Migration Letters

Volume: 23, No: 1 (2026), pp. 1-16

ISSN: 1741-8984 (Print) ISSN: 1741-8992 (Online)

www.migrationletters.com

Private International Law Issues In The Voluntary Return Of Syrian Women: A Turkish Case Study

Assoc. Prof. Dr. Doğa Elçin[1]

Abstract

This study examines the legal status of Syrian refugees in Türkiye, emphasizing the effects of the open-door policy introduced in 2011, which permitted a large influx of women and children fleeing the Syrian civil conflict. The legal framework governing their status includes the Law on Foreigners and International Protection (LFIP) and the Temporary Protection Regulation, which enables temporary protection. With the overthrow of the Assad regime in December 2024, there is renewed focus on the voluntary return process. This research explores the differences in substantive divorce laws between Syria and Türkiye for vulnerable migrants, particularly Syrian women. This highlights the impact of changing marital status on the voluntary return process and the recognition of the Turkish court's rulings in the country of origin in personal and family law disputes involving Syrian women.

Key Words: *Vulnerable Migrants, Voluntary Return, Syrian Women, Private International Law, Divorce.*

Introduction

Mass influx refers to situations in which a large number of individuals attempt to seek asylum from one country or geographical area to another, suddenly and unpredictably, because of war, armed conflicts, or widespread human rights violations. In this situation, accepting states are unable to effectively carry out individual application and assessment processes for a large number of people seeking asylum. However, they do not wish to shut their doors to many individuals seeking international protection, which cannot be created or evaluated during mass influxes (Sopf 2001: 134; Kerber 2002: 193-207; Pirjola 2012: 6). Since the beginning of the Syrian civil conflict in 2011, there has been a steady and increasing mass movement of people from Syria to neighbouring countries.

Initially, Türkiye adopted an open-door policy towards Syrians (Szalanska 2017:78; for the approach of EU Member States regarding the acceptance of Syrians into the country, see: Ayaz and Wadood 2020:19). Four individuals fleeing the internal conflict in Syria were granted temporary protection status in Türkiye.[i] The Law on Foreigners and International Protection (LFIP), dated 2013 (Law No. 6458, The Official Gazette, 11.04.2013, No.28615), as well as the Temporary Protection Regulation (The Official Gazette, 22.10.2014, No.29153), dated 2014, constitute the main legislation regulating the legal status of Syrian refugees in Türkiye. As a result of the open-door policy, Türkiye has become a country that welcomes the highest number of people fleeing forced migration from Syria (Canefe 2018: 39-44). Among the individuals coming from Syria, women and children constitute the majority (Genç and Öztürk 2016:194). This situation has sparked debate about whether Syrian women in Türkiye belong to vulnerable groups.

[1] Bozok Üniversitesi Faculty of Law, Associate Professor in the Department of Private International Law (doga.elcin@bozok.edu.tr , ORCID: 0000-0002-5218-8709)

The internal conflict in Syria persisted until the Assad regime overthrown in December 2024. The voluntary return process has been expressed more strongly in the post-Assad era (Şaraldı et al. 2025: 3-22). A new evaluation of vulnerable migrants, particularly Syrian women, is necessary. Individuals affected by internal conflicts in Syria have primarily started living in Middle Eastern and North African countries. The countries that have accepted most Syrians include Türkiye, followed by Lebanon, Jordan, Iraq, and Egypt (Doumit 2021: 681). Among these countries, only Türkiye possesses a secular civil code (Rahman 2024: 13).

The open-ended application of temporary protection status in Türkiye, which has been in effect since 2011, has led to Turkish courts having international jurisdiction over legal disputes related to personal and family law involving Syrians living in Türkiye. In particular, the effect of changing the marital status of Syrian women in divorce cases seen in Turkish courts on the voluntary return process, should they be classified as vulnerable migrants, remains uncertain. This research examines the differences in substantive divorce laws between Syria and Türkiye, as well as issues related to the private international law aspect of voluntary return.

Matters such as marital property in divorce, marriage capacity, conditions and validity of marriage, disputes arising from inheritance law, and child custody were excluded from this study. This research is limited to women who have come from Syria to Türkiye and are under temporary protection. Individuals from other countries, such as Afghanistan, Pakistan, Bangladesh, Iraq, and Iran, who held or had applied for international protection status, were excluded from the study.

In the first section of the research, the classification of women who came to Turkey due to the Syrian civil war as vulnerable migrants is explained. The second section highlights the shortcomings of protecting Syrian women during the voluntary return process. The third section examines divorce cases involving Syrian women heard before Turkish courts. In this context, the Turkish conflict of laws, rules, and substantive law are first explained, followed by an evaluation of the relevant Court of Cassation decisions. The fourth section addresses the impact of Turkish court decisions on voluntary returns, particularly regarding recognition and enforcement in the country of origin, and presents solutions related to the return of Syrian women as vulnerable migrants. Our study concludes with its findings reached through the research.

Vulnerable Migrant Women from Syria

Vulnerable migrants are people who need special protection because they are at a higher risk of human rights abuse due to their unique circumstances. International human rights law recognizes that specific groups of individuals should receive special protection to ensure their human rights. In this context, safeguarding vulnerable migrants is essential to reinforce human rights standards (UNHCR, “Migrants in Vulnerable Situations, ” UNHCR’s Perspective 2017: 1; Regional Guidelines for the Preliminary Identification and Referral Mechanisms for Migrant Populations in Vulnerable Situations, Regional Conference on Migration 2014: 3).

UN and ECHR documents refer to “vulnerable groups” without providing a clear definition. Because vulnerability varies in each case, a flexible approach should be adopted, considering each individual’s unique circumstances. Assessing vulnerability at the group level, while sometimes necessary, can occasionally undermine the purpose of the concept (Betts 2008: 15). Conversely, accepting all individuals within special vulnerable groups might undermine the effectiveness of the idea and cast a shadow over other sources of vulnerability (Betts 2008: 16). It is not practical to label all asylum-seeking women as a vulnerable group; however, certain circumstances, especially in cases of forced migration, may justify recognizing women as vulnerable individuals (Yadav 2021: 1-6).

While all Syrians have been affected by internal conflicts and violations in Syria, the groups most affected were women and children (International Rescue Committee Publication, Are We Listening? Acting on Our Commitments to Women and Girls Affected

by the Syrian Conflict September 2014:19; Canefe 2018:44; Bahmani 2022:6). Most of those arriving from Syria are women and girls (Genç and Öztürk 2016: 68; Kivilcim 2016: 194). Even before the internal conflict in Syria, women and children were regarded as disadvantaged groups (Kivilcim 2016: 200-201; Canefe 2018:44). The new uncertainties and insecurities brought about by the war have made the situation of Syrian women more unstable and risky (Canefe 2018: 45; Yadav 2021: 13). Syrian women were forced to participate, kill, and be captured by the fighting groups in the Syrian Civil War. As a result of this situation persisting for many years, a larger number of Syrian women have started arriving in Türkiye than men (Canefe 2018: 45).

Syrian women arriving in Türkiye face more issues related to gender discrimination than other women as they try to engage in social and economic activities (Canefe 2018: 45). Syrian women face social and economic pressure in Türkiye as they strive to secure their futures (International Rescue Committee 2014: 18; Genç and Öztürk 2016: 85-87). The child marriages of Syrian women brought to Türkiye with the promise of a better life are considered a form of human trafficking (Kivilcim 2016: 202; Canefe 2018: 46; Ertorer 2021: 2568-2582). On the other hand, programs in Türkiye aimed at language acquisition, job skill development, and integration have been planned for all Syrians and generally do not focus on the specific situations of Syrian women as vulnerable migrants (Kivilcim 2016: 204; Goelz 2016: 78-79). It is well known that Syrian women in Türkiye face challenges in accessing shelter, healthcare, and education services (Genç and Öztürk 2016: 75-84; Acikalin et al. 2021: 27; Bahmani 2022: 6).

