

A COMPARATIVE ANALYSIS OF EXIT STRATEGIES FROM TEMPORARY PROTECTION IN THE EUROPEAN UNION AND TÜRKİYE*

Avrupa Birliği Hukuku ve Türk Hukukunda Geçici Korumadan Çıkış Stratejilerine İlişkin Karşılaştırmalı Bir Analiz

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Abstract

The protection of 4.3 million Ukrainians in the European Union (EU) and 2.2 million Syrians in Türkiye constitutes the two most significant applications of temporary protection today. Both regimes have reached a critical juncture where the focus is shifting from admission and reception to the formulation of exit strategies. While the EU has extended temporary protection until March 2028, Türkiye's regime is entering its fifteenth year. This article compares the emerging exit strategies from temporary protection in these two jurisdictions. It argues that while both regimes rely heavily on executive discretion for the termination of the regime and look-and-see mechanisms to facilitate voluntary returns, they diverge significantly on long-term solutions: the EU is adopting a dual-track approach offering both integration and voluntary return as potential options, whereas Türkiye, so far, remains focused on voluntary return but has not developed a comprehensive exit strategy.

Keywords: Temporary protection, exit strategies, termination of temporary protection, durable solutions, look-and-see visits, voluntary return

Özet

Ocak 2026 itibarıyla Avrupa Birliği'ndeki yaklaşık 4.3 milyon Ukrayna vatandaşının ve Türkiye'de ise 2.2 milyon Suriye vatandaşının geçici koruma statüsü ile korunması, günümüzde geçici korumanın en önemli iki uygulamasını teşkil etmektedir. Her iki örnekte de geçici korumanın sonlandırılmasına ilişkin politikaların

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geliştirilmesi önem arz etmektedir. AB geçici koruma rejimini 2028 yılına kadar uzatırken, Türkiye'nin geçici koruma rejimi, 2024 sonlarında Suriye'deki rejim değişikliğinin ardından on beşinci yılına girmektedir. Bu makale, AB ve Türkiye'de hem hukuki metinlerde hem de politika belgelerinde yer bulan geçici korumadan çıkış stratejilerini karşılaştırmalı olarak incelemektedir. İnceleme konusu her iki rejim de statünün sona erdirilmesinde idarenin takdir yetkisini tanımakta ve gönüllü geri dönüş süreçlerinde 'bak ve gör' ziyaretlerini önemli bir araç olarak kullanmaktadır. Bununla birlikte, kalıcı çözümler noktasında iki sistem arasında belirgin bir ayrım söz konusudur: AB, geçici koruma statüsü sahiplerinin Üye devletlere entegrasyonunu ve aynı zamanda Ukrayna'ya gönüllü geri dönüşünü benimseyen çift yönlü bir geçiş planı öngörürken; Türkiye, şu ana kadar gönüllü geri dönüşü teşvik etmiş ancak kapsamlı bir geçici korumadan çıkış stratejisi ilan etmemiştir.

Anahtar Kelimeler: Geçici koruma, geçici korumadan çıkış stratejileri, geçici korumanın sona ermesi, kalıcı çözümler, bak ve gör ziyaretleri, gönüllü geri dönüş

INTRODUCTION

Temporary protection is “a flexible tool of international protection, which offers sanctuary for a limited period of time to persons fleeing humanitarian crises”.¹ Similarly, temporary protection can be regarded as an “exceptional, emergency, time-bound response” designed to address mass influx of individuals fleeing persecution, armed conflict, or systemic human rights violations.² As observed by Goodwin-Gill, McAdam, and Dunlop, temporary protection serves as a pragmatic instrument for managing sudden displacement where individualised refugee status determination (RSD) is impractical.³ Notably, however, international law lacks a defined maximum duration for temporary protection status and establishes no clear threshold for its termination.⁴

Both the European Union (EU) and Türkiye are navigating this dilemma. The temporary protection of 4.3 million Ukrainians in the EU⁵ and 2.2 million

¹ Meltem Ineli-Ciger and Achilles Skordas, ‘Temporary Protection’ (2019) Max Planck Encyclopedia of Public International Law.

² Guy S. Goodwin-Gill, Jane McAdam, and Emma Dunlop. *The Refugee in International Law* (OUP 2021) 292, 293.

³ *ibid.*, 292.

⁴ *ibid.*, 292; Joan Fitzpatrick, ‘The End of Protection: Legal Standards for Cessation of Refugee Status and Withdrawal of Temporary Protection’ (1998) 13 *Geo Immigr LJ* 343, 345.

⁵ Eurostat, ‘Temporary protection for 4.33 million in November 2025’ (12 January 2026) <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20260112-1> accessed 20 January 2026.

Syrians in Türkiye⁶ represent the most significant contemporary applications of the temporary protection schemes. The political landscape, however, has shifted fundamentally since the establishment of these regimes. In Türkiye, the collapse of the Assad regime in December 2024 accelerated the push for voluntary return, exemplified by the look-and-see visits enacted in 2025 and increased the voluntary return rates.⁷ Simultaneously, the EU extended temporary protection for Ukrainians until March 2028, shifting focus toward coordinated exit strategies.⁸

Although substantial scholarship addresses temporary protection and its termination⁹, as well as the specific temporary protection regime applicable to Syrians in Türkiye¹⁰

⁶ This is as of 22 January 2026, Turkish Presidency of Migration Management, Statistics-Temporary Protection, <<https://www.goc.gov.tr/gecici-koruma5638>> accessed 20 July 2026.

⁷ Cf. Section III.B.

⁸ Cf. Section II.B-C; Council of the EU Press Release, EU countries agree to extend temporary protection for those fleeing Ukraine until March 2028, 15 July 2026, <https://www.consilium.europa.eu/en/press/press-releases/2026/07/15/eu-countries-agree-to-extend-temporary-protection-for-those-fleeing-ukraine-until-march-2028/>, accessed 18 July 2026.

⁹ The relevant literature on the evolution and conceptualisation of temporary protection includes foundational works such as GJL Coles, ‘Temporary Refuge and the Large-Scale Influx of Refugees’ (1978) 8 Australian Yearbook of International Law 189; Joanne Thornburn, ‘Transcending Boundaries: Temporary Protection and Burden-Sharing in Europe’ (1995) 7 International Journal of Refugee Law 459; James C Hathaway and Richard A Neve, ‘Making International Refugee Law Relevant Again: A Proposal for Collectivized and Solution-Oriented Protection’ (1997) 10 Harvard Human Rights Journal 115; Joan Fitzpatrick, ‘Temporary Protection of Refugees: Elements of a Formalized Regime’ (2000) 94(2) American Journal of International Law 279; Alice Edwards, ‘Temporary Protection, Derogation and the 1951 Refugee Convention’ (2012) 13(2) Melbourne Journal of International Law 595; Jean-François Durieux, ‘Temporary Protection: Hovering at the Edges of Refugee Law’ (2014) 45 Netherlands Yearbook of International Law 221; and Meltem İneli-Ciger, *Temporary Protection in Law and Practice* (Brill 2018).

