the European Union's commitment to provide it with funds to help the refugees residing in it, to abolish entry visas for Turks to Europe, and to re-launch the wheel of negotiations on its accession to the European Union.

- With the implementation of the agreement, the smugglers found themselves in a crisis as they became vulnerable to facing Turkish laws and the administration of the Turkish state, which seemed to have to fulfill what it pledged with the European Union after the agreement.

Hammoura, J. (2015).

From the beginning of December 2015 until the end of April 2016, there was an increase in cases of arresting smugglers that exceeded the total number of raids and arrests that took place in the years 2014-2015. The press has recently been abuzz with news of the arrest of smugglers in Turkey. In addition, the number of asylum seekers has risen sharply, and therefore the "Immigration Department" was asked to shorten the period between the asylum application and the return, increase the number of detention places, and enhance deportation operations by communicating with foreign department officials.

Under these circumstances, the European Union and Turkey reached an agreement on May 18, 2016, to limit illegal immigration across European borders, with the declared goal being to slow down uncontrolled immigration operations and limit human smuggling through dangerous routes. The agreement included the following plan:

3.1 The agreed upon plan

- All those who arrive in Turkey after March 20, 2016, will be deported if they fail to apply for asylum. The number of these refugees reached 550 in October 2016.
- The Greek authorities are obligated to provide "rapid return routes" for refugees.
- The requests of people who need international protection will be accepted if they submit their applications through official channels.
- 18,000 places will be provided for the resettlement of immigrants in the European Union countries, and any additional needs are covered through voluntary arrangements sufficient to accommodate an additional 54,000 immigrants.
- In return for every person returned to Turkey, the European country pledges to settle a Syrian refugee living in one of its camps (the 1-1 resettlement program). Priority is given to people who have not previously attempted to enter the European Union countries illegally.
- The European Union continues to provide humanitarian assistance to Syrians, as it allocated an initial amount of 140 million euros for "life-saving" activities. **Adel, I. (2017). 43-46.**

Of course, this agreement had several gains for Turkey, including:

- Turkey's main objective behind the agreement was to include Turkish citizens in the "Schengen" economic zone and allow them to travel without a visa.
- The European Union pledged to provide \$3 billion to assist Turkey in bearing the burden of refugees, in addition to another \$3 billion expected to be paid by the Union in 2018.
- The two sides agreed to revive talks on Turkey's efforts to join the European Union. **News, H. D. (2015).**

Despite good intentions, the agreement between the European Union and Turkey led to many legal and humanitarian concerns:

- Article 4 of the European Convention on Human Rights Protocol No. 4 prohibits the collective expulsion of foreigners. Instead, they should be given the right to international protection, followed by a case-by-case review. However, this article has been repeatedly violated by expelling asylum seekers outside European waters (such practices have been widely reported in Turkish and Greek seas).
- In the months following the conclusion of the agreement, 13 asylum seekers were reportedly deported from Greece without being allowed to register their asylum applications, and the Greek police claimed that they "forgot" to submit their applications. This is considered a violation of international law and the agreement itself.
- It was also reported that about 20 people who arrived in March 2016 were deported from the "Chios" and "Ievsus" camps and returned without serious consideration of their asylum applications, in violation of the principle of non-refoulement and the 1951 Refugee Convention. **Adel, I. (2017).**

There are major concerns about Turkey being a safe country following the many violations committed against both Syrian refugees, including forced deportation, beating, and shooting at borders.

Under EU law, European countries can reject applications for international protection as long as applications can be sent to a non-member country that meets the conditions of a safe third country. These conditions include, among other things, respect for the principle of non-refoulement, and a legitimate passage to obtain refugee status and protection as required under the 1951 United Nations Refugee Convention. In addition, discrimination based on race, religion, nationality, or political opinion must be stopped.

3.2 In light of these requirements, there are several reasons to say that Turkey has many obstacles ahead of it

- Although Turkey is a signatory to the 1951 Refugee Convention and the 1967 Additional Protocol, the scope of this agreement is limited to persons who have become refugees as a result of events occurring in Europe.