Syrian women who arrived in Türkiye due to the internal conflict in Syria are among the groups whose human rights have been most severely violated during the conflict (Goelz 2016: 80; Acharya 2020: 110; UNCHR Report: Woman Alone: The Fight for Survival by Syrian Refugee Women: 15-44). In the UN Security Council resolution 1325, dated October 21, 2000, the aim was to eliminate sexual exploitation and gender-based discrimination against women and girls who have fled conflicts, both in the countries where they seek refuge and by international organizations and conflicting parties (Goelz 2016: 66; Genç and Öztürk 2016:70). The significance of women in attaining lasting peace and in post-conflict reconstruction processes has been emphasized (Goelz 2016: 75; Genç and Öztürk 2016: 70). Syrian women in Türkiye, after fleeing the Syrian civil war, continue to face domestic violence from their husbands, relatives, and other men (Goelz 2016: 81). Their insecurities and vulnerabilities persisted (Goelz 2016: 83).

Syrian women in Türkiye, who have held temporary protection status since 2011, have gradually become aware of their civil rights. A study conducted on Syrian women's access to civil rights in Turkey found that they answered legal questions regarding the termination of marriage and divorce correctly at a rate of 71.80% (Pehlivan et al. 2018: 31). Some Syrian women divorced their husbands to end marriages that took place in Syria, while others initiated divorce proceedings to end marriages with Turkish citizens in Türkiye (Liszkowska 2023: 165-177). In the secular Turkish legal system, the divorce of women from Islamic marriages, particularly concerning the subject of this research, requires a subtle comparison of their recognition as vulnerable migrants during the voluntary return process (Wegner 1982: 3).

Addressing the Critical Lack of Protection for Syrian Women During Voluntary Return

Voluntary return is regulated in Article 87, titled 'Support for Voluntary Return' of the LFIP. Material and financial support may be provided to applicants and international protection beneficiaries who would wish to voluntarily return (Article 87/1). The Directorate General of Migration Management may carry out voluntary repatriation activities in cooperation with international organizations, public institutions and agencies, and civil society organizations (Article 87/2).[ii]

In the LFIP, the amendment enacted by Law No. 7196 on December 6, 2019, added Article 60/A. According to this Provision, irregular migrants who have been subject to a

deportation decision and wish to voluntarily return to their country of origin may receive in-kind or cash support from the Directorate General of Migration Management, as deemed appropriate (Article 60/A-1). Voluntary return efforts may involve collaboration with international and public organizations (Article 60/A-2).

Furthermore, following the amendment to Article 78 of Law No. 7196 on December 6, 2019, Article 57/A, titled "Alternative Obligations to Administrative Detention" was added to the Law on Foreigners and International Protection. Among these alternative obligations, paragraph (ç) governs return counselling. At this stage, the supported return process also covers foreigners subject to alternative obligations, instead of administrative detention decisions, in Türkiye.

Voluntary returns are viewed as a tool for controlling and managing migration flows. In this context, the key legal difference between voluntary returns and deportation is that deportation is a normative procedure (Koch 2014: 910). Instead of legal institutions with strict enforcement conditions, such as deportation, relatively new practices called "flexible components" are regarded as more humane solutions (Kalir 2017: 60). Voluntary return programs are implemented in a rule-based and equitable manner, which removes the political dimension from the issues of inclusion and exclusion. As a governance technique applied to individuals, the function of voluntary returns classifies returnees into two categories: those considered deserving and those considered undeserving. While those deemed deserving choose to return voluntarily, those deemed undeserving are forcibly repatriated (Lietaert et al. 2017: 973).

Conversely, it is argued that the existing return programs serve as a neoliberal tactic (Andrijasevic and Walters 2010: 997). It is a tactic of sending migrants individually in an economically incentivizing manner. Voluntary return involves the notion that the individual is deserving of this decision and subsequently fulfils their commitment to return (Bendixsen and Lidén 2017:26). Moreover, voluntary return programs are constructed based on rationality, focusing on how returnees will respond to these initiatives (Bendixsen and Lidén 2017:26). Voluntary return is a neoliberal idea grounded in principles such as state sovereignty and free choice (Kalir 2017: 68).

The literature stresses that consistent, well-organized programs by institutions and organizations improve voluntary return effectiveness. (Kalir 2017: 68). When examining the work of the IOM and UNHCR in the field of return, it is clear that official authorities are shaping this policy (Koch 2014: 911). Collaboration between public institutions and NGOs oversees the division of responsibilities, thereby regulating the deportation process at both the international and national levels.

The term "return migration" is widely used in its definition. Return migration refers to the process of an individual moving back to their previous place of residence (King 2000: 10-11). In addition, refers to the process by which individuals return to their country of origin after spending a significant period away. The length of stay before returning can vary, including temporary, seasonal, incidental, and permanent durations. There is considerable uncertainty regarding how long and under what circumstances a person must be in the host country and the country of origin for the return migration to be recognized.

The frequent occurrence of human rights violations during the deportation process has prompted substantial changes in modern liberal policy states (Walters 2002: 275-277; Dünnwald 2013: 231). The failure to carry out deportations in a manner that respects human dignity has led to widespread disapproval and protests from civil society organizations and the public. This backlash prompted politicians and bureaucrats to consider new approaches to managing displacement. Such approaches must ensure the protection of individuals' human rights while maintaining essential controls (Ellermann 2006: 298). On one hand, the liberal protective approach prioritises individual interests and voluntary decisions, while on the other hand, the control approach stresses population planning and the public good. Society demands the return of foreigners and the restriction of migration; however, deportation is often viewed unfavourably because of its social and political costs (Noll 2000: 106).

The reason why the issue of uniform implementation of return is currently relevant lies in the 1951 Geneva Convention Relating to the Status of Refugees[iii], which does not focus on return. Furthermore, the principle of non-refoulement is recognized as one of the most crucial components of refugee law in the 1951 Geneva Convention (Leiserson 2017: 190-192).

Ensuring the safe resettlement of displaced people is a key aspect of voluntary post-conflict returns (Doumit 2021: 685). Because their stay is temporary and the host country is safe, it is natural for individuals to return more than once. Voluntary return should be encouraged when they are safe. Therefore, emphasis is placed on the safety of the return rather than solely on its voluntariness. Whether individuals applying for international protection or holding international protection status genuinely choose to return freely is assessed based on the manageability of deportation by states and international organizations, as well as the safety of the country of origin (Apostolache 2021: 89). Thus, campaigns promote voluntary returns through political rhetoric.

The UNHCR emphasizes the importance of conditions in the country of origin, particularly pull factors, in the decision to return, as opposed to push factors in the host country (Human Rights Watch, "The Handbook on Voluntary Return, " 1997). Supporting the development of attractive pull factors by assisting the country of origin is the focus of the international community. The Human Rights Watch questions how UNHCR balances the push and pull factors affecting refugee returns. UNHCR sees itself as a key player in this regard.