¹⁰ Feyzi Baban, Suzan Ilcan and Kim Rygiel, *The Precarious Lives of Syrians: Migration, Citizenship, and Temporary Protection in Turkey* (McGill-Queen’s University Press 2021); Esra Yılmaz Eren, “Is Temporary Protection Eternal? The Future of Temporary Protection Status of Syrians in Turkey” (2019) 9(2) Border Crossing 125; Sarah Bidinger, “Syrian Refugees and the Right to Work: Developing Temporary Protection in Turkey” (2015) 33 BU Int’l LJ 223; Ayselin Yıldız and Elif Uzgören, “Limits to Temporary Protection: Non-camp Syrian Refugees in İzmir, Turkey” (2016) 16(2) Southeast European and Black Sea Studies 195; Meltem İneli-Ciger, “Implications of the New Turkish Law on Foreigners and International Protection and Regulation No. 29153 on Temporary Protection for Syrians Seeking Protection in Turkey” (2015) 4(2) Oxford Monitor of Forced Migration 28; Nuray Ekşi, “Suriyelilere Toplu Olarak Türk Vatandaşlığı Verilebilir mi?” (2015) 89(2) İstanbul Barosu Dergisi 196; Sibel Özel, “Türkiye’deki Suriyelilerin Hukuki Statüsü” (2020) 17(2) Yeditepe Üniversitesi Hukuk Fakültesi Dergisi 722; Zeynep Derya Tarman, “Syrians under Temporary Protection and Their Acquisition of Turkish Citizenship” (2023) 73 Annales de la Faculté de Droit d’Istanbul 97.



and Ukrainians in the European Union¹¹, a comparative analysis of exit strategies in these jurisdictions¹² does not exist at the time of writing. This article¹³ seeks to address this gap by scrutinising the legal frameworks governing the collective termination of temporary protection and what follows the termination for the temporarily protected persons in 2026, utilising the EU and Türkiye as case studies. In doing so, it addresses the following research question: what are the similarities and differences between Turkish law and European Union law regarding the termination of temporary protection, and how do these frameworks regulate the legal status of beneficiaries' post-cessation? The analysis proceeds through a critical examination of relevant legislation and applicable policy documents in both jurisdictions.

The article is structured into three main parts. The first part establishes the conceptual framework and legal significance of exit strategies. The second part scrutinises the evolving EU transition framework for Ukrainian temporary

¹¹ Sergio Carrera and others, 'The EU Grants Temporary Protection for People Fleeing War in Ukraine' (2022) 9 CEPS Policy Insights 1; Sandra Mantu, Karolina Miranda Zwaan and Tineke Strik (eds), *The Temporary Protection Directive: Central Themes, Problem Issues and Implementation in Selected Member States* (2023); Tamara Kortukova and others, 'Peculiarities of the Legal Regulation of Temporary Protection in the European Union in the Context of the Aggressive War of the Russian Federation against Ukraine' (2023) 36(2) *Int J Semiot Law* 667; Florian Trauner and Gabriele Valodskaite, 'The EU's Temporary Protection Regime for Ukrainians: Understanding the Legal and Political Background and Its Implications' (2022) 23(4) *CESifo Forum* 22; Maja Łysienka, 'Following the EU Response to the Russian Invasion of Ukraine? The Implementation of the Temporary Protection Directive in Poland' (2023) 12(1) *CEEMR* 183.

¹² There are notable works comparing the temporary protection regimes in the EU and Türkiye. Cf. Neva Övünç Öztürk, 'Temporary Protection Practice in Türkiye and in the EU: A Flexible, Pragmatic Solution or a Janus-faced Image for the Access to International Protection?' (2022) 60 *International Migration* 5; Elçin Doğa, 'Türkiye'de Bulunan Suriyelilere Uygulanan Geçici Koruma Statüsü 2001/55 Sayılı Avrupa Konseyi Yönergesi İle Geçici Koruma Yönetmeliği Arasındaki Benzerlik ve Farklılıklar' (2016) 124 *Türkiye Barolar Birliği Dergisi* 9; Rukiye Gülerce, 'Temporary Protection Status Practices in the Context of Human Rights in Türkiye and European Union' (2024) 3(1) *TAM Akademi Dergisi* 3.1 1-18; İrem Şengül, 'Unpacking Temporary Protection of Refugees: Failure of Durable Solutions and Uncertainties' (2022) 13(1) *İnönü Üniversitesi Hukuk Fakültesi Dergisi* 16-28; an excellent analysis emerged during the peer review process of this article on the legal thresholds governing the end of temporary protection and return of the temporary protection beneficiaries. Cf. Yasemin Karadağ Avcı, 'An International Law Perspective on the Return of Syrians under Temporary Protection in Türkiye: An Assessment Based on Comparative Experiences' (2026) 19(1) *Hitit Journal of Social Sciences* 72, 72–91.

¹³ For an article building on the comparative analysis here and arguing that the transition from temporary protection must be managed through structured administrative bridges to ensure full conformity with international law, cf. Meltem İneli Cığır, 'Transitioning from Temporary Protection in Conformity with International Law: The Case for Administrative Bridges' (forthcoming 2026) *International Journal of Refugee Law*.

protection beneficiaries whereas, the third part evaluates the Turkish model considering recent regional developments, before concluding with a comparative analysis of the two systems.

This article specifically scrutinises the collective exit strategies and the structured legal and policy frameworks employed by host states to terminate a temporary protection regime and transition beneficiaries into individualised durable solutions. It is essential to distinguish these group-based transitions from individualised termination grounds, such as those outlined in Article 12 of the Turkish Temporary Protection Regulation (TPR), which include voluntary departure, relocation to a third country, or the acquisition of Turkish citizenship. While individual termination occurs through specific personal circumstances or administrative cancellations as per Article 12(2-3) of the TPR, the scope of this study is limited to the collective termination of the regime as a whole. A similar distinction exists within the European Union framework. The Council of the EU activated mandatory temporary protection for clearly defined groups specifically Ukrainian nationals, those with refugee status or equivalent protection in Ukraine, and their family members.¹⁴ However, for the optional categories, such as third-country nationals who were legally residing in Ukraine and cannot return safely, Member States may decide under Article 7 of the Temporary Protection Directive whether to grant protection on an individual or group basis. By centering the analysis on collective frameworks rather than these, case-by-case administrative cessations or optional individualised assessments, this study addresses the strategic governance challenges inherent in resolving the status of millions of displaced persons simultaneously. Consequently, as a limitation of this research, individual termination grounds and their specific administrative implementation are not explored here.

I. EXIT STRATEGIES FROM TEMPORARY PROTECTION: CONCEPTUAL FRAMEWORK AND LEGAL SIGNIFICANCE

In the context of mass displacement, an ‘exit strategy’ from temporary protection can be defined as the structured legal and policy framework employed by host states to terminate a temporary protection regime and transition beneficiaries into individualised durable solutions. The term, a recent favourite of the European Commission and the Council¹⁵, encompasses the policies and laws regulating the post-termination status of the temporarily protected groups. Unlike the activation or formal termination of temporary protection which are typically defined by singular executive acts the exit from such regimes constitutes a complex, multi-

¹⁴ Cf. Section II-A.

¹⁵ Council Recommendation (EU) 2025/5129 of 16 September 2025 on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine [2025] OJ C/2025/5129.



layered process. It entails the phasing out of group-based protection status while simultaneously resolving the future of millions of displaced individuals.

The significance of exit strategies lies in their capacity to bridge the ‘governance gap’ that emerges when temporary regimes conclude. As previously mentioned, temporary protection constitutes a time-limited status granted to persons fleeing humanitarian crises, functioning mostly as an exceptional response to a ‘mass influx’.¹⁶ Mass influx, which is often used interchangeably with ‘large-scale influx’ or arrival *en masse*, is defined as the sudden and large-scale arrival of persons across international borders necessitating an immediate protection response.¹⁷ However, international law prescribes neither a definitive maximum duration for this status nor specific legal pathways mandated upon its termination.¹⁸

Consequently, when temporary protection regimes end, host states face a critical gap where the suspension of group rights threatens to push beneficiaries into irregularity before durable solutions are secured.¹⁹ This highlights a tension long observed in refugee law scholarship: while temporary protection serves as a pragmatic response to mass influx, it risks detaching protection from durability if not actively bridged to permanent solutions.²⁰ Without a clear legal interface between the cessation of temporary status and the resumption of ordinary migration controls, temporary protection beneficiaries may be left in a precarious limbo.²¹

¹⁶ Meltem Ineli-Ciger and Achilles Skordas, ‘Temporary Protection’ (October 2019) *Max Planck Encyclopedia of Public International Law* (OUP); Meltem Ineli-Ciger, *Temporary Protection in Law and Practice* (Brill 2018).