- The "one-for-one resettlement" program does not apply to asylum seekers from countries other than Syria, so it does not guarantee protection to 53 percent of refugees coming to Greece from Turkey. **News, H. D. (2015).**

Following these events, a delegation of European Parliament members, namely Cornelia Ernst, Marina Albiol, and Josu Juaristi, visited Turkish detention centers on May 24, 2016, where both adults and children (including those unaccompanied) live in inhumane conditions and overcrowding. In addition, their phones were confiscated upon arrival, and they were given very limited health care, sometimes none at all. Furthermore, they were not informed of their rights and obligations in their own languages.

The report after the delegation's trip includes the following points: Şen, B. (2016)

1- The people who were deported from Greece did not get any opportunity to seek asylum, neither in Greece nor in Turkey.

2- Detention is in the form of a prison, even for children. Inmates are being held in isolation from the outside world.

3- The expulsion of refugees to Turkey by the Bulgarian and Greek police forces was also documented, and the residents gave horrific testimonies about the consequences of closing the Turkish-Syrian border.

After the return of refugees to Turkey, their living conditions deteriorated. In theory, Turkish law on the protection of foreigners grants all basic rights in line with EU legislation to migrants, asylum seekers, and refugees, such as obtaining legal advice, prohibiting torture and ill-treatment, as well as extending protection. However, in practice, the management of the deportation centers seems to violate these rules, as lawyers and non-governmental organizations have filed many formal complaints about some practices, which portends a deterioration of the situation in Turkey. **News, C. (2015).**

Following these controversial practices in Turkey, refugees refrained from applying for legal asylum center registration. However, with the closing of the Aegean Sea, immigrants were forced to choose more dangerous and more expensive alternative trips across the Mediterranean towards Italy. For example, in March 2016, after the Turkish-European agreement was finalized, the Italian Coast Guard witnessed the highest rate of immigrant influx despite the great risks. The number of those rescued in one day reached about 1,500 immigrants.

During the following months, many accidents were reported, bringing the total number of deaths in 2016 to more than 5,000 immigrants, which is the highest percentage recorded in the Mediterranean. **News, C. (2015).**

As an opposite result to the goals of the Turkish-European agreement, which included creating a path for asylum seekers and reducing the chances of more illegal immigration, the agreement increased the likelihood of refugee and migrant smuggling operations. Interpol reports that 90 percent of irregular trips to Europe are facilitated by smugglers, and in many cases, smugglers engage in sexual exploitation instead of receiving money in exchange for the smuggling operation.

5-CONCLUSION:

Asylum is a global phenomenon that all societies face, as it does not take countries as a template for it, but it necessarily passes through them, taking several forms, which necessitates the concerted efforts of all countries to address it. The matter requires strictly and firmly monitoring the borders, as well as scrutinizing the travel documents used while providing effective security means to ensure security in movement. It also requires a strong mobilization of the international community with significant ratification of international agreements and their alignment with national legislation to address this phenomenon.

What remains to be relied upon in this context is achieving compatibility between national law and the principles stipulated in international agreements related to immigration and asylum affairs and the right to movement and travel as a human right. It must also be noted that all countries must

respect international human rights agreements in general, abide by their content, and work on aligning their national legislation with them. In them, sovereignty should be to the law, which is evidence of their respect for the will of the international community, and they work to bring everything that is good for humans and humanity in general, and the good of their citizens in particular. So that the phenomenon imposed by many motives and circumstances can be addressed. However, with the unprecedented influx of refugees into various countries, especially Turkey, whether pushed by the Syrian war or coming from sub-Saharan Africa as a result of wars and economic conditions, it posed a huge challenge to these countries. Asylum was declared a "crisis" in 2015 due to two important factors: first, the policies of these countries are insufficient, and second, the lack of political will to effectively and humanely respond to the influx of asylum seekers.

Reform attempts have focused on legislative aspects that are difficult to achieve on the ground. Despite Turkey adopting a settlement policy (1-1) as a settlement agreement with the European side, the situation still faces a number of obstacles at the level of implementing new strategies for dealing with African migrants and Syrian refugees. This is acknowledged by human rights and humanitarian organizations, as we still need laws that take into account the humanitarian and civilized aspects in dealing with this phenomenon.

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