Voluntary return is a key aspect of migration management and is regarded as a liberal governance approach (Kalm 2010: 40). Since the 1990s, migration management has become a key policy because of increased global mobility, reduced state control, and the boosting of unregulated migration. The liberal governance approach is viewed not as direct control, but as guiding individuals' free choices. Consequently, migration management and individual migration are seen as managing the process, serving as a means of offering guidance. Management occurs not only through legal rules, regulations, or enforcement but also indirectly via techniques that influence individuals' behaviour and self-governance (Kalm 2010: 40).

In the 1990s, to ensure predictability and border security, public institutions' approach to regulating individual freedom of movement and international protection through strict rules evolved into a neoliberal model of migration management. The new regulations on voluntary returns in the LFIP are part of the neoliberal trends that occur worldwide. Voluntary return programs for asylum seekers and irregular migrants are known in the literature as "soft deportation" (Kalir 2017: 62). It is argued that voluntary return programs serve as a broad connection point for the deportation of migrants and follow the same rationale as deportation itself (Kalir 2017: 62). From a different perspective, voluntary return is significantly different from forms of return involving the state, such as deportation (Koch 2014: 914). Some authors note a bureaucratic distinction between forced removal and voluntary return; however, they still recognize that voluntary return is considered part of the policy of deporting foreigners (Lietaert et al. 2017: 970). According to this view, the proposal for voluntary return aims to legitimize forced repatriation as a last resort (Dünnwald 2013:230). Forced repatriation is increasingly being transformed into voluntary return, and the idea of voluntariness is being constructed (Dünnwald 2013:230).

During the asylum application process and the evaluation of applications, the specific protection needs of vulnerable groups such as women, children, and individuals with disabilities are recognized (Krivenko 2010: 49-50; Matic and Mirica 2017: 71-73). However, at the voluntary return stage, the same special protection needs are neither discussed nor safeguarded by specific measures or provisions (Khan et al. 2020: 259). The sensitivities of Syrian women in Türkiye will be discussed below, especially regarding the changing marital status as determined by Turkish court decisions and the implications of these changes on the return process. It is vital to consider how legal rulings influence the status and rights of these women, as they navigate the complexities of their current situation in Türkiye and the possibility of returning to their country of origin. Understanding these

dynamics will offer insights into the broader challenges faced by Syrian women and the effectiveness of policies aimed at supporting their voluntary return.

The Impact of Turkish Court Rulings on the Marital Status of Syrian Women

Turkish Conflict of Laws Rules

In Türkiye, the rules regarding conflicts of law and international procedural law are regulated by Law No. 5718, which pertains to International Private Law and Procedural Law (IPLPL).[iv] In divorce cases involving Syrian women in Türkiye, Turkish courts with international jurisdiction have issued various rulings by applying the laws specified by the conflict of laws outlined in the IPLPL.

According to Article 1 of the IPLPL, this Law governs the applicable law for private transactions and relationships involving foreign elements, the international jurisdiction of Turkish courts, and the recognition and enforcement of foreign judgments (Article 1/1). Furthermore, it stipulates that the provisions of the international conventions to which the Republic of Türkiye is a signatory are reserved (Article 1/2).

In each case, it must first be established whether a relevant international convention exists before applying the rule of conflict of law. This ensures that international agreements override domestic conflict of law provisions, thereby fostering consistency and alignment with international legal standards (Nomer 2021: 69; Çelikel and Erdem 2024: 44).

Türkiye is a signatory to numerous international treaties on gender equality. Among these, the most significant was CEDAW[v]. This treaty aims to eliminate discrimination against women and promote gender equality (Kruiniger 2015: 26), reflecting Türkiye's commitment to upholding women's rights at both national and international levels. In accordance with Article 16/1-c of CEDAW, "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: The same rights and responsibilities during marriage and at its dissolution".

Article 23/4 of the International Covenant on Civil and Political Rights requires states to ensure equal rights and responsibilities for spouses throughout marriage and during dissolution. Additionally, it mandates that upon divorce, measures must be taken to protect any children involved.

Article 2 of the IPLPL outlines judges' responsibilities in determining applicable laws in cases with international elements, ensuring a structured approach to resolving legal disputes. The judge shall apply the rules of Turkish conflict of laws and the governing foreign law, as determined by these rules, ex officio. The judge may request assistance from parties to establish the content of the applicable foreign law (Article 2/1). If, despite all efforts, the relevant provisions of foreign law cannot be identified, Turkish law shall be applied (Article 2/2). In cases where the provisions of the foreign conflict of law refer to another foreign law, this referral will only be considered in disputes relating to personal law and family law (renvoie). The substantive provisions of the referred foreign law shall be applied accordingly (Articles 2/3).

Article 4 of the IPLPL specifies a law applicable according to nationality. According to this Article: If applicable law is designated pursuant to nationality under this Act, unless otherwise provided in this Act, the following laws shall be applied: a) With respect to stateless persons and refugees, the law of the place of his/her domicile, in the absence thereof, the place of his/her habitual residence, and in the absence thereof, the state where he/she is residing on the date of the lawsuit. It should be acknowledged that Article 4(1)(a) ought to be interpreted as encompassing all the specified groups under international and temporary protection in Türkiye, until the Turkish legislator amends this provision. According to this interpretation, in cases involving Syrian nationals where the applicable law for divorce is established under Article 14(1) of the IPLPL, Article 4(1)(a) of the IPLPL must also be considered (Bayraktaroğlu Özçelik 2024:244).

In Türkiye, the law applicable to divorce is structured equally for both spouses, in accordance with the constitutional principle of equality (Turkish Constitution Article 10;

Law No 2709, The Official Gazette, 09 Nov. 1982, No. 17863) and the provisions of CEDAW (Estin 2011: 815). According to Article 14 of IPLPL, titled "Divorce and Judicial Separation": (1) The common national law of the spouses shall govern the grounds and provisions for divorce and judicial separation. If spouses have different nationalities, the law of the place of their common habitual residence will apply; if such a residence is absent, Turkish law shall apply. (2) The provisions of paragraph one shall also apply to claims for alimony between divorced spouses. This provision is valid in cases of judicial separation and the annulment of marriage. (3) Custody issues related to divorce shall be subject to the provisions of paragraph one. (4) Turkish law applies to requests for interim measures.

In Turkish conflict of laws rules, unlike the Council Regulation (EU) No 1259/2010, Implementing Enhanced Cooperation in the Area of the Law Applicable to Divorce and Legal Separation (Rome III Regulation) Article 10, there is no specific public order intervention clause concerning the law applicable to divorce (Official Journal of the EU, L 343/10- 29.12.2010; for critical evaluations regarding Article 10, see: Möller 2014: 462; de la Rosa 2015: 150; Gössl 2017: 71-72; Meyer 2022: 70; Wurmnest 2022: 44-45).

Public order intervention is regulated within the general provisions of the IPLPL (Aybay and Dardağan 2008: 304; Nomer 2021: 527-528; Yasan Tepetaş 2022: 422; Çelikel and Erdem 2024: 141; Şanlı et al. 2024: 77; Doğan et al. 2025: 131;) and can also influence the law applicable to divorce. In accordance with Article 5 of the IPLPL, if the foreign law to be applied in a particular case is clearly contrary to the public order of Türkiye, that provision should not be applied. Where necessary, Turkish law shall apply. Public policy intervention is exceptional (Tekinalp and Uyanık 2016: 43; Şanlı et al. 2024: 162; Çelikel and Erdem 2024: 145; Doğan et al. 2025: 258) and can only be applied in cases of "explicit" (Tekinalp and Uyanık 2016: 43; Nomer 2021: 529; Çelikel and Erdem 2024: 141; Şanlı et al. 2024: 82) violation.