¹⁷ Meltem Ineli-Ciger, ‘Mass Influx’ in Vincent Chetail (ed), *Elgar Concise Encyclopedia of Migration and Asylum Law* (Edward Elgar 2025).

¹⁸ UNHCR, ‘Summary Conclusions on Temporary Protection: Roundtable on Temporary Protection, 19–20 July 2012’ (20 July 2012) 11; Meltem Ineli-Ciger, ‘A Temporary Protection Regime in Line with International Law: Utopia or Real Possibility?’ (2016) 18(3–4) *Int’l Community L Rev* 278.

¹⁹ İrem Şengül, ‘Unpacking Temporary Protection of Refugees: Failure of Durable Solutions and Uncertainties’ (2022) 13(1) *İnönü Üniversitesi Hukuk Fakültesi Dergisi* 16.

²⁰ Susan Akram and Terry Rempel, ‘Temporary Protection as an Instrument for Implementing the Right of Return for Palestinian Refugees’ (2004) 22(1) *BU Int’l LJ* 1.

²¹ Existing literature has also illuminated how prolonged temporary protection statuses around the world can produce precarious legal conditions, prevent successful integration, and generate policy failures for both host states and protected populations. On the US Temporary Protected Status, cf. Bill Frelick, ‘What’s Wrong with Temporary Protected Status and How to Fix It: Exploring a Complementary Protection Regime’ (2020) 8(1) *JMHS* 42; on Türkiye’s TP status cf. Suzan Ilcan, Kim Rygiel and Feyzi Baban, ‘The Ambiguous Architecture of Precarity: Temporary Protection, Everyday Living and Migrant Journeys of Syrian Refugees’ (2018) 4(1–2) *IJMB* 51; İrem Şengül, ‘Rethinking Temporary Protection in Turkey: Legality, Uncertainty and Homemaking in the City of Gaziantep’ (PhD thesis, University of Warwick 2019).

Theoretically, the termination of temporary protection should lead to one of the three classic durable solutions available for refugees: repatriation, local integration, or resettlement.²² However, applying these traditional frameworks to temporary protection beneficiaries presents distinct legal challenges. To begin with, while temporary protection beneficiaries are forcibly displaced, and a significant proportion would likely qualify as Convention refugees, it is legally imprecise to assume that *all* beneficiaries hold such status. Consequently, the direct application of International Refugee Law mechanisms, such as the strict cessation clauses provided in Article 1 C of the 1951 Convention, is not entirely normatively coherent. Because the status is group-based rather than individually assessed, the cessation of temporary protection does not automatically equate to the cessation of protection needs under international law.

The operational reality of protracted temporary protection often renders the preferred solution of immediate return unviable. As evidenced by the fifteen-year displacement of Syrians in Türkiye and the extension of Ukrainian protection beyond the statutory three-year limit in the EU²³, temporary status frequently persists long past the immediate emergency.²⁴ In such contexts, the expectation that root causes will resolve swiftly is often unrealistic.

Exit strategies matter because the transition is rarely a linear progression toward a single outcome. Current state practices reveal a bifurcated pathway: states increasingly offer integration options contingent upon strict socio-economic markers such as employment, education while simultaneously deploying ‘look-and-see’ visits to incentivise return. This binary approach creates a residual grey zone. Vulnerable individuals who neither qualify for merit-based permits nor can safely return face a precarious legal reality. If exit strategies are not designed with specific legal safeguards, this transition risks devolving into constructive refolement, where administrative coercion renders stay intolerable, forcing beneficiaries to return against their will.²⁵

²² UNHCR Executive Committee, ‘Conclusion on International Protection’ (2000) No 89; UNGA, ‘Report of the United Nations High Commissioner for Refugees: Part II: Global Compact on Refugees’ (2018) UN Doc A/73/12 (Part II); James C Hathaway, *The Rights of Refugees under International Law* (2nd edn, CUP 2021) 1128.

²³ Meltem İneli-Ciger, ‘Legal Landmine: The Risky Proposition of Extending the Application of the EU Temporary Protection Directive beyond March 2025’ (EU Law Analysis, 31 May 2024) <https://eulawanalysis.blogspot.com/2024/05/legal-landmine-risky-proposition-of.html> accessed 30 January 2026.

²⁴ İrem Şengül, ‘Unpacking Temporary Protection of Refugees: Failure of Durable Solutions and Uncertainties’ (2022) 13(1) İnönü Üniversitesi Hukuk Fakültesi Dergisi 16, 25.

²⁵ Penelope Mathew, ‘Constructive Refoulement’ in Juss ed. *Research Handbook on International Refugee Law* (Edward Elgar 2019) 207.

In conclusion, exit strategies represent more than a mere administrative formality; they constitute the primary regulatory mechanism determining the legal status and future of millions of displaced persons. The significance of these strategies is underscored by the absence of a unified international treaty framework governing the post-protection phase, leaving the transition to be managed through a fragmented mosaic of legal principles. In this normative vacuum, states often exercise broad discretion, which heightens the risk of infringing upon the principle of *non-refoulement*.²⁶ Unless exit strategies are anchored in precise legal safeguards, the transition out of temporary protection risks institutionalising constructive refoulement, where administrative coercion and protracted legal uncertainty render continued stay untenable, effectively forcing returns in violation of international obligations.

II. EXIT STRATEGIES FROM TEMPORARY PROTECTION IN THE EUROPEAN UNION

A. A Brief Overview of the Temporary Protection Regime in the EU

The European Union adopted the Council Directive 2001/55/EC²⁷ (Temporary Protection Directive) in 2001. Designed as an emergency measure, the Directive aimed to provide a coordinated EU response to a mass influx of third-country nationals by setting minimum standards for temporary protection within the Union. The Temporary Protection Directive remained obsolete until March 2022.²⁸ In response to the mass displacement caused by Russia's full-scale invasion of Ukraine, the Council activated the Temporary Protection Directive for the first time on 4 March 2022. The Council granted temporary protection to the following groups²⁹ displaced from Ukraine due to the Russian invasion that

²⁶ The most concrete limitation on any exit strategy from temporary protection is the principle of *non-refoulement*. This principle is codified in Article 33 of the 1951 Convention and prohibits a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group, or political opinion. Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137, art 33(1). Elihu Lauterpacht and Daniel Bethlehem, 'The Scope and Content of the Principle of Non-refoulement: Opinion' in Erika Feller, Volker Türk and Frances Nicholson (eds), *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection* (CUP 2003) 87.

²⁷ 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 and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof OJ L 212, 7.8.2001.

²⁸ Meltem Ineli-Ciger, 'Has the Temporary Protection Directive Become Obsolete?: An Examination of the Directive and its Lack of Implementation in View of the Recent Asylum Crisis in the Mediterranean' in *Seeking Asylum in the European Union* (Brill 2015) 223.