Turkish Civil Code

After the establishment of the Republic of Türkiye, there was a swift shift to secular law, making it the first Muslim-majority country to adopt modern Western systems law (Keerthana and Raghuvarathan 2018: 86). Civil law was fully secularized in 1926 with the adoption of the Swiss Civil Code. The Turkish Civil Code (TCC) recognizes civil marriage, with monogamy as the fundamental principle (Article 237/5). In secular Türkiye, divorce is a judicial process in which both spouses have equal rights and responsibilities. Amendments to the Turkish Civil Code in 2001 ensured that women had equal rights and responsibilities within marriage.

If the relevant substantive law is identified as Turkish Law, legal rules concerning divorce in the TCC apply. In this context, the TCC includes provisions for divorce that apply equally to both men and women. Divorce is governed by Articles 161-184 of the TCC's second section. In divorce cases initiated by Syrian women in Türkiye, competent Turkish courts have issued decisions based on the provisions of the IPLPL as well as the relevant provisions of the TCC.

Turkish Court of Cassation Decisions

In the 2022 ruling[vi] of the Court of Cassation, a divorce case filed by a Syrian woman was examined. The first-instance court accepted the case and granted the divorce of the parties along with their ancillary matters, based on the provisions of TCC 166/1–2. The first-instance court aimed to access information and legislation concerning family laws in Syria, including topics such as marriage, divorce, custody, alimony, and parentage. However, after failing to obtain any information, the court asked the Turkish Ministry of Justice to provide relevant legislation concerning Syrian family law. The Ministry of Justice's Directorate General for Foreign Relations and EU Affairs informed the court that relevant legislation concerning Syria could not be obtained due to internal conflicts within the country. Thus, the Court of the First Instance decided to apply Turkish law based on Article 14/1 of the IPLPL. The Syrian husband appealed for the first-instance court's decision. The appellate

court denied this appeal, and the respondent filed a cassation appeal. In its ruling, the Court of Cassation stated that since both the claimant and the respondent are Syrian citizens, it was necessary to apply the common national law in accordance with Article 14 (1) of the IPLPL. The court ordered that a new inquiry be sent to the Ministry of Justice to establish the content of the foreign law. It also emphasized that assistance could be sought from the parties in determining the content of foreign law, as set out in Article 2/1 of the IPLPL. Furthermore, the court emphasized that spouses' common national law should apply. However, if common national law is clearly found to violate Turkish public order, Turkish law should be applied instead. The Court of Cassation held that it was incorrect for the lower court to apply Turkish law directly without considering these issues.

In the 2023 ruling of the Court of Cassation[vii], a divorce case was initiated by a Syrian woman against her Syrian husband. The first-instance court found that the marital union had been essentially disrupted and, citing the claimant's inability to prove the reasons for incompatibility and the respondent's fault, as stated in the petition, decided to dismiss the case. The Syrian woman claimant appealed but the court rejected it, leading to a cassation appeal. In its ruling, the Court of Cassation also stated that, in accordance with Article 14/1 of the IPLPL, the spouses' common national law must be applied. It noted that if the provisions of foreign law could not be determined despite thorough investigations, or if the identified foreign law was clearly contrary to the Turkish public order, Turkish law should be applied. The court found it incorrect to issue a written judgment without examining the common national laws of the parties, and issued a reversal decision. The Court of Cassation also issued reversal decisions[viii] on the same grounds in other rulings between 2022 and 2023. The Court of Cassation's position on the importance of investigating foreign applicable law (such as common national law and in concrete cases, Syrian law) and subsequently applying Turkish law when foreign law cannot be identified or clearly contrary to the Turkish public order continued in rulings issued in 2024.[ix]

In the 2023 ruling by the Court of Cassation[x], a Syrian woman initiated a divorce case against her Syrian husband. The court of first instance found that applicable foreign law (Syrian law) could not be determined due to internal conflicts in Syria. Consequently, the court ruled in favor of the parties' divorce in accordance with the provisions of the TCC, awarding the claimant woman alimony due to poverty, as well as both material and moral support compensation. The respondent appealed to the decision, but after the Regional Court of Appeals rejected this appeal, the respondent challenged the ruling again. Ultimately, the Court of Cassation upheld the decision made by the TCC.

In a 2024 ruling the Court of Cassation[xi], the case involved a "foreign" element concerning the parties. In this situation, as explained above, the applicable law shall be determined in accordance with the provisions of the IPLPL (Article 1). According to this law, the grounds and provisions for divorce and separation are subject to the spouses' common national law. If the parties have different nationalities, the law of their common habitual residence applies; if there is no, Turkish law is applicable (Article 14/1). The first-instance court's application of Turkish law, without any research on this matter, was deemed incorrect. However, it was observed that in similar cases, the Ministry suspended operations at the Embassy in Damascus and the Consulate General in Aleppo because of the difficult situation in Syria. Ongoing issues regarding judicial and administrative cooperation with Syrian authorities persisted because of internal conflicts and security conditions in Syria. Therefore, it was concluded that there were no procedural or legal violations of Turkish law in this case.

In a ruling in 2024, the Court of Cassation[xii] dealt with a divorce case involving Syrian spouses. The first-instance court, in its decision, interpreted the addition of the term "refugees" to Article 4/1-a of IPLPL as an indication that when applying national law according to IPLPL, individuals who, for various reasons, cannot benefit from their country's diplomatic protection, despite holding citizenship, should be informed which law applies during their stay in Türkiye for any actions they undertake or are subject to. Because of the inability to ascertain the provisions of Syrian law according to Article 2 of the IPLPL, the court applied the provisions of the TCC. It ruled that the parties who were married

through an imam marriage in Syria did not hold a valid marriage certificate in Türkiye; therefore, there was no legally recognized marriage, leading to the case being dismissed due to a lack of legal interest in divorce. Both the Regional Court of Appeal and Court of Cassation upheld the first-instance court's decision to be consistent with procedural and legal requirements.

Turkish courts have relied on the provisions in divorce cases for three primary reasons.

1. Inability to Establish Syrian Law: The primary reason is the failure to identify Syrian law as an applicable foreign law due to internal conflicts (Article 2 of the IPLPL). Along with diplomatic and official methods for identifying foreign law, there are approaches such as seeking assistance from the involved parties or consulting scholars from academia. Consequently, criticisms regarding the lack of appropriate efforts to establish Syrian law can be found in the following sources (Bayraktaroğlu Özçelik 2024:245).

2. Interference with Turkish Public Order: The second reason is the intervention of Turkish public order, which has resulted in the application of Turkish law instead of Syrian law in divorce cases (Article 5 of the IPLPL).

3. Application of Law for Stateless Persons and Refugees: The third reason is based on Article 4/1-a of the IPLPL, which states that concerning stateless persons and refugees, the law of their domicile should apply; if that law is not available, then the law of their habitual residence should apply, and if that is also absent, the law of the state where they reside on the date of the lawsuit should govern their case.

The reason Turkish courts cite public order intervention when applying Syrian law, which is the common national law of spouses, is due to the influence of Islamic law in family law matters in Syria. Historically, Syria's lex personalis was founded on the French mandate, specifically stemming from 1936 Resolution No. 60 (Mousa 2018: 2). Subsequently, Legislative Decree No. 59 was enacted in 1953 (van Eijik 2014: 73-82; Möller 2014: 480). This law applies exclusively to matters concerning marriage, divorce, alimony, and inheritance for Muslims, establishing a distinct legal framework that diverges from secular laws (The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad, Norwegian Refugee Council: 13). Druze, Christians, and other religious communities in Syria are governed by their own religious laws (Mousa 2018: 3).

In Syria, marriage is regarded as a religious institution, rather than a civil institution. Therefore, civil marriages carried out outside Syria are not recognized within the country if one of the parties is a Syrian citizen (Mousa 2018: 4). In Syria, child marriages are permissible. The husband is regarded as the head of the family and polygamy is permitted for men. A man can unilaterally divorce his wife without requiring court ruling, conditions, or limitations, provided he has a legitimate reason (Wegner 1982: 15; Eijik 2014: 74). Women in Syria do not have the same right to unilateral divorce as men (Cumper 2014: 53).

Women can only seek divorce in Sharia courts under certain conditions, such as marital conflict, harm, misdeeds, absence, or lack of financial support (Mousa 2018: 6). In terms of inheritance, women received half the share of their male counterparts. The Law of Personal Status in Syria has been amended three times, in 1975, 2003, and 2019, but these changes have been superficial and have not granted women equal rights men (Nî Shúilleabháin and Holliday 2022: 451). Although reform proposals occasionally arise (Nî Shúilleabháin and Holliday 2022: 458), inequality in personal status between genders continues to persist (Mousa 2018: 11).

Moreover, countries that implement Islamic family law often make reservations concerning gender equality when ratifying CEDAW (Estin 2011: 818). It is often argued that the reservations and declarations made by 'Islamic' nations reflect a conflict between Islamic principles and the global, secular CEDAW. These reservations and declarations are fundamentally religious and aim to uphold Islamic laws and traditions (Kruiniger 2015: 34). The literature states that these reservations are incompatible with the fundamental aim of the CEDAW (Estin 2011: 819). Syria has a reservation for Article 16 of the CEDAW, citing that it conflicts with Sharia provisions.[xiii]

If Syrian substantive law is found to be applicable, it is crucial to emphasize that an investigation into public order intervention should be conducted based on the particular characteristics and circumstances of each case (Şanlı et al. 2024: 574; Çelikel and Erdem 2024: 149; Doğan et al. 2025: 260). Simultaneously, public policy has been invoked in the context of selecting applicable laws for international marriages and divorces that are influenced by racial and religious restrictions (Fawcett et al. 2016: 870). Indeed, religious laws and practices can potentially clash with human rights. Public policy has been invoked in the area of choice of law concerning international marriages and divorces, particularly regarding restrictions on issues related to race and religion (Estin 2017: 505; Meyer 2022:7). This is particularly important in cases where certain religious and customary norms concerning marriage and divorce discriminate against women (Fawcett et al. 2016: 688). It is worth noting that the Syrian divorce provisions include discriminatory elements. Furthermore, Türkiye is obliged to implement an Additional Protocol to the ECHR that affords protection for the equality of spouses (Article 5 of Protocol 7). However, Türkiye had not yet ratified this protocol.

Gender equality and prohibition of discrimination are fundamental values embedded in the Turkish Constitution, which includes provisions against gender discrimination. Although Türkiye is not a party to Additional Protocol No. 7 of the ECHR, it is a party to the ECHR.[xiv] While it cannot be definitively stated that public order intervention will absolutely apply in cases where the applicable foreign substantive law is that of Syria, a state that is not a party to the ECHR (Kiestra 2014: 151-152; Chng 2018: 134; Nomer 2021: 165; Şanlı et al. 2024: 423), it will likely occur because of the recognition of equal rights in divorce as a constitutional principle in Türkiye (Tekdoğan-Bahçıvancı 2020:276). Furthermore, the practice of talak cannot be used as a basis for divorce in Turkish courts (Tekinalp and Uyanık 2016: 171-172; Nomer 2021: 544-545; Yasan Tepetaş 2022: 15).

The Role of Turkish Court Decisions in the Voluntary Return Process: Recognition and Enforcement in the Country of Origin

Voluntary return refers to a process that offers individuals a return to their home country's genuine opportunities(Apostolache 2021: 89). This process considers the unique needs, expectations, and future possibilities upon return. The goal is to ensure smooth reintegration by providing customized support and resources, empowering these individuals to rebuild their lives effectively, and contributing positively to their communities (Apostolache 2021: 89).

In the post-Assad era, expectations increased for a swift, voluntary return from Türkiye to Syria (Yılmaz 2025). The Directorate General of Migration Management initiated a pioneering migrant program in this context (Kadkoy 2025). It is anticipated that the pioneer migrant will be the "head" of the household, representing the male head of the family (Independent Türkçe 2025). Furthermore, it has been observed that the first returnees are predominantly men. No specific program has been established in Türkiye for divorced Syrian women regarding voluntary returns.

In the context of the voluntary return process, along with the need to implement protective measures for vulnerable migrants, it is crucial to undertake specific initiatives concerning the changing status of Syrian women after divorce cases in Turkish courts during their return from Türkiye Syria (Bayraktaroğlu Özçelik 2024:232). This necessity arises from the enforcement of Türkiye's secular laws, which prohibit gender discrimination in the Turkish Constitution and international treaties to which Türkiye is a party, in contrast to the application of Islamic law in Syria.

Although the rules of family law vary among national legal systems, state authorities have a duty under international law to safeguard family members from abuse, including violence and harmful traditional practices. Additionally, when group members seek to legitimise their traditions, wish to settle disputes in civil courts, or challenge traditional norms, states must balance respect for culture and religion with the need to protect against discrimination (Estin 2011: 822; Albano and Morgan 2019: 34-37).

In divorce cases involving Syrian women as plaintiffs or defendants, it remains uncertain whether decisions made by Turkish courts regarding divorce and related matters, based on the provisions of the TCC, will be recognized and enforced in Syria. This uncertainty is especially notable, as the secular TCC grants equal rights to spouses in divorce proceedings and gender discrimination is constitutionally prohibited in Türkiye. This raises questions about whether these decisions will have the status of a final judgment in Syria.

The most optimistic scenario would be the recognition and enforcement of Turkish court divorce decisions in Syria, which would undoubtedly speed up the return of Syrian women, identified as vulnerable groups in the voluntary return process. Regrettably, there is no bilateral agreement between Türkiye and Syria regarding recognition and enforcement of family law decisions. Furthermore, divorce rulings involving Syrians from foreign courts are not recognized in Syria unless they adhere to Sharia provisions. Decisions about marriage and divorce made outside Syria will be enforced if they comply with Syrian laws and are properly issued by an appropriate court, specifically designated as a Sharia or other religious court (Bremer 2018: 136; The 2021 Syrian Civil Status Law: 30).

The second option is for the Turkish and Syrian governments to establish a special protocol recognizing the new marital status determined by Turkish courts for Syrian women. This protocol would undoubtedly be the most effective way to accelerate the voluntary return process; however, there have been no initiatives or developments concerning its creation.

The uncertainty surrounding whether the changing marital status of Syrian women before Turkish courts will have a legal effect in Syria will create hesitation regarding the return process for those divorced under the provisions of the secular TCC. The application of lex fori, namely, the TCC, instead of Syrian law, poses a risk of non-recognition of divorce decisions in the state of lex causae. This situation could lead to more "staggered" divorces (Gössl 2017:72), where a divorce is valid in one state but invalid in another. Private Law generally seeks to fully address this issue by providing an abstract conflict of laws and rules (Gössl 2017:72).