²⁹ Cf for eligibility for temporary protection, Meltem Ineli-Ciger, 'Beyond Temporariness:

began on 24 February 2022: Ukrainian nationals residing in Ukraine before that date and their family members, as well as non-Ukrainians who had refugee status or equivalent protection in Ukraine before 24 February 2022 and their family members.³⁰ Member States were permitted, under Article 7 of the Directive, to extend temporary protection to other individuals who were legally residing in Ukraine and who are unable to return to their country or region of origin under safe and durable conditions.³¹

Temporary protection status provides persons fleeing Russian aggression with immediate access to legal residence through residence permits, healthcare, education, and employment as per Chapter III of the Temporary Protection Directive. A particularly notable feature of the Council's application of the Temporary Protection Directive was its recognition of the agency of displaced Ukrainians: temporary protection beneficiaries were permitted to choose the Member State in which to seek and register for temporary protection.³²

B. Exit Strategies in the Temporary Protection Directive

Under Article 6 of the Temporary Protection Directive, temporary protection shall come to an end (a) when the maximum duration has been reached; or (b) at any time, by Council Decision adopted by a qualified majority on a proposal from the Commission on the basis that “the situation in the country of origin is such as to permit the safe and durable return of those granted temporary protection with due respect for human rights and fundamental freedoms and Member States’ obligations regarding non-refoulement.”³³ A textual and systematic reading of the Directive shows that the temporal limit is three years.³⁴ However, the Council's decision to extend temporary protection until March 2028³⁵ exceeds the three-year maximum and raises serious concerns about how

Policy Options for Ukrainians under EU Temporary Protection in 2025' (2025) https://www.coleurope.eu/sites/default/files/research-paper/Ineli-Ciger_CEPOB_2-2025.pdf accessed 30 January 2026.

³⁰ Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine [2022] OJ L 71/1.

³¹ *ibid.*, Article 2(3).

³² Case C-753/23 A.N. v Ministerstvo vnitra ECLI:EU:C:2025:133, Judgment of the Court (Tenth Chamber), 27 February 2025; Meltem Ineli-Ciger, 'The CJEU Rules on Multiple Temporary Protection Applications but Leaves Key Questions Unanswered in Case C-753/23 (Krasiliva)' EU Law Analysis (March 2025) <https://eulawanalysis.blogspot.com/2025/03/the-cjeu-rules-on-multiple-temporary.html> accessed 30 January 2026.

³³ Article 6(2) of the Temporary Protection Directive.

³⁴ *ibid.*

³⁵ Council of the EU, 'EU Member States Agree to Extend Temporary Protection for Refugees from Ukraine' (Press release, 13 June 2025) <https://www.consilium.europa.eu/en/press/press-releases/2025/06/13/eu-member-states-agree-to-extend-temporary-protection-for->



long the European temporary protection regime can and will continue.³⁶ While the Commission justifies the extension on policy grounds, ongoing instability in Ukraine and risks to asylum systems³⁷, it lacks a valid legal basis under the current Directive.³⁸ Furthermore, the vague language about ending the temporary protection of Ukrainians “at some future point” in the Commission Proposals of June 2025³⁹ risks indefinite extension.

Chapter V (Article 20-23) of the Temporary Protection Directive regulates what happens once temporary protection ends.⁴⁰ Upon the cessation of temporary protection, Article 20 of the Directive stipulates that the general laws on protection and aliens in the Member States resume application. Under Article 21, Member States must facilitate voluntary return with respect for human dignity and informed consent, potentially allowing for exploratory visits and the extension of reception conditions until the point of departure. For those ineligible for further stay, Article 22 mandates that enforced returns be conducted in a humane manner and requires authorities to evaluate any compelling humanitarian circumstances that may render return unreasonable. Finally, Article 23 provides critical safeguards for vulnerable individuals, prohibiting the expulsion of those unable to travel due to serious health conditions and permitting families with minor children to remain until the conclusion of the current school term.

Besides the mentioned provisions, Article 17 of the Temporary Protection Directive affirms that individuals benefiting from temporary protection may apply

refugees-from-ukraine/ accessed 30 January 2026.

³⁶ Meltem Ineli-Ciger, ‘Towards Temporary Prolonged Protection?’ (EU Migration Law Blog, 10 June 2025) <https://eumigrationlawblog.eu/towards-temporary-prolonged-protection/> accessed 30 January 2026.

³⁷ *ibid.*

³⁸ For a similar interpretation of the maximum time limit cf cf Achilles Skordas, ‘Temporary Protection Directive 2001/55/EC’ in Daniel Thym (ed), *EU Immigration and Asylum Law: Commentary* (2nd edn, CH Beck/Hart/Nomos 2022) 1193; Elspeth Guild and Kees Groenendijk, ‘Temporary Protection and the Future of Ukrainians in the EU’ in SA Mantu, KM Zwaan and MHA Strik (eds), *The Temporary Protection Directive: Central Themes, Problem Issues and Implementation in Selected Member States* (2023) 105; Steve Peers, ‘Temporary Means Temporary?’ (EU Law Analysis, 4 June 2025) <http://eulawanalysis.blogspot.com/2025/06/temporary-means-temporary-commission.html> accessed 30 January 2026.

³⁹ The Commission notes, “At some future point in time, when the circumstances change to allow for sufficient certainty about the situation in Ukraine, and in particular the conclusion that safe and durable conditions for return would exist, temporary protection will need to come to an end.” Commission, ‘Proposal for a Council Recommendation on a Coordinated Approach to the Transition out of Temporary Protection for Displaced Persons from Ukraine’ COM (2025) 651 final.

⁴⁰ An analysis on these cf. Achilles Skordas, Temporary Protection Directive 2001/55/EC in Daniel Thym (ed), *EU Immigration and Asylum Law: Commentary* (2nd edn, C H Beck/Hart/Nomos 2022) 1215-1219.

for asylum, which, according to the CJEU, includes both the refugee status and subsidiary protection status⁴¹ at any time, and that any applications not processed before the end of the temporary protection period must be completed thereafter. While asylum remains an available option, Chapter V makes clear that return is the preferred outcome once temporary protection ceases.

The CJEU affirmed that as long as an individual continues to enjoy temporary protection status in a Member State and they cannot, therefore, be issued a return decision.⁴² The Court stressed that issuing a return decision prematurely, i.e. when temporary protection status is still valid, undermines procedural safeguards and fails to respect the legal rights of individuals while their residence is still lawful.⁴³ Apart from the Kaduna decision, the CJEU has yet to provide definitive guidance on the procedural termination of temporary protection or the legal framework that will supersede it.

C. Exit Strategies set by the Commission and the Council

In June 2025, the European Commission formalised a comprehensive three-part strategy to facilitate a coordinated phase-out of temporary protection.⁴⁴ This three-document package, introduced on 4 June 2025, consisted of a proposal to further extend temporary protection until 4 March 2027⁴⁵, a proposal on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine⁴⁶ and a communication titled “A predictable and common European way forward for Ukrainians in the EU”.⁴⁷ The transition framework, proposed by the European Commission and subsequently adopted with modifications via Council Recommendation (EU) 2025/5129⁴⁸, establishes two primary durable

⁴¹ Case C-195/25 *Framholm* ECLI:EU:C:2025:904; Case C-244/24 *Kaduna* ECLI:EU:C:2024:1038, para 127.

⁴² Case C-244/24 *Kaduna* (Joined Cases C-244/24 and C-290/24), ECLI:EU:C:2024:1038, para 147.

⁴³ *ibid*, para 158.

⁴⁴ for an analysis of the Commission Proposals of June 2025, Meltem İneli-Ciger, ‘Beyond Temporariness: Policy Options for Ukrainians under EU Temporary Protection in 2025’ (College of Europe Policy Brief 2/2025, 2025) https://www.coleurope.eu/sites/default/files/research-paper/İneli-Ciger_CEPOB_2-2025.pdf accessed 30 January 2026.

⁴⁵ Commission, ‘Proposal for a Council Implementing Decision extending temporary protection, as introduced by Implementing Decision (EU) 2022/382, until 4 March 2027’ COM(2025) 650 final.

⁴⁶ Commission, ‘Proposal for a Council Recommendation on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine’ COM (2025) 651 final.

⁴⁷ Commission, ‘Communication on a predictable and common European way forward for Ukrainians in the EU’ COM (2025) 649 final.

⁴⁸ Council Recommendation (EU) 2025/5129 of 16 September 2025 on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine [2025] OJ



pathways: the regularisation of integrated individuals through alternative legal residence statuses within the Union, and the facilitation of voluntary return to Ukraine, contingent upon the existence of safe and durable conditions.