The subsequent marriages of Syrian women divorced in Turkish courts also need to be addressed and resolved. A Syrian woman loses nationality if she marries a non-Syrian citizen (Benslama-Dabdoub 2021: 19). Consequently, Syrian women who marry foreigners and have children from this union face the risk of statelessness due to gender-based discriminatory laws in Syria (del Rosario Grima Algora 2019: 75; Benslama-Dabdoub 2021: 21).

Lastly, in the post-Assad era, should a systematic voluntary return program commence, the public order intervention in the ongoing divorce cases of Syrian women in Türkiye could be reconsidered in light of its proximity to Türkiye (Nomer 2021: 178; Meyer 2022: 20-23; Yasan Tepetaş 2022: 423; Şanlı et al. 2024: 79-81; Doğan et al. 2025: 264). It might be recommended that Turkish courts adopt a more adaptable approach to their rulings. When the application of foreign law is halted, the specific features of that law can be considered, for instance, to promote the recognition of a decision from the migrant's home country. Thus, even when public policy restricts the application of foreign law, the specific features of this arrangement could serve as a way to protect the individual's free development and support recognizing decisions made in the migrant's home country (de la Rosa 2015: 156).

However, it should be noted that while judges and lawmakers may generally be willing to accept various family practices (Pearl 1985: 121-124), this is only possible when conducted within the framework of constitutional and human rights values (Cumper 2014: 52), such as the principles of fair trial, non-discrimination, and the protection of potentially vulnerable family members (Möller 2014:466; Gössl 2017:73).

Conclusion

The elimination of gender discrimination and the protection of the rights of Syrian women will ensure not only lasting peace (del Rosario Grima Algora 2019: 100) but also a sustainable voluntary return. The conditions discussed for the voluntary return of Syrians during the Assad regime (Kaur Cheema 2023: 100) must also be addressed concerning the status of Syrian women in the post-Assad era. Considering that attractive factors in the country of origin are more influential than push factors (Kaur Cheema 2023: 110) in the host country during the voluntary return process, the importance of recognizing and enforcing the status of Syrian women is once again highlighted. Clarification should be promptly provided regarding Syrian women in host countries to guarantee their voluntary, safe, and dignified returns.

In the post-Assad period, whether the new marital status of Syrian women, whose status has changed under the secular Turkish legal system, will be recognized and enforced in their country of origin can be addressed by recognizing their sensitivities during the return process. Conversely, the recognition of the status of women who have divorced under the provisions of the TCC in Türkiye cannot be considered separately from the criteria ensuring that voluntary returns take place in a safe, dignified, and human rights-respecting manner. Attempting to incorporate the new marital status of women divorced in Turkish courts into the return process without recognition could blur the line between voluntary return and soft deportation in Türkiye.

References

i As of 21 August 2025, there are 2,524,250 Syrians under temporary protection in Turkey. For information on Syrians under temporary protection by year, see: https://www.goc.gov.tr/gecici-koruma5638 accessed 26 August 2025

ii For an unofficial translation see https://en.goc.gov.tr/kurumlar/en.goc/Ingilizce-kanun/Law-on-Foreigners-and-International-Protection.pdf accessed 28 July 2025

iiiiii Türkiye acceded to the Convention, which was adopted in Geneva on 28 July 1951, through the Approval Law No. 359 dated 29 August 1961. For the Turkish text of the Approval Law and the Convention, see the Official Gazette, 05.09.1961, No. 10989. Türkiye made three declarations regarding the Convention. The first declaration pertains to a time limitation, stating that refugee status will only be recognised for events occurring in Europe before 1 January 1951. The second declaration asserts that no provision of the Convention shall be interpreted as granting refugees rights greater than those granted to Turkish citizens. The third declaration concerns geographical limitation, indicating that Türkiye will grant refugee status only to individuals coming from European countries. The 1967 Protocol relating to the Convention was signed in New York, and Türkiye ratified the 1967 Protocol in 1968 (Official Gazette, 5 August 1968, No.12968). In the 1967 Protocol, the phrase “events occurring before 1 January 1951” was removed from the Convention. While Türkiye removed the time limitation upon ratifying the 1967 Protocol, it maintained its declaration regarding geographical limitation and the interpretation that no provision of the Convention shall be construed as granting refugees rights greater than those granted to Turkish citizens.

iv Law No 5718, The Official Gazette, 12.12.2007, No. 26728. Tekinalp 2007: 313-355; For an unofficial translation of Law No.5717 see, Odman Boztosun 2007: 583-604

v The Law No. 3232, 11 June 1985. The Council of Ministers’ decision regarding the approval, numbered 85/9722 and dated 24 July 1985, was published in the Official Gazette dated 14 October 1985. The Convention entered into force for Türkiye on 19 January 1986 (Article 27).

vi 2nd Civil Chamber, File No. 2022/6751, Decision No. 2022/8808, 02.11.2022.

vii 2nd Civil Chamber, File No. 2022/10465 Decision No. 2023/855, 07.03.2023.

viii 2nd Civil Chamber, File No. 2022/11035 Decision No. 2023/3705, 05.07.2023; File No. 2022/1374, Decision No. 2022/4069, 27.04.2022; File No. 2022/7108, Decision No. 2022/8850, 03.11.2022.

ix 2nd Civil Chamber, File No. 2023/3881 Decision No. 2024/494, 25.01.2024; File No. 2023/4849 Decision No. 2024/3702, 21.05.2024

x 2nd Civil Chamber, File No. 2023/350, Decision No. 2023/3236,15.06.2023

xi 2nd Civil Chamber, File No. 2024/6791 Decision No. 2023/9126, 03.10.2024.

xii 2nd Civil Chamber, File No., 2024/194 Decision No., 2024/7238, 14.10.2024.

[xiii] *Reservation:*.. subject to reservations to article 2; article 9, paragraph 2, concerning the grant of a woman's nationality to her children; article 15, paragraph 4, concerning freedom of movement and of residence and domicile; article 16, paragraph 1 (c), (d), (f) and (g), concerning equal rights and responsibilities during marriage and at its dissolution with regard to guardianship, the right to choose a family name, maintenance and adoption; article 16, paragraph 2, concerning the legal effect of the betrothal and the marriage of a child, in as much as this provision is incompatible with the provisions of the Islamic Shariah; and article 29, paragraph 1, concerning arbitration between States in the event of a dispute. https://www.un.org/womenwatch/daw/cedaw/reservations.htm Accessed 26 August 2025

[xiv] Law No. 6366, Official Gazette, 19.03.1954.

References

1. Acharya, P. (2020) 'The Syrian Crisis and the International Humanitarian Law Violations'. LexForti Legal J 2(1), 106-117.
2. Acikalın, S.N. and Ercetin, S. Ş. and Potas, N. and Cevik, M.S. and Neyisci, N. and Görgülü, D. (2021) 'Measurement of Social Integration: Syrian Women in Turkey'. J Refugee Stud. 34, 2960-2983.
3. Albano, C. and Morgan, L. W. (2019) 'Sharia and Family Law: Public Policy and Recent Cases'. Fam Advoc 42, 34-37.
4. Andrijasevic, R. and Walters, W. (2010) 'The International Organisation for Migration and the International Government of Borders'. Environment and Planning D: Society and Space 28(6), 977-999.
5. Apostolache, A. M. A. (2021) 'Consequences of Illegal Migration across the European Union: Voluntary Return and Reintegration'. JL & Pub Admin 7, 88-93.
6. Ayaz, A. and Wadood, A. (2020) 'An Analysis of European Union Policy towards Syrian Refugees'. J Pol Stud 27, 1-19.
7. Aybay, R. and Dardağan, E. (2008) Uluslararası Düzeyde Yasaların Çatışması. İstanbul: İstanbul Bilgi Üniversitesi Yayınları.
8. Bahmani, M. (2022) 'Challenges for Refugees and Asylum Seekers: With Special Reference to Syrian Refugee Women'. Nyaayshastra L Rev 3, 1-8.
9. Bayraktaroğlu Özçelik, G. (2024) 'When Migration Meets Private International Law: Issues of Private International Law in Divorce Actions of Syrian Migrants under Temporary Protection before the Turkish Courts'. J Priv Int'l Law 20(1), 214-247.
10. Bendixsen, S. and Lidén, H. (2017) 'Return to Wellbeing? Irregular Migrants and Assisted Return in Norway'. In Vahti, Z. and King, R. (eds) Return migration and Psychosocial Wellbeing- Discourses, Policy Making and Outcomes for Migrants and Their Families. Oxon: Routledge, pp. 21-38.
11. Benslama-Dabdoub, M. (2021) 'Colonial Legacies in Syrian Nationality Law and the Risk of Statelessness'. Statelessness &Citizenship Rev 3(1), 6-32.
12. Betts, A. (2008) New Issues in Refugee Research, Research Paper No.162, Towards a Soft Law Framework for the Protection of Vulnerable Migrants. Geneva Available at < https://www.unhcr.org/sites/default/files/legacy-pdf/48b7f9642.pdf > (accessed 5 Nov 2025).
13. Bremer, N. (2018) 'Seeking Recognition and Enforcement of Foreign Court Judgements and Arbitral Awards in Egypt and the Mashriq Countries'. Journal of Dispute Resolution 1, 109-142.
14. Canefe, N. (2018) 'Invisible Lives: Gender, Dispossession, and Precarity amongst Syrian Refugee Women in the Middle East'. Refuge 34, 39-49.
15. Chng, K. (2018) 'A Theoretical Perspective of the Public Policy Doctrine in the Conflict of Laws'. J Priv Int'l L 14, 130-159.
16. Cumper, P. (2014) 'Multiculturalism, Human Rights and the Accommodation of Sharia Law'. Hum Rts L Rev 14, 31-58.
17. Çelikel, A. and Erdem, B. B. (2024) Milletlerarası Özel Hukuk. İstanbul: Beta Basım Yayın.
18. del Rosario Grima Algora, M. (2019) 'Women, Peace, and Security and Nationality Laws in the Syrian Conflict'. LSE Law Review 4, 74-103.

19. Doğan, V. and Yılmaz, A.Ç. and Ayhan İzmirli, L. (2025) Milletlerarası Özel Hukuk. Ankara: Savaş Yayınevi.
20. Doumit, J. (2021) 'The Syrian Refugee Crisis, Ten Years Later: How the United States Can Improve Its Response'. Geo Immigr LJ 35, 679-686.
21. Dünnwald, S. (2013) 'Voluntary Return The Practical Failure of a Benevolent Concept'. In Martin, G. and Pécoud, A. (eds) Disciplining the Transnational Mobility of People. New York: Palgrave Macmillan, pp. 228-249.
22. Fawcett, J.J. and Shùilleabháin, M. N. and Shah, S. (2016) Human Rights and Private International Law. Oxford: Oxford University Press.
23. Ellermann, A. (2006) 'Street-Level Democracy: How Immigration Bureaucrats Manage Public Opposition'. Western European Politics 29(2), 293-309.
24. Ertorer, S. E. (2021) 'Asylum Regimes and Refugee Experiences of Precarity: The Case of Syrian Refugees in Turkey'. J Refugee Stud 34, 2568-2592.
25. Estin, A. L. (2011) 'Family Law, Pluralism, and Human Rights'. Emory Int'l L Rev 25, 811-828.
26. Estin, A. L. (2017) 'Marriage and Divorce Conflicts in International Perspective'. Duke J Comp & Int'l L 27, 485- 518.
27. Genç, H. D. and Öztürk, D. 'Türkiye'deki Suriyeli Kadınlar: Mevcut Durummları, Sorunlar ve Çözüm Önerileri'. Liberal Düşünce Dergisi 21(84), 67-91.
28. Goelz, M. (2016) 'Human Security, United Nations Security Council Resolution 1325, and Vulnerable People: Rhetoric, Solidarity, and Silences in International Human Rights Discourses on Syrian Women Refugees'. Colum Undergraduate L Rev 12, 65-93.
29. Gössl, S. L. 'Open Issues in European International Family Law: Sahyouni, "Private Divorces" and Islamic Law under the Rome III Regulation'. The European Legal Forum 3(4), 68-74.
30. Human Rights Watch, (1997) The Handbook on Voluntary Return. Available at <https://www.hrw.org/reports/1997/gen3/General-03.htm > (accessed 28 July 2025).
31. Independent Türkçe, (2025) Available at <https://www.indyturk.com/node/753399/dünya/esad-sonrası-ülkelerine-dönen-suriyeliler-türkiyeye-geri-gelmek-istiyor > (accessed 26 Auguste 2025).
32. International Rescue Committee Publication (2014) Are We Listening? Acting on Our Commitments to Women and Girls Affected by the Syrian Conflict. Available at < https://www.rescue.org/report/are-we-listening-acting-our-commitments-women-and-girls-affected-syrian-conflict-0 > (accessed 5 Nov 2025).
33. Kaur Cheema, T. A. (2023) 'International Unaccountability: The Normalisation of the Syrian Regime and Its Impact on Refugee Protection'. York L Rev 4, 81-169.
34. Kalir, B. (2017) 'Between 'voluntary' return programs and soft deportation: sending vulnerable migrants in Spain back 'home''. In Vahti, Z. and King, R. (eds) Return migration and Psychosocial Wellbeing- Discourses, Policy Making and Outcomes for Migrants and Their Families. Oxon: Routledge, pp. 56-72.
35. Kalm, S. (2010)'Liberalizing Movements? The Political Rationality of Global Migration Management'. In Geiger, M. and Pécoud, A. (eds) Disciplining the Transnational Mobility of People. Palgrave: Macmillan, pp. 21-44.
36. Keerthana, S. and Raghuvarathan, S. S. (2018) 'Comparative Analysis of Divorce Laws: A Look into the Divorce Laws of Islamic World'. International Journal of Law 4(4), 81-88.
37. Kerber, K. (2002) 'The Temporary Protection Directive'. European Journal of Migration and Law 4, 193-214.
38. Khan, F. and Sackeyfio, C. and Paraketsova, L. (2020) 'Refugee Women as Victims of Intimate Partner Violence: Forever Vulnerable?'. Acta Juridica 227-266.
39. Kiestra, L. R. (2014) The Impact of the European Convention on Human Rights on Private International Law. Berlin: Springer.