1. Integration in the host EU Member States

To begin with, the Council Recommendation encourages Member States to facilitate the transition of temporary protection beneficiaries into alternative national residence statuses.⁴⁹ Where conditions for legal residence on other grounds are met, Member States are advised to promote permits based on employment, self-employment, professional training, education and research, or family reunification. In addition to national schemes, the Council Recommendation explicitly identifies existing EU migration instruments such as the Students and Researchers Directive (EU) 2016/801, the Blue Card Directive (EU) 2021/1883 and the Single Permit Directive (EU) 2024/1233, as viable pathways.⁵⁰ The Council emphasises that Member States should promote these statuses by providing clear information on the advantages and rights they confer in comparison to temporary or international protection. However, beneficiaries must be informed that they cannot concurrently hold temporary protection status and an authorisation to reside in the Member States granted under these Directives.⁵¹

2. Voluntary return and reintegration strategy

While return is framed as the ultimate objective provided that safe and durable conditions exist in Ukraine, the 2025 strategy of the Commission and the Council operationalises Chapter V of the Temporary Protection: To promote informed decision-making, Member States are called upon to facilitate ‘self-funded exploratory visits to Ukraine’.⁵² These are conceptualised as confidence-building measures allowing beneficiaries to assess property, infrastructure, and safety without immediate loss of status. Per the Council Recommendation (EU) 2025/5129, Member States must coordinate the parameters, conditions, and requirements for these visits and establish dedicated contact points to ensure transparency and prevent potential misuse. To ensure an orderly transition, the Council recommends a fixed duration of one year for voluntary departures. Member States are tasked with coordinating the ‘initial duration’ with Ukrainian authorities to cater for reintegration needs, such as the identification of housing, employment, and access to medical care. Departure support prioritises

C/2025/5129.

⁴⁹ Council Recommendation (EU) 2025/5129 of 16 September 2025, para 4.

⁵⁰ *ibid*, para 5.

⁵¹ *ibid*, para 5.

⁵² While visits can be self-funded, Member States are encouraged to organise and support those unable to finance the trips themselves.

community-based reintegration, linked to the Ukraine Investment Framework, over individualised cash assistance for return. This logic, highlighted in both the Communication and the Recommendation, aims to uphold social cohesion in Ukraine by ensuring that assistance benefits local communities as a whole, thereby mitigating potential friction between returnees and the population that remained, including internally displaced persons (IDPs). Furthermore, the Communication identifies remittances amounting to 3.26% of Ukraine's GDP in 2024 as a critical factor in maintaining the economic resilience required for successful return.

The Commission's vision centres on the creation of 'Unity Hubs', multipurpose information platforms funded through the Asylum, Migration and Integration Fund (AMIF) to support displaced Ukrainians in navigating both integration and return options.⁵³ These hubs are intended to serve as the physical interface between host states and the Ukrainian National Unity Agency. While the Council treats these as optional information dissemination platforms, it encourages Member States to incorporate the knowledge, capacities, and networks of international organisations, including UNHCR, IOM, and ICMPD, into their design. This is supported by the EU Special Envoy for Ukrainians, who coordinates technical and policy expertise via the Solidarity Platform.

A significant development in the Council's text is the formalisation of a role for Frontex. The Agency is invited to provide 'logistical support within the limits of its mandate' for organised departures. This may include assisting Member States in the organisation of departures to specific geographical areas in Ukraine, ensuring that the physical process of return is both efficient and coordinated across the Union.

3. Details on Voluntary Return

The European Commission has clarified that voluntary return under Article 21 of the Temporary Protection Directive constitutes a distinct legal category from return procedures applied to irregular migrants under the EU Return Directive (2008/115/EC), as beneficiaries remain lawfully present until the protection regime formally expires or is expressly renounced.⁵⁴ To operationalise this distinction, the Commission has advised Member States to adopt a 'dormant' rather than 'terminated' approach to registration, encouraging authorities to maintain beneficiaries' profiles as 'inactive' in national databases and to refrain from immediately revoking residence permits upon departure; this administrative

⁵³ *ibid.*

⁵⁴ Commission, 'Frequently Asked Questions on going home to Ukraine on a voluntary basis in the context of the Temporary Protection' (December 2022) https://home-affairs.ec.europa.eu/system/files/2022-12/Frequently%20Asked%20Questions%20on%20going%20home%20to%20Ukraine_en.pdf accessed 30 January 2026.



flexibility ensures that if the security situation in Ukraine deteriorates, returnees can re-enter the EU and regain access to social benefits and protection rights swiftly, without facing the bureaucratic hurdles of a fresh application process.⁵⁵ However, to balance this flexibility with the need to mitigate abuse, the Commission's guidance establishes strict procedural safeguards requiring beneficiaries to notify authorities of their intent to return, whereby failure to comply with these reporting obligations may justify the assumption of permanent departure and subsequent de-registration.⁵⁶ Furthermore, the Commission emphasises that the decision to return must be taken with 'full knowledge of the facts,' obliging Member States to provide up-to-date security assessments, while structurally reinforcing these programmes by designating the financial costs as eligible for coverage under the Asylum, Migration and Integration Fund (AMIF) Specific Objective 1, thereby framing these movements within the protection mandate of the Common European Asylum System rather than as standard deportation logistics.⁵⁷ In practice, while beneficiaries of temporary protection have traditionally been excluded from Assisted Voluntary Return and Reintegration (AVRR) programmes, which typically target rejected asylum seekers rather than those with protected status, significant exceptions have emerged to manage the Ukrainian displacement.⁵⁸

4. Legal Status Continuity and Humanitarian Safeguards

A central concern of the 2025 transition framework is the prevention of 'legal limbo', a state of irregularity occurring between the expiration of temporary protection and the acquisition of an alternative status or the completion of return. To mitigate this risk and to ensure that the cessation of the EU-wide temporary protection regime does not result in the immediate loss of livelihood for those committed to returning, the Council Recommendation operationalises Article 21(3) of the Temporary Protection Directive. Member States are encouraged to extend all rights attached to temporary protection including access to the labour market, housing, and social assistance to individuals enrolled in a voluntary return programme.⁵⁹

Under Article 23(1), Member States are legally prohibited from expelling persons who, due to their state of health, cannot reasonably be expected to travel. This applies specifically where individuals would suffer serious negative effects if their medical treatment were interrupted. The September 2025 Recommendation

⁵⁵ *ibid.*

⁵⁶ *ibid.*

⁵⁷ *ibid.*

⁵⁸ Gina Kalach and Claire Rimmer, 'Voluntary Return: An Overview of Policies and Practices' (Council of Europe, July 2025).

⁵⁹ Council Recommendation (EU) 2025/5129 (n 5) point 4(f).

expands this logic, encouraging Member States to offer continued residence for other vulnerable groups whose needs (beyond healthcare) Ukraine may not yet have the capacity to address.⁶⁰ Finally, Member States are encouraged to permit families with minor children to remain in the host country until the conclusion of the current school period, which will usually be the school year.

It should be mentioned that, on 15 July 2026, the Council of the European Union agreed to extend the temporary protection status for individuals displaced from Ukraine for an additional year, until 4 March 2028. In a significant shift connecting humanitarian status with state defence needs, the extension introduces a military compliance conditionality: going forward, temporary protection will be granted only to new applicants who can prove they have satisfied or are exempt from their military obligations in Ukraine.⁶¹ Critically, this limitation does not apply retroactively to the more than 4 million Ukrainians already benefiting from the temporary protection regime within the EU.

III. EXIT STRATEGIES FROM TEMPORARY PROTECTION OF SYRIANS IN TÜRKİYE

A. A brief Overview of the Temporary Protection Framework

Since 2011, Türkiye has been implementing a temporary protection regime to respond to the large-scale arrival of Syrians fleeing the civil war.⁶² Temporary protection in Türkiye, established under Article 91 of the Law on Foreigners and International Protection⁶³ and regulated in detail by the Temporary Protection Regulation (TPR)⁶⁴, is a time-limited protection mechanism designed for individuals who have been forced to leave their country, are unable to return, and have entered or approached Türkiye's borders *en masse*, seeking immediate and temporary protection due to a mass influx situation.⁶⁵ The President of Türkiye holds the authority to declare the activation and termination of temporary protection for designated

⁶⁰ *ibid*, point 5.

⁶¹ Meltem İneli Ciger, 'What is wrong with the proposal to exclude some Ukrainians from temporary protection?' (EU Law Analysis, 6 July 2026) <https://eulawanalysis.blogspot.com/2026/07/what-is-wrong-with-proposal-to-exclude.html> accessed 18 July 2026.

⁶² For a detailed overview of temporary protection in Türkiye cf Meltem İneli-Ciger, *Temporary Protection in Law and Practice* (vol 10, Brill 2018); Meltem İneli-Ciger, 'Protecting Syrians in Turkey: A Legal Analysis' (2017) 29(4) *International Journal of Refugee Law* 555.

⁶³ Law on Foreigners and International Protection 2013 (Türkiye) <https://www.unhcr.org/tr/media/law-foreigners-and-international-protection-pdf> accessed 30 June 2026.

⁶⁴ Temporary Protection Regulation 2014 (Türkiye) <https://www.mevzuat.gov.tr/MevzuatMetin/21.5.20146883.pdf> accessed 30 January 2026.

⁶⁵ Cf. Article 91 of the Law on Foreigners and International Protection.

groups seeking refuge in the country.⁶⁶ According to the latest data published by the Turkish Presidency of Migration Management, as of July 2026, there are 2.2 million Syrians registered under temporary protection in Türkiye.⁶⁷ This marks a significant decrease from 3.64 million Syrians registered at the end of 2020, and the decrease can be attributed to the regime change in Syria in December 2024.⁶⁸

Temporary protection status in Türkiye grants its beneficiaries the right to a legal stay, right to access education, healthcare and work.⁶⁹ Temporary protection status holders should be protected from *refoulement* under Article 4 of the LFIP and Article 6 of the TPR. Moreover, temporary protection beneficiaries receive a type of identity document which grants the right to remain in Türkiye, though it is not equivalent to a residence permit or any document deemed as a substitute for residence.⁷⁰ It does not provide a legal basis for transition to long-term residence status, nor does it count towards the calculation of legal residence required for such status.⁷¹ Notwithstanding this statutory limitation, official sources indicate that 238,768 Syrian nationals have acquired Turkish citizenship.⁷² Distinct from the Syrians under temporary protection those usually have a higher socio-economic status and holds standard residence permits according to the latest figures from the Presidency of Migration Management (PMM), 79,860 Syrian nationals hold residence permits, ranking them as the third largest group of foreign residents in the country.⁷³

B. Termination of Temporary Protection and Exit Strategies from Temporary Protection

Turkish law does not prescribe a maximum duration for temporary protection. Although the framework formally defines it as a time-limited policy, Syrians

⁶⁶ *ibid.*

⁶⁷ Presidency of Migration Management, 'Geçici Koruma (Temporary Protection)' <https://www.goc.gov.tr/gecici-koruma5638> accessed 30 January 2026.

⁶⁸ *ibid.*

⁶⁹ As of January 2026, Syrians under temporary protection may be required to pay a contribution fee for health services, subject to exceptions for those in financial need. Cf UNHCR, 'UNHCR Türkiye Monthly Operational Update - December 2025' <https://www.unhcr.org/tr/en/media/unhcr-tuerkiye-monthly-operational-update-december-2025> accessed 30 January 2026.

⁷⁰ Article 25 of the Temporary Protection Regulation.

⁷¹ *ibid.*

⁷² Turkish Presidency Communication Office, 'Türkiye'de bulunan yabancıların sayısı ve vatandaşlık durumları ile ilgili iddialara dair açıklama' (2024) <https://www.iletisim.gov.tr/turkce/haberler/detay/turkiyede-bulunan-yabancilarin-sayisi-ve-vatandaslik-durumlari-ile-ilgili-iddialara-dair-aciklama> accessed 30 January 2026.

⁷³ Presidency of Migration Management, 'Residence Permits' (January 2026) <https://en.goc.gov.tr/residence-permits> accessed 30 January 2026.

have remained under temporary protection for more than fifteen years, at the time of writing. The literature focusing on the temporary protection of Syrians in Türkiye has made the point that prolonged temporary protection led to precarity.⁷⁴

Under Turkish laws, the temporary protection regime may come to an end collectively, or the status can be ceased due to personal circumstances.⁷⁵ Individual asylum applications of temporary protection beneficiaries are not processed until the end of the temporary protection, as per Article 7 of the TPR.

Temporary protection may be terminated collectively by a Presidential decision, in which case Article 14 of the TPR stipulates that the return of temporary protection beneficiaries shall be the general rule. Regarding collective termination, this occurs by way of a Presidential decision. In such an event, Article 14 of the Temporary Protection Regulation stipulates that the departure of beneficiaries from Türkiye shall be the principal rule. Nevertheless, Article 11 affords the President the discretion to determine the subsequent legal framework by selecting from three options: (a) to fully cease temporary protection and facilitate the return of beneficiaries to their countries; (b) to grant, collectively, another protection status for which the individuals qualify, or to assess pending international protection applications on an individual basis; or (c) to allow beneficiaries to remain in Türkiye under conditions to be specified within the scope of the LFIP.⁷⁶ As Ergin and Kader point out, if the temporary protection regime implemented for Syrians is terminated while the need for international protection persists, individuals who previously benefited from temporary protection should retain the right to apply for asylum and be protected from *refoulement* under Articles 4 and 55 of the Law on Foreigners and International Protection.⁷⁷

Crucially, Article 14(3) of the TPR introduces a specific procedural exception for individuals who participated in armed conflicts in their country of origin. If it is established that such persons have permanently ceased their armed activities, they are granted access to individual international protection status determination

⁷⁴ Suzan Ilcan, Kim Rygiel and Feyzi Baban, 'The Ambiguous Architecture of Precarity: Temporary Protection, Everyday Living and Migrant Journeys of Syrian Refugees' (2018) 4(1–2) International Journal of Migration and Border Studies 51; İrem Şengül, 'Rethinking Temporary Protection in Turkey: Legality, Uncertainty and Homemaking in the City of Gaziantep' (PhD thesis, University of Warwick 2019).

⁷⁵ Temporary protection may also come to an end due to individual circumstances and these instances include: voluntary departure from Türkiye; benefiting from the protection of a third country; being accepted by a third country for humanitarian reasons or through resettlement programmes, or exiting to such a country; death of the beneficiary, acquisition of a lawful residence permit under other provisions of the law; or acquisition of Turkish citizenship. Cf. Article 12 of the Temporary Protection Regulation.

⁷⁶ Article 11 of the Temporary Protection Regulation.

⁷⁷ Ayşe Dicle Ergin and Yiğit Kader, 'Uluslararası Koruma ve Geçici Koruma Rejiminde Geçicilik Unsuru: "Geçici" Olan Nedir?' (2024) 42(2) İnsan Hakları Yıllığı 79, 97–98.



procedures. While this provision creates a distinct legal pathway for a specific subset of the population, it remains an exception to the group-based nature of the regime. From a strategic perspective, this individualised mechanism remains separate from the broader ‘exit strategy’ required for the millions of civilian beneficiaries.