40. King, R. (2000) 'Generalisation from the History of Return Migration'. In Bimal, G. (ed) Return Migration: Journey of Hope of Despair, European Migration Network. Geneva: United Nations Publications, pp. 7-57.
41. Kivilcim, Z. (2016) 'Legal Violence against Syrian Female Refugees in Turkey'. Feminist L Stud 24, 193-214.
42. Kadkoy, O. 'Dönüş için "Git ve Gör" Türkiye'nin Politikası ve Suriye'deki Durum'. Available at <https://gocarastirmalaridernegi.org/tr/yayinlar/gar-blog/3716-geri-donus-icin-git-ve-gor-turkiyenin-politikasi-ve-suriyedeki-durum> (accessed 26 Auguste 2025).
43. Koch, A. (2014) 'The Politics and Discourse of Migrant Return: The Role of UNHCR and IOM in the Governance of Return'. Journal of Ethnic and Migration Studies 40(6), 905-923.
44. Krivenko, E. Y. (2010) 'Muslim Women's Claims to Refugee Status within the Context of Child Custody upon Divorce under Islamic Law'. Int'l J Refugee L 22, 48-71.
45. Kruiniger, P. M. (2015) Islamic Divorces in Europe, Bringing the Gap between European and Islamic Legal Orders. Maastricht: Eleven International Publishing.
46. Leiserson, E. (2017) 'Securing the Borders against Syrian Refugees: When Non-Admission Means Return'. Yale J Int'l L 42, 185-214.
47. Lietaert, I. and Broekaert, E. and Derluyn, L. (2017) 'From Social Instrument to Migration Management Tool: Assisted Voluntary Return Programmes – The Case of Belgium'. Social Policy & Administration 51(7), 961- 980.
48. Liszkowska, D. (2023) 'The Impact of the Mass Migration of Syrian Refugees on Turkish Cities'. Polish Pol Sci YB 52, 165-180.
49. Matic, A. E. and Mirica, S. C. (2017) 'Special Aspects Regarding Women and Children Refugees'. Cross-Border J for Int'l Stud 2, 69-80.
50. Möller, L. M. (2014) 'No Fear of Talaq: A Reconsideration of Muslim Divorce Laws in Light of the Rome III Regulation'. J Priv Int'l L 10, 461-488.
51. Mousa, D. (2018) Syrian Personal Status Laws. Friedrich-Ebert-Stiftung. Available at < https://library.fes.de/pdf-files/bueros/beirut/14969.pdf> (accessed 5 Nov 2025).
52. Noll, G. (2000) 'Protecting the Dignity and Human Rights of Different Categories of Returnees'. In Gosh, B. (ed) Return Migration: Journey of Hope of Despair, European Migration Network. Geneva: United Nations Publications, pp. 101-152.
53. Nomer, E. (2021) Devletler Hususî Hukuku. İstanbul: Beta Basım Yayın.
54. Meyer, O. (2022) 'A Flexible System in Flux: On the Realignment of Public Policy'. In Meyer, O. (ed) Public Policy and Private International Law A Comparative Guide. Cheltenham: Edward Elgar Publishing, pp. 1-24.
55. Odman Boztosun, A. (2007) 'Turkey The 2007 Turkish Code on Private International Law and International Civil Procedure'. Yearbook of Private International Law 9, 583-604.
56. Pearl, D. (1985) 'Islamic Family Law and Anglo-American Public Policy'. Clev St L Rev 34, 113-128.
57. Pehlivan, K. (2018) Medeni Haklar ve Hizmetlere Erişimle İlgili Mülteci Kadınların Güçlendirilmesi, Hatay Sahası İyi Uygulamalar ve Öğrenilmiş Dersler Raporu, Hayata Destek – UN Women. Available at < http://www.madde14.org/images/3/36/HDD_MedeniHaklarMulteciKadinlar2018tur.pdf > (accessed 17 Nov 2025).
58. Pirjola, J. (1995) 'Temporary Protection as a Future Model'. Nordic Journal of International Law 64, 423-427.
59. Rahman, S. B. (2024) 'Analysis of Divorce under Sharia Law and the Modern Muslim Legislations: A Comparative Study in Focus'. JL Pol'y & Globalization 142, 12-17.
60. Regional Conference on Migration, (2014) Regional Guidelines for the Preliminary Identification and Referral Mechanisms for Migrant Populations in Vulnerable Situations. Costa Rica. Available at < https://migrationnetwork.un.org/resources/regional-guidelines-preliminary-identification-and-referral-mechanisms-migrant > (accessed 13 Nov 2025).

61. de la Rosa, G. E. (2015) 'Cultural Diversity, European Public Policy Exception and Family Law of Muslim Countries'. Beijing L Rev 6, 147-158.
62. Sopf, D. (2001) 'Temporary Protection in Europe After 1990: The 'Right to Remain' of Genuine Convention Refugees'. Washington University Journal of Law and Policy 6, 109-156.
63. Szalanska, J. (2017) 'Legal Protection of Syrian Refugees in Turkey against the Background of International Legal Determinants'. Pol Q Int'l Aff 26, 71-84.
64. Şanlı, C. and Esen, E. and Ataman-Figanmeşe, İ. (2024) Milletlerarası Özel Hukuk. İstanbul: Beta Basım Yayın.
65. Şaraldı, E. and Akın, R. and Hüsami, H. (2025) Esad Rejimi Sonrası Suriye'ye Geri Göç ve Ülke İçinde Yerinden Edilenler Raporu. Mülteci Hakları Derneği. Available at < https://umhd.org.tr//upload/Dokuman/opt-geri-doYnuYsY-ve-uYlke-iYcYinde-yerinden-edilenler-XV87UPY07B433LKLSLLS.pdf > (accessed 5 Nov 2025).
66. Tekdoğan-Bahçıvancı, I. (2020) 'Recent Turkish Cases on Recognition and Enforcement of Foreign Family Law Judgments: An Analysis within the Context of the ECHR'. IPRax 276.
67. Tekinalp, G. and Uyanık, A. (2016) Milletlerarası Özel Hukuk, Bağlama Kuralları. İstanbul: Vedat Kitapçılık.
68. Tekinalp, G. (2007) 'The 2007 'Turkish Code Concerning Private International Law and International Civil Procedure'. Yearbook of Private International Law 9, 313-355.
69. Syrian Civil Status Law, (2021) Implications For Syrians Living Abroad, Norwegian Refugee Council. Available at <https://www.nrc.no/resources/reports/the-2021-syrian-civil-status-law-implications-for-syrians-living-abroad> (accessed 5 Nov 2025).
70. Unhcr Report, (2014) Woman Alone: The Fight for Survival by Syrian Refugee Women. Available at <https://data.unhcr.org/en/documents/details/41363 > (accessed 5 Nov 2025).
71. Unhcr, (2017) 'Migrants in Vulnerable Situations' UNHCR's Perspective. Available at <https://emergency.unhcr.org/sites/default/files/2024-01/5.%20'Migrants%20in%20vulnerable%20situations'%20UNHCR%20perspective.pdf> (accessed 10 Nov 2025).
72. Walters, W. (2002) 'Deportation, Expulsion, and the International Police of Aliens'. Citizenship Studies 6, 265-292.
73. Wegner, J. R. (1982) 'The Status of Women in Jewish and Islamic Marriage and Divorce Law'. Harv Women's LJ 5, 1-33.
74. Wurmnest, W. (2022) 'Public Policy in European Private International Law'. In Meyer, O. (ed) Public Policy and Private International Law A Comparative Guide. Cheltenham: Edward Elgar Publishing, pp. 25-47.
75. Yadav, H. (2021) 'Ethical Challenges in Conducting Research among Vulnerable Groups: Refugees and Trauma Survivors' Indian JL & Legal Rsch 3, 1-13.
76. Yasan Tepetaş, C. (2022) 'Turkey'. In Meyer, O. (ed) Public Policy and Private International Law A Comparative Guide. Cheltenham: Edward Elgar Publishing, pp. 419-436.