While temporary protection is conceptually anchored in the inability to return to the country of departure, Article 12 of the TPR introduces a layer of administrative discretion regarding the consequences of voluntary exit. Under Article 12(1)(a), a voluntary departure results in the individual termination of status; however, Article 13 read in conjunction with Article 12 grants the Presidency of Migration Management the discretionary power to decide whether temporary protection provisions will be re-applied upon a foreigner’s subsequent re-entry. This administrative flexibility allows for a case-by-case evaluation of urgent and temporary protection needs for those who have previously exited. Within the context of collective exit strategies, this creates a legal interface where individual mobility such as visits to Syria is managed through administrative discretion rather than an automatic permanent bar to protection. However, this study suggests that while such individualised re-entry decisions are possible under PMM authority, they remain distinct from the broader ‘look-and-see’ policy schemes which aim to facilitate informed, collective returns without triggering the standard termination-and-reapplication process of Article 12.

C. Voluntary Return Strategy

On voluntary return, Article 42(1) of the TPR notes that the voluntary return of temporary protection beneficiaries to their country should be facilitated and support may be provided to the extent of available means whereas, Article 43 notes travel documents may also be provided to those who wish to return voluntarily. The provision also allows the PMM may cooperate with international organizations and civil society organizations for the purpose of implementing voluntary return procedures.⁷⁸ Finally, it is noted that the procedures and principles regarding the implementation of voluntary return operations, and the assistance that may be provided to those returning voluntarily, shall be determined by the Directorate General and implemented by the governorates.⁷⁹ The PMM has not published any circular or guidelines on voluntary return of Syrians so far although its website outlines procedures; the Presidency of Migration Management, explicitly frames returns within the framework of “Voluntary, Safe, Dignified, and Regular Return” and asserts that no foreign national under temporary or

⁷⁸ Article 42(2) and (3) of the TPR.

⁷⁹ *ibid*, Article 42(4).

international protection is forcibly sent back or subjected to pressure to return.⁸⁰

Türkiye has formalised its voluntary return procedures through a structured protocol administered by the Provincial Directorates of Migration Management.⁸¹ Initiated via an online appointment, the process necessitates the completion of a ‘Voluntary Return Request Form’ and mandatory fingerprint and identity verification to confirm the applicant’s details.⁸² To guarantee the genuine voluntariness of the decision, the signing of this form is subject to independent oversight, prioritising the presence of a UNHCR representative, though alternative monitors from the Turkish Red Crescent or authorised NGOs may act as witnesses.⁸³ Following the issuance of a travel permit, beneficiaries proceed to designated border gates where authorities conduct final family unity checks before collecting Temporary Protection Identity Documents and formally terminating the protection status.⁸⁴ UNHCR’s presence is encouraged to ensure voluntariness.⁸⁵ Aside from voluntary return which foresees termination of the temporary protection status upon return to Syria there was also a look and see visits scheme.⁸⁶ According to the Turkish Minister of Interior, 590,000 Syrians have voluntarily, returned from Türkiye to Syria since the fall of Assad.⁸⁷ UNHCR does not promote return to Syria since it considers conditions for large-scale, safe, and sustainable return are not yet in place.⁸⁸ However, it monitors returns; it is noted that in Türkiye since the fall of Assad, “UNHCR monitored and interviewed more than 70 percent of all recorded returns in 22 provinces, at six border crossings and three airports.”⁸⁹

It should be also mentioned that although it is not a migration law or secondary law *per se*, The Turkish Ministry of Trade Circular of 21 December 2024 seeks to facilitate the large-scale voluntary return of Syrian nationals by streamlining

⁸⁰ Presidency of Migration Management, ‘Gönüllü Geri Dönüş (Voluntary Return)’ <https://www.goc.gov.tr/gonullu-geri-donus> accessed 30 January 2026.

⁸¹ *ibid.*

⁸² *ibid.*

⁸³ *ibid.*

⁸⁴ *ibid.*

⁸⁵ *ibid.*

⁸⁶ *ibid.*

⁸⁷ UNHCR, ‘UNHCR Türkiye Monthly Operational Update – December 2025’ <https://www.unhcr.org/tr/en/media/unhcr-tuerkiye-monthly-operational-update-december-2025> accessed 30 January 2026.

⁸⁸ UNHCR, ‘Returning to Syria’ (30 September 2025) <https://help.unhcr.org/iraq/en/2025/09/30/returning-to-syria/> accessed 30 January 2026.

⁸⁹ UNHCR, ‘UNHCR Türkiye Monthly Operational Update – December 2025’ <https://www.unhcr.org/tr/en/media/unhcr-tuerkiye-monthly-operational-update-december-2025> accessed 30 January 2026.



customs and financial procedures to apply at the borders.⁹⁰ Key measures include the replacement of standard verbal declarations with a ‘Facilitated Exit Form’ for household goods, simplified procedures for the permanent export of both Syrian and Turkish-registered vehicles, and provisions for the relocation of Syrian-owned businesses and machinery.⁹¹

Distinct from this permanent voluntary return mechanism, Türkiye established ‘look and see’ visits scheme, allowing beneficiaries to return temporarily to Syria to assess conditions without the immediate and permanent revocation of their status. Türkiye’s principal assisted return mechanisms consist of the Assisted Voluntary Return and Reintegration (AVRR)⁹² schemes implemented by IOM in cooperation with the PMM and the National Assisted Voluntary Return and Reintegration (N-AVRR)⁹³ programme jointly run by ICMPD and PMM. Neither mechanism, however, is available to Syrians under temporary protection, who remain structurally excluded from these formal assisted return channels.⁹⁴ Instead Türkiye currently employ look and see visits.

Türkiye has also introduced a kind of look and see visit scheme called ‘Öncü Göçmen’ (pioneer migrant) scheme, which enabled Syrians to undertake short, authorised “look-and-see” visits to assess conditions in specific areas of Syria.⁹⁵ Limited to three entries/exits between 1 January 2025 and 1 July 2025

⁹⁰ The Circular introduced significant financial exemptions valid until 31 December 2025, permitting returnees to carry jewellery exceeding \$15,000 and substantial cash assets across the border without the standard requirements for proof of purchase or bank-mediated transfers, provided they submit the necessary cash declaration forms. Republic of Türkiye Ministry of Trade, ‘Circular on the Return Procedures of Syrian Arab Republic Citizens’ (21 December 2024) Gümrükler Genel Müdürlüğü No 2024/24.

⁹¹ *ibid.*

⁹² “Assisted Voluntary Return and Reintegration (AVRR) has been a core activity of IOM Türkiye since 2009. The AVRR programme facilitates the orderly and humane return and reintegration of migrants who are unable or unwilling to remain in host or transit countries and wish to return voluntarily to their countries of origin.” IOM Türkiye, ‘Assisted Voluntary Return and Reintegration’ <https://turkiye.iom.int/assisted-voluntary-return-and-reintegration> accessed 30 January 2026.

⁹³ ICMPD, ‘Supporting the Implementation and Further Strengthening of Türkiye’s National Assisted Voluntary Return and Reintegration System’ <https://www.icmpd.org/our-work/projects/supporting-the-implementation-and-further-strengthening-of-tuerkiye-s-national-assisted-voluntary-return-and-reintegration-system-navrr> accessed 30 January 2026.

⁹⁴ N. Ela Gökalp Aras, Umutcan Yüksel and Hakan Ünay, ‘Return Migration Infrastructure in Turkey from Europe to Europe’ (WP3 Country Dossier v1, GAPs 2025) <https://doi.org/10.5281/zenodo.15850973>.

⁹⁵ UNHCR, ‘UNHCR Türkiye Monthly Operational Update – December 2025’ <https://www.unhcr.org/tr/en/media/unhcr-tuerkiye-monthly-operational-update-december-2025> accessed 30 January 2026; Gökalp Aras, N. E., & Yüksel, U. (2025). Between Choice and Constraint: Go-and-see Visits and Syrian Return from Türkiye, WP10 Policy Report in GAPs: Decentring

(this was later on extended to December 2025), these visits enabled Syrians to temporarily travel to designated areas in northern Syria, allowing them to directly observe the conditions of safety, housing, and livelihood opportunities before making a final decision about their return.⁹⁶ It should be also mentioned that there is a pilot cash-assistance programmes up to €1,000 per household by the PMM and UNHCR.⁹⁷

IV. COMPARATIVE PERSPECTIVES: A CRITICAL EVALUATION OF EUROPEAN AND TURKISH EXIT FRAMEWORKS

A comparative examination of the temporary protection regimes in the EU and Türkiye reveals striking structural parallels in the governance of termination of temporary protection, while simultaneously exposing a significant divergence in their long-term strategic outlooks. It must be noted that, at the time of writing in January 2026, exit strategies from temporary protection remain in an iterative planning phase and are subject to evolution prior to this article's publication. However, based on the legal landscape at the start of 2026, the following comparisons can be made. First, both regimes demonstrate a heavy reliance on executive discretion over statutory automaticity regarding termination. Although the Temporary Protection Directive and the Turkish Temporary Protection Regulation introduce legal criteria for ending protection, premised theoretically on the possibility of safe and sustainable return, the actual trigger for termination remains a political decision. However, this executive power is not absolute; a Presidential decision to terminate the status or prescribe specific exit strategies under Article 11 of the Turkish TPR constitutes an administrative act subject to judicial review under Article 125 of the Turkish Constitution.⁹⁸ This constitutional provision ensures that the legality of such measures can be challenged before the Turkish Council of State (*Danıştay*).

Second, in both instances, the temporary nature of the status has proven to be theoretical. The EU regime, now extended until March 2028, has effectively overrun the three-year maximum duration explicitly mandated by Article 4 of the Temporary Protection Directive. Similarly, the Turkish regime, entering its fifteenth year, has far exceeded any reasonable interpretation of temporariness. These realities confirm the argument in Section 1 that in the absence of a fundamental change of circumstances allowing for return in safety and dignity,

the Study of Migrant Returns and Readmission Policies in Europe and Beyond, DOI: 10.5281/zenodo.17668808.

⁹⁶ *ibid.*

⁹⁷ N. Ela Gökalp Aras and Umutcan Yüksel, 'Between Choice and Constraint: Go-and-see Visits and Syrian Return from Türkiye' (WP10 Policy Report, GAPs 2025) <https://doi.org/10.5281/zenodo.17668808>.

⁹⁸ Constitution of the Republic of Turkey (Türkiye Cumhuriyeti Anayasası), Article 125.

temporary protection inevitably drifts into protracted temporary protection.

Third, both jurisdictions have converged on the necessity of ‘look-and-see’ mechanisms as a precursor to return. Crucially, neither mechanism fits the traditional definition of ‘assisted voluntary return’, which typically entails the permanent surrender of status upon departure. Instead, these schemes function as confidence-building measures and validate the view that mobility is a prerequisite for, rather than the antithesis of, durable return. While an individual voluntary exit typically results in the de-registration of a beneficiary, the look-and-see schemes in both jurisdictions are framed as confidence-building measures that preserve the beneficiary’s legal link to the host state during the assessment period. Fourth, a sharp divergence appears regarding integration as an exit strategy. The EU has adopted a dual track approach: while preparing for returns, the Council Recommendation explicitly foresees integration into host societies as a viable pathway, encouraging Member States to transition beneficiaries onto national or EU-harmonised residence permits. By contrast, while Turkish law in particular the TPR theoretically allows for the transition to integration, no specific policy document or circular currently acknowledges mass integration or long-term residence as a strategic objective for Syrians. The Turkish exit strategy remains overwhelmingly focused on voluntary return.

Fifth, furthermore, both jurisdictions exhibit significant legal uncertainty regarding the future of individuals who fail to qualify for alternative residence permits and are unwilling to return. Under EU law, although the right to apply for international protection remains a primary safeguard, there is a notable absence of a clear exit strategy for those who neither meet the criteria for standard migration pathways nor consent to voluntary repatriation. The same can be said for the Turkish case; while the Temporary Protection Regulation theoretically allows for a transition to other legal and residency statuses, there is currently no specific policy framework or administrative pathway addressing the millions of beneficiaries who may fall into a residual legal vacuum post-termination. Consequently, in both systems, this category of displaced persons remains in a precarious state of legal limbo without a defined interface between the cessation of group-based protection and individualised durable solutions.

Sixth, a notable parallel between the two jurisdictions is a reluctance to encourage individual asylum applications from temporary protection beneficiaries, even when the temporary protection status is ceased. While the Turkish legal framework, specifically the TPR, remains largely silent on which point of time, asylum applications of temporary protection beneficiaries will be examined and lacks a robust enabling provision similar to Article 17 of the Temporary Protection Directive. However, even within the EU context, where the right to apply for international protection is explicitly codified and is a right recognised under the Directive itself but also Charter of Fundamental Rights of the European

Union, a textual analysis of recent Commission and Council documents reveals a strategic shift toward discouraging such applications.⁹⁹ This is evidenced by the emphasis placed on alternative migration pathways and voluntary return schemes. By framing these as the primary durable solutions, the EU and Turkish authorities implicitly seek to bypass the administrative burden of individualised refugee status determination for millions of beneficiaries.

Finally, a critical legal innovation emerging from the EU practice is the operationalisation of post-temporary protection status extensions. By invoking Article 21(3) of the Temporary Protection Directive, the EU recommends Member States to allow for the extension of residence permits and associated rights granted to temporary protection beneficiaries, including access to the labour market, healthcare, and social assistance, for up to one year after a beneficiary has formally enrolled in a voluntary return programme. This mechanism creates a crucial legal buffer that mitigates the risks associated with the immediate cessation of temporary protection status. In contrast to traditional termination models, where protection typically expires the moment a decision to return can be issued. This extended status validity protects beneficiaries from falling into irregularity during the logistical preparation for departure.

CONCLUSION

The comparative analysis of exit strategies in the EU and Türkiye reveals that both jurisdictions have reached a decisive turning point in the management of temporary protection. While both regimes rely heavily on executive discretion and have converged on the use of confidence-building ‘look-and-see’ visits, they diverge fundamentally in their strategic outlook. The European Union’s 2025 transition framework formalises a bifurcated pathway that legitimises local integration as a parallel durable solution to voluntary return. In contrast, the Turkish approach, the details of which remain largely opaque and have not been formally publicised at the time of writing, remains singularly focused on voluntary return and the protracted continuance of the temporary protection regime. This strategic divergence highlights a fundamental shift in the EU’s outlook toward legal permanence for displaced Ukrainians, whereas Türkiye’s exit strategy lacks a clear interface for those unable or unwilling to return.

Ultimately, the legitimacy of any exit strategy must be measured by its ability to bridge the existing governance gap without compromising the principle of *non-refoulement* or facilitating constructive refoulement. As temporary protection regimes inevitably drift into protracted states, the risk of institutionalising constructive refoulement through administrative coercion and legal uncertainty becomes increasingly acute. To ensure that the termination of protection remains

⁹⁹ Meltem Ineli-Ciger, ‘Beyond Temporariness: Policy Options for Ukrainians under EU Temporary Protection in 2025’ (2025) https://www.coleurope.eu/sites/default/files/research-paper/ineli-ciger_CEOB_2-2025.pdf accessed 30 January 2026.

orderly and dignified, exit strategies must move beyond discretionary executive acts and be anchored in precise legal safeguards.

The EU's operationalisation of post-enrolment status extensions under Article 21(3) of the Temporary Protection Directive serves as a critical safeguard against legal limbo. This mechanism provides a vital normative lesson for other host states navigating the transition from group-based protection to individualised status. Only by providing clear, legally defined pathways to durable solutions can host states ensure that the cessation of temporary protection does not result in a precarious legal vacuum for the millions of displaced persons the regime was originally designed to protect.

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